

-----Original Message-----

From: Stevenson Alice

Sent: Sunday, June 10, 2012 3:56 PM

To: Angie Rutherford

Cc: Hensel Dave

Subject: comments for PZC work meeting June 12

Angie,

Attached are comments that I would like to have submitted to the PZC in advance of their work meeting on June 12. I will attend the meeting, but these comments are very specific and I hope will be considered as the PZC works its way through the document. These comments are not appropriate for oral presentation at the meeting.

I got to page 44 (very slowly!) before I realized I had gone beyond chapter 4. I have written comments ready for Chapter 5, but I will not submit them at this time unless you or Dave suggest that I do. I will save those for June 19, if that is still the plan. I'm also wondering when the appendices will be reviewed?

The document wasn't paged, so I used the page numbers as they appeared at the top of Adobe Reader. I hope that will be consistent with what the PZC will be looking at.

Thanks,  
Alice

Comments on Tracked Changes Version of Comp Plan, 6/8/12

Chapter 1-4

Submitted by Alice Stevenson

**I think this Comp Plan is excellent and accurately reflects the work of the sub-committees, who carefully considered all the public input. The comments below are specific, and I hope that you will consider them as you review the document.**

## **Chapter 1**

Page 6/69

highlighted paragraph: near end, change "still suffering today" to "**still suffering in 2012**"—otherwise, this re-write is good (not too negative)

Two paragraphs down from that, the list of SCs is missing after the colon—need to add explanation of the members of the CC other than SC chairs

End of that page reads: Although differences in philosophies were present in the community, many values were the same, including the need to protect the beautiful Valley.

Suggest changing to: Although differences in philosophies were present in the community, **many shared values became apparent**, including the need to protect the beautiful Valley.

Page 7/69

First sentence doesn't make any sense to me; what does it mean?

Suggestions: **The committees listened to input and worked hard to make the Comp Plan reflect the desires of the community. General input included "This is...**

Next paragraph, 3<sup>rd</sup> line: landowner should be one word

Next to last paragraph:

“The western slope, valley floor and northern plains have a rural character with an abundance of productive farms, lower density residential areas, rivers, creeks, forested foothills and wildlife.”

I firmly believe that the eastern foothills (or eastern slope) should be included in any statement about waterways, forests and wildlife. As written, this paragraph makes it sound like anything east of the Teton River is simply residential, which is absolutely NOT true. There is productive farmland in the Darby area, for example. PLEASE re-write this paragraph so it doesn't sound like everything east of the Teton River is ripe for development and has no inherent value in terms of natural resources. I live in this area, and I can attest to the importance for wildlife and the valley's surface water supplies.

A better description of the eastern side of the valley is given on page 24/69, but I still think this section needs to be re-written.

Last paragraph:

a valley-wide recreation center program

As a member of the CE&F SC, I object to this change. The input we rec'd was strongly and repeatedly in favor of a Recreation Center, not a program. (There is already a recreation program in the valley.) To change this would be to go against a lot of public input.

Page 8/69:

In this paragraph and other earlier pages, the word “our” has been changed. Note, however, that it is still used several places in this paragraph. If “our” is not a desired/appropriate word, then be consistent and replace it in each comparable usage.

## Chapter 2

Page 9/69

-450

Use symbol for “about”: ~450

1<sup>st</sup> paragraph, last sentence:

close-knit should be hyphenated (according to my dictionary)

3<sup>rd</sup> par., last sent: add comma before final clause

Additionally, a large portion of the Teton County, Idaho population is supported economically by businesses in Teton County, Wyoming, as many residents commute over Teton Pass to Jackson for employment.

Next to last par.:

“The national real estate bubble burst hit Teton County hard...”

This would read better: “The burst of the national real estate bubble hit Teton County hard...”

Page 10/69

1<sup>st</sup> (partial) par., 3<sup>rd</sup> line: County seat

Suggest no caps, or possibly both caps

2<sup>nd</sup> par:

Regarding comment bubble, I think “lenient development regulations” would be a suitable addition, but not “minimum development regulations”

3<sup>rd</sup> par., last sentence:

...”with no means for mitigating the fiscal impacts of the roads, schools, emergency services and weed management.”

Change to “...fiscal impacts to the roads...”

par. between the 2 highlighted paragraphs:

I think “rampant” is more accurate and don’t like the use of “less controlled”

Another alternative might be “poorly controlled.” (There were controls during the period of “rampant” subdividing, but they were too lenient.)

4<sup>th</sup> line (and anywhere else in document): landowner is a compound word

Page 11/69

Continuation of highlighted paragraph:

Rather than “...the vast majority,” I suggest “...a strong majority”

1<sup>st</sup> regular par.:

Tho minor, I don’t like the change on the 2<sup>nd</sup> line

“The current comprehensive plan, Teton County Comprehensive Plan: A Guide for Development 2004-2010, was laden with controversy from since its adoption.” I think it should either stay as it was (from), or read: “...has been laden with controversy since its adoption.”

2<sup>nd</sup> par., 1<sup>st</sup> line:

no apostrophe: its owner

delete “community” in this sentence: It is a guiding document upon which all governmental community actions should be based.

last par.:

“...many agree that the adequate delivery of roads and utility services by a developer...”

Suggest: “...many agree that the adequate provision of roads...” The word “delivery” doesn’t seem right.

Page 12/69:

I prefer “has an obligation” to “has responsibility”

Or say: “In fact, the County **is responsible for regulating** land use...”

1<sup>st</sup> par., last sent.:

Change “this context” to “**property values**”

Additionally, consider prefacing the sentence with: “**From this perspective...**”

### Chapter 3

Page 13/69

next to last par., near the middle, drop “for”: “The P4P solicited ~~for~~ volunteers...”

I can’t remember, but if the County actually **advertised** for volunteers, then I would use say “advertised for volunteers” as that is more powerful than soliciting

### Chapter 4

Page 15/69

I’ve never liked the opening sentence. Truly, NO community controls its destiny. The 2<sup>nd</sup> sentence, tho true, doesn’t (by itself) make a good “preamble” to this chapter. Drop the “preamble” (which doesn’t seem necessary) or try again.

end of page: *This Vision ~~that~~ informs the following vision statements and guiding principles.*

I don’t like the use of “informs” and suggest changing to: “This Vision **is the foundation for** the following....”

Or: “**This Vision formed the basis for the creation of** the following...”

Page 18/69

2<sup>nd</sup> bullet: I agree with the bubble comment—delete climate

Likewise, “**trail systems**” are not natural resources (since they are manmade)—delete

3<sup>rd</sup> bullet: if these are to be listed as “user groups,” then please use “**cyclists**” rather than “bikers.” And note that “**non-motorized flight**” is not a user group. This bullet might work better if it says something like: “**Provide multiple use recreation, including biking, hiking, skiing, fishing, motorized and non-motorized trail riding, horseback riding, boating, paragliding and more.**” I realize that horseback riding would be included in trail riding, but I agree with those who think this did not get enough emphasis in the Plan. I have added hiking for that same reason—to be as inclusive of user groups as possible.

Page 19/69

More uses of “our.” I’m not sure why this word was changed earlier in the document, but you could **drop “our” from the 1<sup>st</sup> & 2<sup>nd</sup> bullets** on this page w/o changing the meaning.

Page 21/69

1<sup>st</sup> bullet under Opportunities: delete the word “back” as unnecessary :

Return platted land ~~back~~ to agricultural production where appropriate and viable

Comments on Tracked Changes Version of Comp Plan, 6/8/12

Chapter 5

Submitted by Alice Stevenson

## Chapter 5

### General comments on the Framework Map and the Area descriptions:

I support all of the densities except as noted later in the waterways section.

Will any commercial/industrial uses be allowed on large parcels of ag land? An existing example would be the conditioned use (CUP) for events at the Linn Ranch. There is currently a controversy in Teton Co., WY about whether to allow events (weddings, for example) on large rural acreages. (Take a look at Policy 2.2 on page 30/69. Where will these industries and businesses be located?)

More broadly, my question is whether CUPs will still be used to allow uses that are not included in the Area descriptions? For example, where will schools, churches and other institutions (e.g., a hospital) be allowed? Again, there is a current controversy in Teton Co., WY about locating a small private school in a residential area. Does the PZC anticipate that such uses will only be allowed by CUP? My opinion is that CUPs have been a gigantic can of worms and should be avoided in the future to the greatest extent possible by being clear in the Comp Plan where various uses will be allowed.

Thus, please consider adding bullets to the various areas if you think other uses should be allowed.

What about home businesses? Are you satisfied with the current regulations that allow home businesses anywhere, if they meet certain criteria? If so, add a bullet to each area that says something to that effect.

Does the use of clustering imply density bonuses? I would argue against that, but it is not clear in the area descriptions.

I would request that the PZC sort out these questions now and make it very clear in the Comp Plan, so that everyone in the county can anticipate the kind of ordinances that will be enacted to align County Code with the new Comp Plan. The ordinances adopted to support the Comp Plan should be very similar, no matter who is serving as County Commissioners, but that will

only happen if the Comp Plan is clear. Please do your best to avoid a repeat of past problems, including vagueness in the Comp Plan.

### Detailed comments follow, page by page

Page 24/69

Framework Map

1<sup>st</sup> line: change “our” to “the” to be consistent with earlier changes?

6<sup>th</sup> line: “This side of the valley also includes foothills, wildlife habitat and crucial water resources.” Add farming or active farms or similar

2<sup>nd</sup> par.: “A variety of land use areas protect the Valley’s character”

the areas themselves are descriptive and provide no protection—suggest changing the word protect to “describe”

3<sup>rd</sup> par.: “The Valley will have...” This language will be inflammatory to some; please preface similar to the previous paragraph, perhaps: “The Plan envisions a perimeter trail...” For the same reason, please change present tense in the 2<sup>nd</sup> & 3<sup>rd</sup> sentences to future: “Pathway connections along old railroad beds and existing roads will continue to the Teton River, completing the network. The road system is will be anchored by formalized gateways and flanked by scenic viewsheds.” 4<sup>th</sup> sentence: Change “Our” to “The” (consistency)

Page 25/69

Industrial/Research/Live-Work

2<sup>nd</sup> bullet: Altho I realize that heavy industrial needs to be allowed somewhere, I question whether it is compatible with “live-work” and “workforce residential housing.” Much as I hate CUPs and hope that this Comp Plan will direct the County away from that process, perhaps Heavy Industrial is an exception and ought to be dealt with on a case-by-case basis in order to protect adjacent uses. Or consider indicating that special regulations will apply.

Page 26/69

All 3 ag areas list Agriculture and Ranching separately. However, agriculture, by definition, includes ranching. Thus, I suggest the Agriculture bullet be replaced by Farming, since that seems to be the implicit definition in this case.

Mixed Ag/Wetland:

4<sup>th</sup> bullet: I question “wildlife habitat enhancement” and suggest saying “wildlife habitat protection” instead. Or say something like: “Conservation with careful consideration given to wildlife habitat”

6<sup>th</sup>/last bullet: **change “limited” to “regulated”**—limited is an inflammatory word and may not be accurate

Mixed Ag/Rural Neighborhood:

4<sup>th</sup> bullet—same objection to the word “enhancement” as above

Foothills:

4<sup>th</sup> bullet—same objection to the word “enhancement” as above

6<sup>th</sup> bullet—same objection to the use of “limited” as above

Page 27/69

Waterway Corridors

2<sup>nd</sup> bullet: I thought it had previously been agreed by the Core Committee that the waterway corridors would be regulated by their underlying zoning, so I don’t understand the 2<sup>nd</sup> bullet: “The lowest residential density in the County.” The waterway corridors are narrow and should be protected by setbacks, overlays and other development guidelines but should not have a density listed.

3<sup>rd</sup> bullet: same objection to enhancement as previously stated

last bullet: since the waterway corridors are narrow, there should be **no commercial activity**

Page 27/69, cont.

Scenic Corridor

I prefer the last sentence that is deleted in this version, “Structures protected by the Right to Farm Act are allowed in the scenic corridor” rather than the new wording that says “Buildings that are part of our agricultural industry and designs that pay tribute to our agricultural heritage are desired in the scenic corridor.” Although protected, I don’t think we want to encourage tall silos, for example, in the scenic corridor. “Allowed” is quite different from “desired”—word choice does matter.

Does intensity of use mean density? That’s my interpretation, in which case I object to this new statement: “The intensity of use within the scenic corridor could be defined in overlay areas within the corridor.” I think that violates what the public has previously been led to expect and what is stated on line 4 of this paragraph, that the zoning underlying the scenic corridor will be maintained.

line 4: “...developed in accordance with the underlying zoning, but building and site design...” **Please consider explicitly adding landscaping**, even though I am sure that is implicitly included in “site design.” With appropriate landscaping, add’l setbacks (discussed in the CE&F SC, and probably by many others, and a bubble comment) would be unnecessary. That would alleviate a lot of concern that I have heard expressed by members of the public.

## Gateways:

I do not think Ski Hill Road is a Gateway—there is certainly no physical feature emphasizing arrival. I suggest dropping Ski Hill Road from this section.

## Amenities:

2<sup>nd</sup> line: delete “enhance”—that changes the meaning of the sentence slightly to say that both recreational opportunities and quality of life will be maintained and enhanced, which I think should be the intent. (We already have a good quality of life, just as we already have good recreational opportunities. Maintain and enhance both of them.)

## Page 28/69

2<sup>nd</sup> bullet: As on page 7/69, I object to the change from Center to Program—it goes against all input read and discussed by CE&F SC. PLEASE respect the work that has already been done and what is clearly a wish of a large segment of the public (whether or not it ever comes to fruition). Remember, the amenities shown on the Framework Map are *projected* future uses.

last bullet, Education Centers—to be true to the work of the CE&F SC and in order to provide some balance to the strong emphasis on recreation, I suggest the following:

- Education Centers
  - Pre-K facilities
  - Post-secondary education
  - Community education classes
  - Vocational schools
  - Branch libraries

## Page 30/69

Policy 2.3 “Promote smart growth strategies that help preserve rural character by strengthening and directing development towards existing communities.” How do you strengthen development towards existing communities? I suggest deleting “strengthening and” or say “by encouraging and directing”

## Page 31/69

Goal ED 3—I agree with the bubble comment

## Page 32/69

5.3 “Communication infrastructure should be coordinated through the County Engineer and the Idaho Transportation Department, and conform to a Communications Master Plan.”

Page 33/69

1.1 “Improve the conditions and safety of existing transportation infrastructure, especially roads important for agriculture transport, ~~for~~ motorized vehicles, bicycles and pedestrians.”  
(no reason to repeat “for”)

2.6 “Support plans that account for higher fuel costs and limited availability of energy sources.” I suggest changing “account for” to “consider” or “take into account”

Page 34/69

3.1 “Improve gateway and wayfinding signage information into Teton Valley and its cities.”  
Consider adding within: “...into **and within** Teton Valley and its cities.”

Page 35/69

4.3.1.1—shouldn’t this just be **4.3.1**?

Page 36/69

Goal NROR 1: same as earlier comment—delete both climate and trail systems as not being “natural resources”

Altho it was the NROR SC that came up with the following very good policies, I think they should be moved to CE&F, since they are community infrastructure facilities and thus more appropriate there.

1.4 Work with municipalities and public water systems to ensure safe and adequate drinking water.

1.5 Ensure adequate wastewater treatment.

Page 37/69:

Goal NROR 3—I agree with the sentiment of the bubble comment, but not the wording!

Please add “target practice” rather than “shooting”! Also, you might want to consider adding “motocross racing,” since in the past there have been attempts to find a place for a track. (Or maybe I’m not using the right term, but this user group should be included in some fashion. I suspect there are far more users in this group than in the non-motorized flight group.)

3.1 Enhance and improve all-season access (better with hyphen)

3.3 “Support a diversity of recreation as a mechanism to bring together community and build acceptance of diverse lifestyles.” Suggest re-wording to: “...to bring the community together and build...”

3.5.1 I support the additions suggested in the bubble comment. I question that a Rec District would be “revenue generating.” That goes far beyond being “self-supporting,” which I think is

a reasonable policy. Please consider deleting “revenue generating” as being excessively optimistic. These are policies, not goals.

4.1 “Ensure that development regulations balance natural resources protection and growth, are clear and predictable, and preserve the economic value of the land.” I suggest the following re-wording: “Ensure that development regulations **balance protection of natural resources and growth**, are clear and predictable, and preserve the economic value of the land.”

Page 38/69

6.3.1 Add comma before etc.

6.3.4. Maintain low density development in the Rural Areas.

This seems to be in conflict with the area descriptions for the Framework Map, since some rural areas are designated as medium density or medium-low density. This could be resolved by saying “Maintain **low to medium** density development in the Rural Areas.”

Page 39/69

8.6, 3<sup>rd</sup> line: “...shall be clearly established in the Subdivision Ordinance...”

I suggest saying “...in the **Zoning and/or** Subdivision Ordinance...” Our county code places some things in the Subdivision Ordinance that other localities include in the Zoning Ordinance. Let’s cover our bets on how the code is amended.

Page 40/69

1.4 end this policy by saying “...when the demand exists **and funding can be procured.**”

**1.6 delete the word “other” in last line** (“other recreational facilities”)

**Add 1.8 to accommodate the concern about dark skies and outdoor lighting**

Suggestions: **1.8 Develop outdoor lighting guidelines that protect dark skies**

If that isn’t strong enough, include the word require.

Page 42/69

1.4 **change through to along** (through has a different connotation, perhaps implying “by means of” —or, if that is the intent, then re-word to make that clear)

2.1 Funding options **may** include

2.1.3 I support the suggested changes

*Goal ARH 3: Support and enhance agriculture and ranching.*

As previously stated, the definition of agriculture includes ranching. Drop “and ranching” or change “agriculture” to “farming.” Or perhaps say “Support and enhance all forms of agriculture.”

Page 43

4.2 landowners, not land owners

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From: Carl Jordan  
Sent: Tuesday, June 05, 2012 1:39 PM  
To: Angie Rutherford  
Cc: Dan Powers; Bill Knight; Doug Self; Curt Moore; Jen Zung; Jack Liebenthal  
Subject: Comp Plan 5/16 comments

ANGIE: Attached are my comments relating to the current Comp Plan Draft 5/16.

As I spoke with you last Thursday, I find it to be a splendid document responsive to the local issues of the Teton Valley, and hope that my comments contribute to its successful adoption.

-----CARL JORDAN

TO: Angie Rutherford  
FROM: Carl Jordan  
DATE: June 5, 2012  
RE: Draft Comprehensive Plan 5/16  
1. Property-rights framework—p. 2.8

Please consider the following text revisions (revised from my earlier submission).

1<sup>st</sup> paragraph: “...use and exclude.” Start new paragraph

*Private-property rights are not absolute, however. They do not allow uses that negatively and substantially spill beyond a property such as to diminish the enjoyment of life or the value of nearby property. Likewise, private-property rights recognize that external uses may also enhance nearby property without market compensation to the contributor, thereby constituting positive spill-over values. Accordingly, activities that generally spill beyond individual properties—that either detract from or contribute to the values of nearby properties, including those affecting collective qualities such as public health safety, peace or welfare— are typically regulated as public property rights.*

Last paragraph, last sentence. Substitute:

*The point is that limitations on individual property prerogatives can not only protect neighboring property values, but also contribute sufficiently to community values such that an individual property is actually enhanced by the limitation, rather than being devalued. Thus, positive, community effects may economically justify restrictive regulations that maintain view corridors, protect natural resources, preserve rural character, or prohibit incompatible development projects.*

2. Guiding principles. A comprehensive set of guiding principles is required to resolve conflicts and inconsistencies among planning interests. Each of the five Planning Elements includes a set of Guiding Principles. You also list in two places (both on pp. 1.8 and 4.3) a “Community” vision for sustainability, which appears equivalent to a comprehensive set. If they are so intended, they should be explicitly identified as such.

3. Public safety. Maybe public safety is too obvious or implicit in all Elements. But I believe it cuts so broadly across the plan (beyond the transportation section) and is so central to land-use-planning justification that it needs its own section as a planning Element. For example, the quality and quantity of outdoor lighting is a public safety issue that would otherwise find no context in the Plan. I found no references to police, fire, disease management (mosquitoes), ambulance. No provisions for healthy air (fugitive-dust abatement, open burning) and solid waste. (Provision for potable water and sewage treatment are noted in MROR 1 Policies.) How can they be possibly ignored and excluded from a Comprehensive Plan required to define public intent to allocate public goods, to *promote health, safety, and general welfare*? Or is it that they are mandated elsewhere, and implicitly excluded from Idaho Statutes §67-65. What am I missing here?

4. Transportation corridor map. P. 4-7 is good, as are the Goals T.1-5 on pp. 5.14-17. But you really need to create a transportation corridor MAP, not just as a planning tool, but by reference as part of your Zoning Titles to give it real clout. Thus, your comprehensive transportation plan is summarized by a single document, and identified as an essential land-use-planning constraint. Thus, the MAP should be at the top of the list as a Tool and Key Action on pp. 6.14-6.15, to be incorporated into Zoning Titles 8 and 9

5. Dark-sky protection. In the entire document, I found only a single reference to dark skies---parenthetically on p. 5-20 as Goal NROR 1. Nowhere is it listed as a goal or action item---anywhere. That is unbelievable given it ranked very high on citizens' revealed-preference lists and received positive mention at every public meeting I attended---referenced in the context of both natural resource-recreation and economic development. The exclusion of dark skies is an oversight that warrants a significant amendment to the Comp Plan.

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**From:** Richard Grundler  
**Sent:** Tuesday, June 05, 2012 2:52 PM  
**To:** Angie Rutherford  
**Subject:** comments

Angie, I think we can work with most of what has been done going forward. I would like to see more roads designated as scenic as it is hard not to see beauty everywhere. I would like to have the ability to turn down plantings, berms, and buildings that interfere with the view. We must stop cold urban sprawl with all disallowed we can think of. We have to figure out how to be able to add a fee based on value to ALL real estate sales designated exclusively to acquire open land or building rights 1% would be a good start. We must have a definite description of what constitutes a junkyard and obscuring it from public view by the owner. We should start to limit outdoor advertising and sunset existing ones and in its place use state cluster signs as Linn Ranch has. This whole family lot split thing for the most part is bogus as there are no jobs in the valley for these young people, but we must allow 2 splits and NO more. The bonus lots concept is not good, is confusing thus open to being taken advantage of. Also, we will lose control. Somehow the ranchers must be shown that restrictions lead to increased land values and that they will protect them from a neighbor devaluing their own land. It levels the field. I find it interesting that the very people who have made a large effort to undo this plan contribute almost nothing to the valley in donations to nonprofits, public welfare, children's programs etc. and yet pay the least property taxes and collect massive amounts of govt. handouts in farm subsidies, food stamps, and health care. I think we should go forward with a strong plan and not be influenced by these few vocal people. Wish I was there in person. Richard

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**From:** Caroline Reynolds  
**Sent:** Sunday, May 27, 2012 11:30 PM  
**To:** Bob Foster; Tony; Lynda Skujins; Angie Rutherford; Joanne LaBelle; Bruce Arnold ; B Reece; Angie Rutherford; Kathy Rinaldi; Kelly Park; Stacy Frisk; Anna Trentadue; Pete Kosen; Jen Zung; Bob Benedict  
**Subject:** Comp Plan Comments

**To all:**

**Attached please find my comments (in both Word and Works formats) on the current, 5/16 draft of the Comp Plan. I look forward to discussion during the open house.**

**Caroline Reynolds**

## Comp Plan comments 5-16

|   | <u>Location</u>  | <u>Action</u>   | <u>Rationale</u>   |
|---|--|---|--|
| 1 | Chap 1, p 1-1, 1st para, 7th line  | delete the phrase, "a meager" and replace with "an inconsistent."   | Current wording is insulting.  |
| 2 | Chap 2, p 2-5, last para, first sentence                                   | Delete "additional rampant" and replace with "less controlled."   | Nobody is talking "rampant" anything. Cnty should determine how subdivisions are set up, not whether or not they are allowed to exist. That should be left to the free market as should their success or failure.  |
| 3 | Chap 2, p 2-8, last para, all but 1st sentence                             | Delete  | This is soap-boxing and has no business in the Comp Plan.  |
| 4 | Chap 5, p 5-2, Framework Map, Note 1 at bottom                             | Strike the words "in context" and add "as auxiliary information" to end of sentence.  | State Statute 67-6511 dictates Zoning Ordinances are to be in accordance with Comp Plan policies (not map).  |
| 5 | Chap 5, p 5-2, Framework Map, Note 2 at bottom                             | After "...nor developments," add the phrase, "nor dictate planning zones."  | Too prescriptive as is. State Statute does not require a different planning zone for every distinguished map area.   |
| 6 | Chap 5, pp 5-3, 5-5, & 5-6   | Change the density descriptors, "highest level, workforce residential, medium-low, very-low and lowest" so that all density descriptors are either "high, medium or low density." | Too constraining as is. Three broad zones, possibly with density bonuses for clustering, are sufficient. Future may require flexibility not possible with 8 implied different zone densities.  |
| 7 | Chap 5, pp 5-5 & 5-6, in Mixed Ag/Wetlands and Waterway Corridors sections | Insert the phrase, "all applicable County, State, and Federal regs" after the words "Development limited by" and strike "USACE ..... Floodplanin development regs"                | There are many acts and associated regulations other than USACE and Cnty Floodplain which apply to wetlands, including Clean Waters Act, Rivers and Harbors Act, Marine Protection and Sanctuaries Act of 1972, National Environmental Policy Act of 1969, The Fish and Wildlife Act of 1956, The Endangered Species Act, and other State and Cnty regs. |
| 8 | Chap 5, pp 5-5 & 5-6, in Mixed Ag/Wetlands, Foot-hills, and Waterway       | Strike "Development limited by overlays ..... natural resources" bullet.  | Superfluous. Sufficiently covered by all the Acts and regulations referenced in # 5 above which include overlays.  |

Corridors sections

|    |  |   |  |
|----|--|---|--|
| 9  | Chap 5, p 5-5 in Foothills section           | Add bullet, "Development limited by all applicable County, State, and Federal regulations."   | There are Acts and associated regs other than "overlays" which may apply   |
| 10 | Chap 5, p 5-25, Policy # 8.2, last line      | Strike "to make land use and" and replace with "as input to making"   | As stated, wildlife habitat and species info has too much weight.  |
| 11 | Chap 5, p 5-25, Policy #8.6, 2nd line        | After "Important Habitat" insert "as determined by current Fed, State, and Cnty regs"   | There are already enough regs on the books to protect habitat.   |
| 12 | Chap 5, p 5-25, Policy #8.9, 2nd line        | After "government agencies to," strike "protect and conserve" and replace with "encourage protection and conservation of "  | An overreach of Cnty Gov to presume to be able to determine and protect what is "irreplaceable."   |
| 13 | Chap 6, Text, pp 6-2 thru 6-9                | Needs total re-write. Get rid of comparissons with Sun Valley, Vail, Jackson, Aspen, Steamboat, Park C. etc. ; drop the desire to attract the "highly educated"; drop the class-or politically- defining industry clusters; drop the descriptor "nice" from hotel; drop the "quality of life" terminology;" drop the green tech/ green businesses" terminology. | This chap is replete with elitism, assumptions, and insults to the local heritage and culture. There is nothing wrong with businesses that are not green by your definition (what definition?). "Quality of life" is a very subjective term. Highly educated is not synonymous with successful or good or desirable. This Chap as written portrays a very narrow, prejudiced vision. |
| 14 | Chap 6, p 6-3                                | Delete "green technologies and green-tech businesses" and replace with "environmentally friendly."  | Much more inclusive and more in line with values of the County. New wording is consistent with guiding principle (5th bullet), p 4-5 and policy 2.4 on p 5-11.   |
| 15 | Chap 6, p 6-3, last para and top of p 6-4    | Delete names of specific technologies.  | Too prescriptive. This is still a free market society. "An industry group such as "environmentally friendly" is prescriptive enough but at least presumes to be concerned about industry process waste streams.  |
| 16 | Chap 6, p 6-6, last para                     | Delete  | Soapboxing. Comparing us with Indianapolis is not valid. They don't have BLM, USFS, and NPS lands in their backyard and we're not densly populated.  |
| 17 | Chap 6, p 6-11, 4th bullet under Key Actions | Strike "Framework map" and replace with "policies."   | State Statute requires Zoning Code to be in accordance with policies, not Framework map.   |
| 18 | Chap 6, p 6-26, last para, 1st sentence      | Change to read "The Zoning Code shall be revised to be in accordance with the policies of the Comp Plan."   | Wording is from ID. Statute 67-6511. There is no requirement that zones mirror the Framework map.  |
| 19 | Chap 6, p 6-28, Vacate                       | Vacate only if developer has  | Contract law should apply here. May  |

section

breached current contract. Replat only if developer wants larger lots.

be a taking otherwise.

## Editorial Comments 5/16 Comp Plan Draft

|    | Location                             | Action  | Rationale   |
|----|--------------------------------------|---|---|
| 1  | Chap 1, p 1-1, para 2, line 6        | Delete "inexpensive"  | Inaccurate value judgement. Some are, some are not.   |
| 2  | Chap 1, p 1-1, para 2, lines 7- 9    | Delete sentence "The resulting .... ... suffering today." Replace with "Misguided federal mortgage policies and a resultant boom/bust caused a depressed local real estate market and economy, which was largely based on residential construction .....today." | A much more accurate statement of cause and effect.   |
| 3  | Chap 1, p 1-1, para 2, last sentence | Delete and replace with "Since 2004 conditions have changed and lessons have been learned, making a new Comp Plan advisable."   | There are many aspects of the current Comp Plan that are still relevant. No need to trash it.   |
| 4  | Chap 1, p 1-1, last para             | Rewrite   | Self-agrandizing.   |
| 5  | Chap 1, p 1-4 para 2, last sentence  | Delete or explain how many occurrences" were from the same person; how many individuals participated; were any from outside Teton County; what was the % participation.   | A biased, selective presentation of statistics.   |
| 6  | Chap 1, p 1-8, para 1, line 1        | Before the words, "the community" and "the community's" insert the words "some of" or insert the actual % of community response.  | The stats don't support the strength of this statement. See above #5.   |
| 7  | Chap 1, p 1-8, para 1, line3         | Delete "initial agreements" unless the participants in this agreement are identified.   | A need to know.   |
| 8  | Chap 1, p 1-9, para 1, last sentence | Replace "define logical" with suggest."   | Faulty logic. You can't define use areas and then use that definition to justify the growth patterns you desire.                            |
| 9  | Chap 1, p 1-9, para 1, last sentence | Delete the phrase, "that direct development towards existing... centers"  | More faulty logic. Land or land use does not direct anything. It merely indicates a history.  |
| 10 | Chap 2, p 2-5, para 4, 2nd sentence  | Delete.   | Wrong. Implies old Comp Plan is at fault. Cause is nation-wide demise of real estate and economy. If you can't show data that prove cost of |

|    |                                      |   |  |
|----|--------------------------------------|---|--|
|    |                                      |   | infrastructure to be unsustainable, don't state it.  |
|    | Chap 2, p 2-8, 1st para, last line   | Strike the words "peace" and add the word "general" before "welfare."                         | Wording is from ID Statute 67-6502. Peace is not mentioned.  |
| 12 | Chap 2, p 2-8, 1st para              | Rewrite   | This whole paragraph is, in large part, a repeat of p. 1-5   |
| 13 | Chap 4, p 4-9, 2nd bullet            | Delete "climate."   | It is presumptuous of Cnty Gov. to even try to conserve climate. It is also not the purview of the Cnty. |
| 14 | Chap 4, pp 4-15 & 4-17               | Delete one of these 2 pages   | Repetitive.  |
| 15 | Chap 4, all sub-committee statements | None has the words "sub-committee vision" in the title except the youth statement             | just a format detail that needs to be cleaned up   |
| 16 | Chap 5, p 5-12, Policy 4.2           | Replace "placing" with "encouraging"  | Cnty Gov can't place residents.  |
| 17 | Chap 5, p 5-12, Policy 4.4           | Replace "reduce" with "discourage."   | Discourage balances encourage.   |
| 18 | Chap 5, p 5-12, Policies 4.5 and 4.8 | replace "high-quality" with "appropriate"   | Current wording judgemental, elitist.  |
| 19 | Chap 5, p 5-12, Policy 4.6           | Replace "Provide" with "Encourage"  | Cnty not in the business of providing housing.   |
| 20 | Chap 5, p 5-15, Policy 2.6           | Change to read, "Develop contingency plans to accomodate transportation-related emergencies." | There are potential emergencies not related to fuel.   |
| 21 | Chap 5, p 5-15, asterisk             | This should go in the glossary as I think the term is used elsewhere.                         | Efficiency.  |
| 22 | Chap 5, p 5-17, Policy 4.3.1.1       | Replace "designatged on the Framework Map" with "implied by zoning ordinances."               | Zoning ordinances in accordance with Comp Plan Policies (not the Framework Map) are controlling.         |
| 23 | Chap 5, p 5-20, Goal NROR 1          | Replace "wildlife, fisheries, native vegetation" to "native vegetation and animal species."   | Less ambiguous. More inclusive   |
| 24 | Chap 5, p 5-20, Goal NROR 1          | Delete "climate."   | See # 13 above. Non of the Policies impacts "climate."   |
| 25 | Chap 5, p 5-20, Policy 1.2           | Change to "Encourage conservation and enhancement of native ecosystem habitats."              | To presume to conserve biodiversity and whole ecosystems is not reasonable. It is ill-informed.          |
| 26 | Chap 5, p 5-21, Goal NROR 3          | Delete "Provide"  | Implies increased taxes or levies.   |
| 27 | Chap 5, p 5-21,, Goal NROR 3         | Include "shooting" somewhere within the parentheses.  | This would be very useful to local residents   |
| 28 | Chap 5, p 5-24, Policy 7.1           | Change to read, "Allow low-impact activities and regulate the frequency                       | A more graduated approach.   |

of higher-impact activities in sensitive resource areas and allow unrestricted use by high impact activities in resource areas of less sensitivity."

|    |                                      |  |   |
|----|--------------------------------------|--|---|
| 29 | Chap 5, p 5-25, Policy 8.3           | Change "Minimize" to "Take into account."  | Minimizing cumulative impacts when the knowledge base is insufficient to determine same is not valid.   |
| 30 | Chap 5, p 5-25, Policy 8.4           | Change to read "Encourage protection of native plant and animal habitat"   | Don't presume to be able to protect or improve diversity at the Cnty level.   |
| 31 | Chap 5, p 5-25, Policy 8.5           | Delete.  | Policy 8.4 as restated covers it.   |
| 32 | Chap 5, p 5-28, Policy 1.5, 2nd line | insert the word "demand" after the word "with."  | Nothing that spends taxpayer money should occur if there is not enough demand.  |
| 33 | Chap 5, p 5-29, Policy 2.5           | include "indoor shooting range" within the parentheses.  | There would probably be more use of this than a climbing wall.  |
| 34 | Chap 5, p 5-30, Policy 4.1           | Replace "Seek funding .....affordable" with "Provide tax incentives for private development of"  | This should be a private entrepreneurial enterprise, not a Cnty project. If private enterprise can't make it work, then it would be an even greater financial burden to Cnty Gov. |
| 35 | Chap 5, p 5-30, Policy 4.3           | Delete "pays it fair share" and replace with "contributes to."   | Fair" is a value judgement subject to much political interpretation -- especially now.  |
| 36 | Chap 5, p 5-31, Policy 1.3           | Delete "responsibly" and replace with "in accordance with existing regulations"  | The word "responsibly" is too subjective.   |
| 37 | Chap 6, p 6-39, 4th line             | Cite Statutory requirement for "every five years" or change to "as needed."  | Couldn't find any Statutory requirement for this.   |
| 38 | Appendix glossary                    | Add definitions for Density Bonuses, family members, immediate family, OHV, subdivision vacations, large lot, screening, green as in green business. | Nuances in definition of some of these terms is important. Does OHV include snowmobiles? Does immediate family include Mom and Dad? etc   |
| 39 | Appendix glossary                    | include "short plat" definition, or refer reader to p 6-31   | consistency   |
| 40 | Appendix glossary, p A-1             | Change definition of "affordable housing"  | Current definition is circular. It says an affordable house is one that is affordable.  |

From: Stevenson Alice  
Sent: Tuesday, June 12, 2012 9:40 AM  
To: Angie Rutherford  
Cc: Hensel Dave  
Subject: add'l comments for P&Z

Angie,

Altho almost all of the comments I am submitting for the Appendices are proofreading suggestions rather than substantive (as were many of my comments for Ch. 1-5), Jen has confirmed that even those changes can only be made via you and P&Z at this point. I have also included comments about the Graphic Changes. Please forward these add'l comments to the PZC.

## Appendices Tracked Changes Version dated 6/8/12

### Comments from Alice Stevenson

#### Page 4/43

##### Formatting errors:

separate Indirect Impacts from Incentive

separate Level of Service from Knowledge-based Industry

#### Page 5/43

Why define a pathway as wider than the Driggs-Victor pathway?? 10 feet might be ideal, but that one isn't that wide, and I sure would call it a pathway

#### Page 6/43

**Vision**--I prefer reversing the formatting: Vision (our community)

**Workforce Housing**—this definition is straight from Wikipedia, but workforce housing doesn't necessarily imply affordable housing. Some people choose to live above their own business, for example. Please consider incorporating some or all of this excerpt from the NH Workforce Housing Council: Workforce Housing is permanent housing, intended as a primary year-round residence, that is available to households regardless of age. Workforce Housing can include, but is not limited to, subsidized and affordable housing. It is best provided near places of employment.

#### Page 25/43

In the paragraph about PUDs, 3<sup>rd</sup> line:

Maximum densities in areas with an ~~and~~ underlying zone

3<sup>rd</sup> line from the bottom:

overlay areas and ~~there~~ **their** intended purpose.

**Page 26/43**

D. (SC) ?? I don't think D. belongs there

**Page 26-27/43**

I noticed that the percentages don't add up to 100%; upon further checking, I discovered that the acreages don't add up. The acres listed in the sub-categories total 276,992; whereas, the total area is shown as 288,376 acres. Maybe that's as close as the data allow, but that is a fairly large discrepancy. Is data missing?

**Page 29/43**

In the paragraph above the chart, format degrees correctly: °F (not OF)

**Page 31/43**

I support adding add'l info about wildlife habitat from IDFG and look forward to reading it.

**Page 33/43**

Fire District section ,4<sup>th</sup> line from bottom: "...one in each of Driggs, Victor and Tetonia." Awkward wording—suggest "...one each in Driggs, Victor and Tetonia."

**Page 34/43**

Electrical Power, 3<sup>rd</sup> line: Information obtained from Fall River in 2012 indicates  
Elec. Power, 4<sup>th</sup> line: They have 220.3 miles of distribution lines which includes

Library, 2<sup>nd</sup> line: under estimated should be one word, **underestimated**

County Roads, last paragraph: 1<sup>st</sup> line uses **right of way widths** and 3<sup>rd</sup> line uses **right-of-way widths**; choose one or the other

**Page 35/43**

2<sup>nd</sup> line: Per state law, if the speed limit is not posted, then the speed limit is 55 mph. (add comma)

"SH-31 and SH-33 are a part of the Teton Scenic Byway which runs through Teton County from Swan Valley to Victor via SH-31 and then along SH-33 west of Tetonia. The Byway continues on through Ashton and then on to Island Park and West Yellowstone."

Some clarification is probably warranted, since SH 32 is the one that goes to Ashton; also, this description sounds like the stretch from Victor to Tetonia is not part of the Scenic Byway.

For reference, here's part of the description I found on the internet: Teton Scenic Byway is a gorgeous 69-mile drive through the Teton Valley on the west side of the Grand Teton Mountains. The Teton Scenic Byway starts north from Swan Valley and ends in Ashton. Along the way you'll pass through Victor, **Driggs** and Tetonia, old mining, logging, ranching and farming towns.

“The intersection of SH-31 and SH-33 in the City of Victor is signalized with a flashing yield and stop light.”

Doesn't the flashing yellow mean “caution,” not “yield”? If it meant yield, you'd have traffic stopped in both directions (for flashing yellow and red).

### Bridges

It would be helpful to provide some explanation of sufficiency, especially since two bridges are listed as structurally deficient.

### Page 36/43

Pathways, etc.

“Pathway within the City of Victor – Approximately 1/4 mile.”

I ride this pathway and know it is longer than that. Are you not counting the portions of the pathway that are shared with a sidewalk? The pathway (sometimes shared) starts at the southern end of the Driggs-Victor pathway and continues through Pioneer Park...I don't know where the city limit is as you approach Teton Brewery, but the pathway does extent to the east end of Mountainside Village and there is also a spur that goes from the Brewery under the highway and towards Teton Springs. Some of that is county, of course, not City of Victor, but I don't see it counted anywhere.

Rails to Trails pathway – A state park funded program that converted the old railroad right of way to a multi-use gravel trail connecting Tetonia with Ashton – Approximately 10 miles  
This mileage is misleading. This must count only the mileage within Teton County, which is fair, but perhaps it would be appropriate to list the total Tetonia to Ashton rail trail mileage as well as the portion in Teton County.

### Public Transit

START serves Jackson Hole, WY (add comma)

### Page 37/43

A3.9, 1<sup>st</sup> paragraph: “Approximately 8% of the Impact Fees collected with a Building Permit application is designated ~~to~~ for “recreation” and is identified as the building of a new indoor riding arena and other facilities by the Capital Improvement Plan.”

This doesn't read well and I'm not sure what is meant, so my suggested edits may not be correct.

2<sup>nd</sup> par.

“The Rails-to-Trails (RTT) project is a recreational asset in Teton County. Currently, the trail connects Victor and Driggs and extends north from Tetonia to West Yellowstone.”

The pathway between Victor and Driggs is not actually part of Rails to Trails (although it does follow an old railroad right-of-way). Also, I don't think the rails-to-trails currently extends north of Ashton, though I'm looking forward to when it does!

3<sup>rd</sup> par.

Little League (capitalize)

### Page 38/43

2<sup>nd</sup> par., 3<sup>rd</sup> line from bottom: “The valley is a resting place for sandhill cranes...”  
(change to compound word)

A3.11

1<sup>st</sup> par.

“The homes that have been foreclosed are on the market at reduced prices and, generally, housing...” (add comma)

“...outside of the Cities’ areas of impact.” I think Areas of Impact should be capitalized.

3<sup>rd</sup> par.

“Teton County, WY has traditionally had high home prices, and mid-level workers were often not able to afford to live in Wyoming.” (add comma—unintended meaning without it!)

“many homesites were created” (change to compound word, per my dictionary)

### Pages 40-42/43

Throughout these zone descriptions, change build out to buildout (per my dictionary, at least)

### Page 41/43

Top, above Zone 6

“...traffic can be decreased by ~~construction~~ constructing a minor collector road and connecting it directly to the highway.”

Zone 6

Zone 6 is defined as the area that is between 6000 N to Ski Hill Road, bounded by the eastern part of State Highway 33.

What is meant by the eastern part of SH 33? Does it refer to the north-south stretch? Maybe this would make sense with the map...

There is 1 major collector roads that connects to the highway.

“...can be decreased by ~~construction~~ constructing several minor collector roads and connecting them directly to the highway.”

Zone 7

Same confusion as to what is meant by eastern part of SH 33

## Zone 8

“Zone 8 is defined as the area North of W. State Highway 33 and North of State Highway 32 to 500 W/Rammell Mt. Road.”

SH 32 runs south to north; how can this zone be north of SH32? Probably you mean **East** of State Highway 32  
Check this description in the chart on page 43, too

3<sup>rd</sup> line

Calculated **the** current daily trips

## Page 42/43

Zone 10

3<sup>rd</sup> line

Calculated **the** current daily trips

Zone 11

3<sup>rd</sup> line

Calculated **the** current daily trips

Zone 12

3<sup>rd</sup> line

and 2 major collector roads

---

Comments from Alice Stevenson, Graphic Changes 5/16

I am not sure which maps are being used by the P&Z during the work meetings, so I am not sure if the Graphic Changes notes on the T.Co. website have already been incorporated, since they are dated 5/16.

If I am not too late, please accept these comments to the posted Graphic Changes:

Please keep the Distressed Subdivision map! Add definition of distressed to glossary.

Framework Map

note 2: I agree

note 3: agree with first proposed word change, but am opposed to adding “nor planning zones.” What in the heck are planning zones? If clarification is still needed, make sure the Framework Map is identified as a **Projected** Land Use Map, which is required by LLUPA as part of the Comp Plan.

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**From:** Sue Muncaster

**Sent:** Tuesday, June 05, 2012 8:35 AM

**To:** Angie Rutherford

**Subject:** Comp Plan Suggestions

Thank you again to everyone who worked so hard on the Comp Plan. The quality and diversity of the people on the consulting and development committees assured me from the beginning that it was in great hands. I think it's an

excellent start and look forward to seeing the vision come through. So, the real task now is getting the rest of the community, P and Z and Commissioners to "buy in." Here are a few suggestions:

I think a lot of the frustration of current large land owners is that they think things are going to be restricted forever. If this plan is going to be accepted as "pro development" it needs to show that the creators understand that some development is coming down the pipeline but that folks just want it to be planned but still have some flexibility and foresight to adapt to positive and negative outcomes in the future.

Perhaps the implementation and other sections could attempt to put timelines and actual goals in the Comp Plan and show that once a goal is reached, a new policy can be considered. For example (and this is very simplified) a goal could be to reduce the number of empty subdivisions by 75% by 2030. Until 25% reduction is reached 10 lots per year can be approved. Once 25% reached, 100 new lots (or acres, or homesites) will be approved per year. Once 50% reduction is reached then 200 new sites per year will be considered blah blah blah. Or, perhaps, until 50% lots filled in the unincorporated county all new building must take place in the cities of Victor, Driggs, and Tetonia. Again, these numbers are totally random and just for illustration. I realize the numbers come after the Plan is approved and real implementation put into law, but at least addressing what some of these goals are would really help.

Another idea is setting a measurable outcome once a policy is set. For example, and again simplified, 1-time family lot splits will remain in place until 2040. At that time if we have less than blah blah blah, then the County will consider a second family lot split.

I also highly suggest in the upcoming public outreach efforts that each committee clearly outlines what is different and what is the same from the old plan. I think this would help with all the mis-information and rumors going around.

I totally believe in private property rights, but I believe that the empty buildings and infrastructure we have laying around the valley is totally unacceptable and the Comp Plan shows the community's commitment to attempting to fill these spaces. It is environmentally, socially, and economically irresponsible for the community to encourage new building until we utilize some of the half-built or empty structures lying around.

I can see where complaints come that the plan is "bike" heavy and doesn't address other recreation use like motorized sports and equine use, please address that. I was informed last week that more than 30% of the public school population is hispanic, and honestly I don't see anywhere that this large population has had much of an influence on the plan... hmmm.

Finally, there are SO many more opportunities to support farms. I made specific comments on the Survey Monkey form suggesting some of those but if the Ag and Rural Heritage committee wants more suggestions to show the plan really does value farmers, please have them contact me.

Thanks again,

**Sue Muncaster**

---

**From:** Sheila Russell

**Sent:** Thursday, May 31, 2012 8:09 PM

**To:** Angie Rutherford

**Subject:** Re: Takings Guidelines

Angie,

Thanks for sending this link. It certainly is a good resource.

I thought of something additionally that I neglected to share with you this afternoon. My husband and I moved to Teton Valley in 1999 from Maryland. We came here to enjoy and experience the historic culture and the goodness of the people of the area. Over the years, we have developed a genuine respect and love for the native people of the Valley. They are salt-of-the-earth, hard working, family oriented people. They farm and ranch providing food for our county, state and nation. They rarely ask for anything, as they are a self-sufficient, self-sustaining people. I believe they view sections of the new Comp Plan as threats that they thought they would never have to deal with. They see their rights as property owners being stripped from them, which in essence they will be, even though it will apparently be legally based on court decisions that you shared with me today. They feel that those directly involved with the development of the Comp Plan view the recreationalists' needs/wants far more important than the farmers' and ranchers' needs/wants. I just ask that you truly try to understand their viewpoints and do all you can to work with them in meeting the desired balance.

Thank you for your time.

Sheila Russell

----- Original Message -----

**From:** [Angie Rutherford](#)

**To:** Sheila Russell

**Sent:** Thursday, May 31, 2012 3:11 PM

**Subject:** Takings Guidelines

<http://www.ag.idaho.gov/publications/legalManuals/RegulatoryTakings.pdf>

Hi Sheila,

Here is the link to the Attorney General's Guidelines on Taking.

It will take longer to get an answer about the CC&Rs.

Thanks for coming by today.

Angie

**Angie Rutherford**

Planning Administrator



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May 24, 2012

**VIA REGULAR MAIL AND EMAIL**

Teton County Board of County Commissioners  
c/o Angie Rutherford  
150 Courthouse Dr., Room 107  
Driggs, ID 83422

Email: [CompPlan@co.teton.id.us](mailto:CompPlan@co.teton.id.us)  
[commissioners@co.teton.id.us](mailto:commissioners@co.teton.id.us)

**RE: *Comments From the Teton County Group for Property Right ("TCGPR")  
Regarding Draft Comprehensive Plan for Teton County, Idaho.***

Dear Ms. Rutherford:

Our firm represents a group of individuals concerned with the property rights of individuals located in Teton County (the "County"), who call themselves the Teton County Group for Property Rights, or "TCGPR". TCGPR consists of a number of large and small landowners in Teton County. Our understanding is that we are to submit comments to you regarding the *Draft Comprehensive Plan for Teton County, Idaho* (the "Comprehensive Plan"), and you will then ensure these comments are provided to the Teton County Board of County Commissioners. We have also sent this letter by email to the email addresses set forth above, which we obtained from the Teton County website.

We understand the Comprehensive Plan remains open for comments, and there is currently a date scheduled for an open house to provide such comments on May 30<sup>th</sup> and 31<sup>st</sup>. We further understand there will be a joint BOCC/PZC/CC meeting at 5:30 p.m. on May 31<sup>st</sup>. To ensure that you have adequate time to consider our comments, we have provided these comments in advance of the May 30<sup>th</sup> open house.

It is our understanding that Teton County is in the process of its final review of an amended Comprehensive Plan that is currently a working draft. We further understand from our review of public materials that the intent of developing the Comprehensive Plan is to receive input from a number of sources, primarily through grass roots efforts. It does not appear

concerns voiced by a number of individuals at a recent Comprehensive Plan meeting in Teton have been addressed and incorporated into the current draft Comprehensive Plan. It is our hope this letter will again re-emphasize the concerns voiced by these landowners, which mirror TCGPR's concerns, as well as other concerns specific to TCGPR. It is our desire that these comments and considerations will be incorporated into the final version of the Comprehensive Plan before it is adopted.

The draft Comprehensive Plan contains numerous references to the County's goal of protecting private property rights. For example, the Comprehensive Plan contains the following statement:

Property rights are often compared to a bundle of sticks where each stick represents a different right. Sticks within the landowner's property rights bundle most often include the right to occupy, sell, lease, mortgage, donate, grant easements, use and exclude. Rights that could be held by the owner or separated from the bundle include mineral rights, air rights, water rights or development rights.<sup>1</sup>

*Comprehensive Plan* at 1-5.

The Comprehensive Plan goes on to state that "[t]his Plan strives to provide a balance between private and public property rights." *Id.* Further, "[w]hile few want to subdivide their property at this time, many land owners want the right to be able to subdivide if and when they so choose to do so in the future. This guidance is there not to impinge on future development but to protect it." *Id.* at 2-5.<sup>2</sup>

While TCGPR appreciates this important acknowledgement of private property rights, based upon our review of the Comprehensive Plan, the language set forth in some of the provisions of the Comprehensive Plan embrace principles that are out of balance and potentially improperly infringe on the private property rights of landowners.

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<sup>1</sup>A prior version of the draft Comprehensive Plan stated this principle in a slightly different way: "Property rights associated within private property have been compared to a bundle of sticks where each stick represents an individual right. Some of these represented rights within the "bundle" are mineral resources, air rights, the ability to sell, lease mortgage, donate, grant easements **and to subdivide.**" It is unclear why reference to the right to subdivide was removed in the latest draft, but clearly the right to subdivide would be part of a property owner's bundle of rights.

<sup>2</sup> Page 3-2 also provides that in the context of the five major content areas of the Comprehensive Plan, P4P decided that this should be done ". . . recognizing that property rights was an important part of all of these pieces and would be considered at all categories throughout the process."

We understand the vision contained in any comprehensive plan is eventually given real meaning when such vision is implemented through county ordinances, and the final version of those ordinances will ultimately determine whether or not private property rights have been infringed upon in an unlawful manner.<sup>3</sup> However, because zoning ordinances must be in accordance with the Comprehensive Plan (Idaho Code §§ 67-6511 and 67-6535(a)), we want to be on the record with our concerns regarding language in the Comprehensive Plan because of how this language may be interpreted in the preparation and adoption of amended zoning ordinances.

Therefore, as further explained below, we request the following:

1. The Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed. For example, the Foothills land use lists “[v]ery low residential densities with provision for clustering/conservation development.” This should simply be replaced with “residential.”
2. Provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County’s current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
3. In the alternative, we request that policies which support “strengthening” the wildlife overlay be removed.
4. The language and maps in the Comprehensive Plan which refer to distressed subdivisions be removed.

---

<sup>3</sup> “This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. The Board may, therefore, refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels with the jurisdiction.” *Urrutia v. Blaine County*, 134 Idaho 353, 357-58, 2 P.3d 738, 742-43 (2000); “A comprehensive plan is not a legally controlling zoning law, . . .” *Evans v. Teton County*, 139 Idaho 71, 76, 73 P.3d 84, 89 (2003).

### **Removal of Vague Residential Density Terms**

Chapter 5 of the Comprehensive Plan describes “The Framework Plan.” A prior draft of the Comprehensive Plan described different “Land Uses,” including “Rural Agriculture,” “Mixed Agriculture/Wetland,” “Mixed Agriculture B,” “Foothills,” and “Waterway Corridors.” The prior draft also provided that in each of these categorized areas, the desired future land uses included “estate residential.”

There was no definition of “estate residential” in the prior draft. The term infers that land with these classifications—which, for example, includes all of the land west of the Teton River based on the map at page 5-2 of the Comprehensive Plan—could only have “estate residential” development lots.

In a more recent version of the Comprehensive Plan, land classifications have been changed and the term “estate residential” has been removed from the preferred land uses. In its place, the revised draft contains statements such as “low-density residential, with provisions for clustering/conservation developments to protect natural resources or rural character,” “[v]ery low density residential development, with provisions for clustering/conservation developments to protect natural resources,” and “medium-low density.” None of these densities are defined or described in any detail. It is unclear whether they are more or less restrictive densities than estate residential. The inference is that approved lot sizes must be much larger and have a reduced density. This inference is supported by page 6-19 of the Comprehensive Plan, which states that an intended key action through county planning is to “[s]trengthen the wildlife and natural hazard overlays, including further reducing density in riparian, wetland, floodplain and other sensitive or hazardous areas.” Virtually the entire western side of the Teton Valley, for example, could be classified as one of these areas, which could then disproportionately and negatively impact owners of these properties. Other landowners throughout the valley could be impacted as well. Policies that support such a disproportionate impact should be removed from the Comprehensive Plan.

The Comprehensive Plan should remove these vague density terms. Land use regulations should be sufficiently explicit so that a reasonable landowner can understand what is required to comply with the regulations and plan his or her land use accordingly. Local regulations should use clear and concise language, and should define terms so that the reader is left with little doubt as to what is required or intended. The current Teton County zoning designations are A2.5 and A20. Are the new categories of density contained in the draft Comprehensive Plan A2.5 and A20? Or does the County intend to reduce or change these densities? Is A20 considered “very low” density? Or does “very low” density mean something else? Does the County intend to move to rezone the entire county if this Comprehensive Plan is adopted? These are the types of

questions that all landowners will be asking. The lack of definition for these terms will lead to confusion because the density categories are patently vague and ambiguous.

Given the lack of definitions, the Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses described in the Comprehensive Plan, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed.

### **Wildlife Overlay**

In a similar vein, we remain concerned with the application of the County’s adopted wildlife overlay, which TCGPR believes infringes upon landowners’ property rights because regulation of wildlife is likely outside of a county’s police powers to regulate property for the health, safety, and morals of its citizens. Land ownership, and the rights incidental thereto, are perhaps best summarized as follows:

The right to own and enjoy private property is fundamental. It is one of the natural, inherent and inalienable rights of free men. It is not a gift of our Constitutions, because it existed before them. Our Constitutions embrace and proclaim it as an essential in our conception of freedom.

*State vs. Thompson*, 136 Idaho 322 at 323-324, 33P.3d 213, 214-215 (Ct. App. Idaho 2001).

While we agree with the inherent right to enjoy private property, we also recognize property ownership in a modern society does not allow for unfettered use of the property, and planning and zoning of property is permitted by city and county governments under the Local Land Use Planning Act, or “LLUPA.” However, zoning ordinances can be invalidated if they are deemed to be unreasonable. *Dry Creek Partners, LLC v. Ada County Comm’rs, ex rel. State*, 148 Idaho 11, 19, 217 P.3d 1282, 1290 (2009). In that context, “a zoning ordinance is only unreasonable when it is arbitrary, capricious, or discriminatory. Such circumstances exist when the ordinance bears ‘no substantial relationship to the public health, safety, morals, and general welfare.’” *Id.* (internal citations omitted).

With specific respect to wildlife, regulation of this resource occurs through the Idaho Department of Fish and Game as described in Title 36 of the Idaho Code. The Idaho Supreme Court has stated, with regard to police powers conferred on cities and counties:

[T]he Constitution of the State of Idaho grants to cities the right to make and enforce, within their limits, all local police regulations that are not in conflict with their charters or with the general laws. This general granted police power,

however, is limited by the restriction that ordinances enacted under the authority conferred by this constitutional provision must not be unreasonable or arbitrary.

*Ciszek vs. Kootenai County Board of Commissioners*, 254 P.3d 24, 32 (2011).

In other words, the actions of local governing boards must be reasonable, and cannot be arbitrary, capricious, or discriminatory, and must bear a substantial relationship to the public health, safety, morals, and general welfare of its citizens.

The individuals comprising TCGPR are conservation-minded landholders, who care for and are concerned about wildlife. The concern of TCGPR is that the Comprehensive Plan and its associated wildlife overlay go too far and diminish property rights. To the extent the Comprehensive Plan and its associated ordinances relating to the wildlife overlay remain, TCGPR maintains this could potentially expose Teton County to a regulatory takings claim or other legal action.

At this point it is still not entirely clear what effect the Comprehensive Plan will have on the county's current policies and zoning designations, and whether the next step after adoption of the Comprehensive Plan is a wholesale rezone of the County. However, the purpose of these comments is to point out that the County's regulations, which include zoning, cannot unreasonably infringe upon a landowner's reasonable investment-backed expectations. For example, in *Florida Rock Industries, Inc. vs. United States*, 45 Fed.Cl. 21, 49, ERC 1292, (1999), the Court of Federal Claims discussed a compensable partial regulatory taking of property and that a partial taking occurs when a regulation singles out a few property owners to bear burdens, while benefits are spread widely across the community. The wildlife overlay does just that by allowing the urban residents of Teton County to benefit at the expense of a rural few who happen to own property away from the cities of Driggs, Victor, and Teton. Such regulation does not promote a sense of community, but instead perpetuates the idea that once someone has their home in the County where they want, no one else should be able to build their home in the County where they desire. The right to purchase or construct a home at a resident's desired location should be enjoyed by all of Teton County's residents, regardless of when or where they decide to put their roots down.

As a practical matter, perhaps the County should consider whether or not the County's approach to protection of wildlife is inconsistent with the approach taken by federal and state agencies working to protect non-endangered wildlife. For example, attached is a copy of an information flyer for the "Sage-Grouse Initiative in Idaho," which is overseen by the National Resource Conservation Service ("NRCS"). In this document, the NRCS identifies habitat loss as one of the main threats to sage-grouse. In response to this problem, the NRCS has not attempted to infringe on property rights or stymie development, but instead has funded a program that seeks *voluntary* conservation—"[v]oluntary conservation can play a key role in protecting and restoring sage-grouse habitat."

For the benefit of all, the NRCS provides financial assistance to landowners who engage in certain conservation practices. This is the model that Teton County should adopt—a voluntary approach to wildlife conservation that balances the rights of property owners with those that live in Teton Valley and enjoy its wildlife. Current homeowners should not be entitled to enjoy open space and habitat protection entirely at the expense of those landowners who own open space and habitat and who may elect to subdivide their property in the future. Yet this is exactly what the County intends to do. The most recent version of the Comprehensive Plan states expressly that with different land types the overlays should be used to limit development. For example, under the Foothills designation, it states: “Development limited by overlays and development guidelines to protect natural resources.” This language did not exist in a prior version of the Comprehensive Plan, and it should be removed from the most recent version. In its place, the Comprehensive Plan should adopt and encourage private partnerships with landowners to mitigate impacts to wildlife in the development process.<sup>4</sup> Instead, the policy contained in the Comprehensive Plan seeks to strengthen the wildlife overlay by presumably incorporating more regulation and further restriction at the County level. This will penalize responsible landowners who were wise enough not to sell or develop their land during the real estate boom period.

It should be noted that there are no County ordinances of which we are aware that require a landowner to maintain wildlife habitat. A landowner could plow up his or her grassland, or clear timber from the property, to farm the property. A landowner could also fence off his or her property to keep wildlife out. Why, then, can the County expect to regulate development in wildlife areas when the wildlife could be excluded by the landowner in the first place? The point is that if the County regulates property to the point that a landowner views wildlife as a liability to their property interests, the actions of the County could very well become counterproductive and detrimental to wildlife. Because wildlife do not recognize political boundaries, it makes logical sense that they should be regulated, studied, and managed consistently throughout the entire State by the agency that has been statutorily mandated to manage our wildlife—the Idaho Department of Fish and Game—and not individual counties. For example, agents of IDFG have the ability to arrest those that harm wildlife or violate Idaho’s wildlife laws. Counties do not. Teton County therefore has an opportunity to amend its Comprehensive Plan to include policies that are well within its police powers, and not on the fringes of those powers, by overlapping regulation on an issue entirely with an existing agency of the State of Idaho.

The Comprehensive Plan should turn away from the overlay approach because it is unpredictable and disorderly. Land use regulations should be sufficiently explicit so that a reasonable landowner can understand what is required to comply with the regulations and plan his or her land use accordingly. Local regulations should use clear and concise language, and should define terms so that the reader is left with little doubt as to what is required or intended.

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<sup>4</sup> This is mentioned on page 5-31 of the Comprehensive Plan, which lists as a goal a desire to develop means to compensate private property owners for large parcels of open space. However, greater emphasis should be placed on this goal throughout the Comprehensive Plan, and should replace discussion of the wildlife overlay.

For example, the current zoning ordinances that address the wildlife overlay suggest that County officials will look for "indicator species" or "indicator habitat." Yet, there are no definitions or maps that show where these indicator items may be found, or what they are. These terms are vague and ambiguous, and are neither orderly nor predictable. The County has effectively delved into an area best left to the oversight of State and federal officials.

To be clear, TCGPR is not opposed to measures that may be *suggested* by the Idaho Department of Fish and Game to minimize impacts from development on fish and wildlife. For example, a suggestion that wildlife-friendly fencing be used within a subdivision is an appropriate suggestion. But these suggestions should come from IDFG, and certainly the County could solicit their comments on how impacts to a project could be mitigated. This principle is consistent with recently adopted IDFG policy. Enclosed for your reference is a copy of the actual agenda item and hand written notes of Fish and Game Commissioner Randy Budge. The policy contained therein limits IDFG's involvement in any matter to only providing technical information, and to suggest how any adverse effects from a proposed action might be mitigated. We have also included copies of the relevant adopted minutes from such meeting indicating that all Commissioners voted in favor of the policy. Pursuant to this policy, all formal, public comments submitted by IDFG to any public or private decision-making authority have to be prefaced with the following language:

The purpose of these comments is to assist the decision making authority by providing the technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of the Idaho Department of Fish and Game to support or oppose this proposal.

The key portion of this statement is that IDFG's policy mandates that they provide technical analysis of what impacts may be associated with a particular action, and how those actions could be mitigated.

We understand IDFG has been involved in the preparation of the wildlife overlay, and its involvement would likely not have been permitted had the above policy been in place at the time. What is clear is that with the adopted policy now in place, any continued involvement by IDFG in the wildlife overlay would be beyond providing technical information, and would be inappropriate. Comments by IDFG should be limited to providing technical information only when a development is proposed, and to suggest how any adverse wildlife effects associated with that project might be mitigated. IDFG's comments should be strictly technical, not adversarial to landowners or developers in general.

We therefore request that provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. The Comprehensive Plan should adopt and encourage

partnerships with landowners to mitigate impacts to wildlife in the development process. In the alternative, we request that statements in the Comprehensive Plan which support “strengthening” the wildlife overlay are removed. If anything, the wildlife overlay should be limited from its current application.

### **Distressed Subdivisions**

Finally, we note the Comprehensive Plan discusses distressed subdivisions in Teton County, and even includes a map with alleged distressed subdivisions. See *Comprehensive Plan* at 2-7.<sup>5</sup> The Comprehensive Plan goes on to say that “[a]s a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The over abundance of undeveloped platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market.” *Comprehensive Plan* at 2-5.

We recognize the real estate market is less than ideal at the current time, and agree there is a problem with undeveloped subdivisions. However, there is a logical disconnect in the Comprehensive Plan to the extent the Comprehensive Plan assumes that because there is an oversupply of subdivided lots, there is no need for future subdivisions to aid in the economic development (and recovery) of Teton County. The ability to market and sell real state is obviously dependent on location, and the majority of existing distressed subdivisions, in our opinion, are located in less than ideal locations. To presume that subdivisions at other locations should not be approved because they will “saturate[] an already weak real estate market,” or must be done with a lesser density because existing higher density subdivisions are not marketable, presumes that every location in Teton County is the same. Common sense dictates that this is clearly not the case, and the maps contained in the Comprehensive Plan delineating different virtues and values associated with property in Teton County belie this logic as well. Economic recovery can and will occur with the development of more desirable subdivisions located in better locations. You cannot encourage economic development by saying that potential lot purchasers cannot have something better. We therefore hope the Comprehensive Plan does not go too far in its regulation and treatment of future subdivisions based upon current unmarketable lots contained in some of the existing and less-desirable subdivisions. The distressed subdivision language in the Comprehensive Plan should be removed to avoid any confusion as to its meaning and intent. It is irrelevant to consider future development proposals based on existing unsuccessful developments. Each development should be considered on their own merits.

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<sup>5</sup> This map also appears to be inaccurate. For example, it alleges that Huntsman Springs has “no infrastructure,” and is depicted in red. A visual inspection of the site shows that some roads have been constructed, the golf course is operational, and homes have been built. To allege that “no” infrastructure is in place is simply not true.

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We appreciate your consideration of the above comments, and the associated attached documents. In summary, we request the following:

1. The Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed.
2. That provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County’s current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
3. In the alternative, we request that policies which support “strengthening” the wildlife overlay be removed.
4. That language and maps in the Comprehensive Plan which refer to distressed subdivisions be removed.

TCGPR appreciates all Teton County has to offer, which is why its members own land in Teton County. Those virtues must be protected, but not to the extent that private property rights of its landowners are impacted to an unreasonable degree. We presume the real impact of the Comprehensive Plan will be delineated with the promulgation of zoning ordinances associated with it, which is why we believe the comments we are providing must be taken into account now. To the extent our concerns are not recognized, we can only presume that the Comprehensive Plan only gives lip service to private property rights, and the citizens of Teton County should be clear on that before offering their support or non-support for the current draft Comprehensive Plan. TCGPR will work to ensure that any forthcoming zoning ordinance changes are done in a manner that protects private property rights, and to the extent they do not, will explore its legal avenues to challenge the County’s actions to protect those rights. We hope the Comprehensive Plan and those individuals who have prepared it can be taken at their word where the Comprehensive Plan states that “many land owners want the right to be able to subdivide if and when they so choose to do so in the future. This guidance is there not to impinge on future development but to protect it.” *Id.* at 2-5. TCGPR’s comments outlined above are directed at that principle.

Teton County Board of County Commissioners  
May 24, 2012  
Page 11 of 11

Should you have any questions regarding these comments, please have a member of your planning and zoning department give me a call at 523-0620.

Best Regards,



Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, PLLC

Enclosures

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## Sage-Grouse Initiative in Idaho



NRCS developed the Sage-grouse Initiative to help private landowners conserve sage-grouse populations and habitat on their lands.

The greater sage-grouse (*Centrocercus urophasianus*) is a large ground-dwelling bird that depends on large tracts of sagebrush grasslands. Habitat loss is one of the main threats to this species and has contributed to its decline. However, voluntary conservation can play a key role in protecting and restoring sage-grouse habitat.

### Focusing on Manageable Threats

Using the Idaho Department of Fish and Game's 2006 *Conservation Plan for the Greater Sage-grouse in Idaho*, NRCS identified 10 threats to sage-grouse that private landowners could eliminate or reduce on their land. These include threats to birds, such as collisions with fences, escape from watering troughs and predation; and threats to sage-grouse habitat, like juniper encroachment, noxious weed spread, inadequate nesting cover, drained natural moist areas, or range health and condition.

### NRCS technical and financial assistance available for implementing specific practices

The threats were matched with 23 specific range-related conservation practices. NRCS offers financial assistance through the Environmental Quality Incentives Program and the Wildlife Habitat Incentive Program to implement those conservation practices.

The following examples are conservation practices for which landowners may receive a financial incentive under the Sage-grouse Initiative:

- Removing fences or obstructions to assist bird movement
- Marking fence wires to increase visibility
- Applying management strategies that treat invasive species
- Restoring altered hydrology in spring or moist areas
- Planting native shrubs
- Implementing grazing strategies that improve range health, condition and increase cover for nesting



For the complete list of the conservation practices and the threats they address, visit the Idaho NRCS Web site at [www.id.nrcs.programs.sagegrouse.gov/](http://www.id.nrcs.programs.sagegrouse.gov/)



A landowner does not have to treat all threats identified on his property, but the more threats that are addressed through the conservation practices, the higher their application will rank.

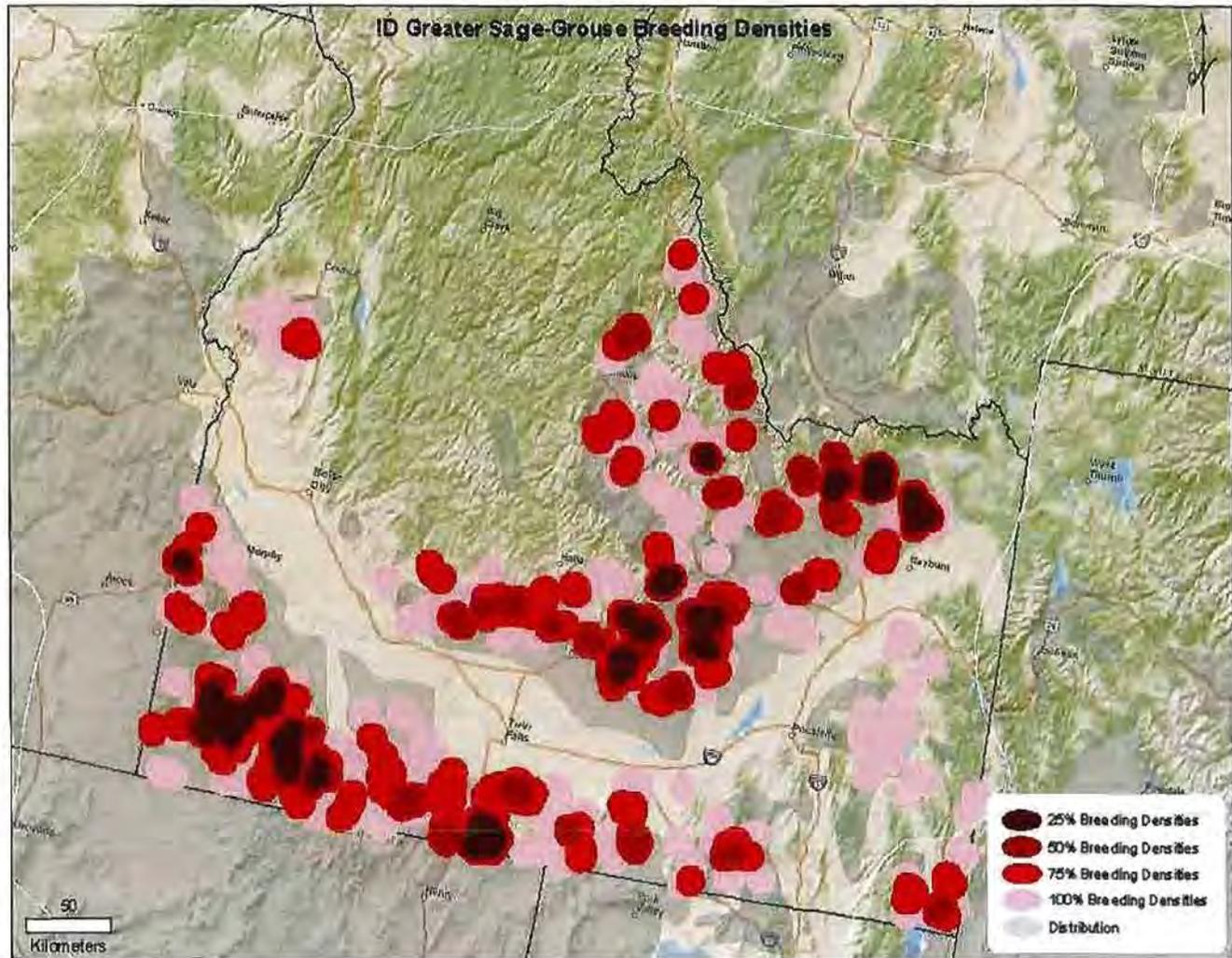
## Idaho sage-grouse habitat priorities areas for NRCS ranking

**Priority 1** - Areas within a 25% Breeding Density Area (contains 25% of breeding sage-grouse population)

**Priority 2** - Areas within a 50% Breeding Density Area (contains 50% of breeding sage-grouse population)

**Priority 3** - Areas within a 75% Breeding Density Area (contains 75% of breeding sage-grouse population)

**Priority 4** - Areas within a 100% Breeding Density Area (contains 100% of breeding sage-grouse population)



For more information, visit the Idaho NRCS Web site at [http://www.id.nrcs.usda.gov/programs/sage\\_grouse/index.html](http://www.id.nrcs.usda.gov/programs/sage_grouse/index.html). Or, visit the NRCS office near you.

NRCS Idaho State Office, 9173 W. Barnes Drive, Suite C, Boise, ID 83709; 208-378-5700

### **An Equal Opportunity Provider and Employer.**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Updated Jan 2011

**Meeting Date:** November 10, 2011

**Agenda Item No.** 20

**Agenda Item:** Department Technical Comment Policy

**Bureau Chief Approval:** VM

**Prepared by:** Commissioner Randy Budge and Sharon W. Kiefer

**Background:**

The Department provides a broad spectrum of technical services to state, federal, and private entities to uphold the Department's mission of protecting, preserving, and managing wildlife (wildlife reflective of I.C. §36-103) as a public trust resource. The Department's expertise and wildlife population management authority enables relevant technical information from staff concerning status of wildlife resources and credible evaluation of the effects that land and water management actions, proposals, and plans might have on wildlife and their habitat as well as recommendations for mitigation. Annually, the Department logs about 2,500 formal and informal technical contacts that range from phone contacts to staff for wildlife information to formal, written comments submitted by the Department for land and water decision processes.

The Department routinely evaluates and provides comments on a range of land and water use actions including development proposals, various projects, and management plans (collectively referenced as "proposals") to decision authorities including federal agencies, various instate governmental entities, and the private sector. Consideration of wildlife information by such decision-makers is of considerable importance in fulfilling the Department's mission.

Proposals encompass the full range of public and private land/water-use activities. The Department has expertise enabling it to provide technical information concerning the effects of proposals on wildlife and their habitat and how adverse effects might be mitigated. For formal decision processes, comments provided by the Department are sometimes required by law such as in Federal Energy Regulatory Committee proceedings, while other times they are solicited or volunteered such as through the federal National Environmental Policy Act or county planning processes.

At times the Department's comments about proposals have extended beyond technical information and recommendations to a specific position regarding a proposal or plan alternative, considered advocacy for a particular decision outcome. Such advocacy is generally not an appropriate role for the Department but is the policy purview of the Commission. The Department recognizes decisions about proposals are the province of relevant regulatory agencies or landowners yet the very nature of many proposals is such that there are identified negative effects to wildlife and their habitat and thus, one could misinterpret Department technical comments as opposition. It is important to the Commission to provide clarity regarding the Department's role in providing comments about proposals to maintain the department's technical credibility and positive relationships with land and water regulatory agencies and landowners and to ensure that the Commission's policy role to adopt a particular position about a proposal, when appropriate, is upheld.

Specific circumstances where it is likely appropriate for the Department or the Commission to take a position for or against a proposal are proposals that affect legal obligations of the Department or the state of Idaho as they relate to wildlife or fishery resources. There may also be circumstances where proposals would affect the management of the Department's own properties, in which case the Department would have a proprietary interest in commenting about a proposal.

Furthermore, the Department engages in collaborative efforts such as the Kootenai Valley Resource Initiative, the Clearwater Basin Collaborative, or the Aspen Working Group, where the Department actively participates as part of a broad spectrum of problem-solving stakeholders to directly shape outcomes beneficial to both wildlife and other resources. In this context, there is value in the Department being a supportive partner of the approach. Another appropriate context for Department support is when projects are developed specifically to benefit wildlife and wildlife-based recreation and uphold the Department's mission, such as certain conservation easements and stakeholder-developed Forest Legacy projects.

**Statutory Authority and/or Policy Issues:**

Adopting the proposed policy is within the general powers and duties of the Commission under I.C. §36-104.

**Public Involvement Process:**

As an action item, there will be opportunity for public comment at the November 9 public hearing.

**Staff Recommendation:**

Staff recommends the Commission pursue policy clarification directing consistent language prefacing technical comments to decision-makers about proposals per Commission adoption of the following resolution:

BE IT RESOLVED, that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving and managing wildlife to provide comments, whether required by law, solicited or volunteered, about proposals concerning their effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. However, in so doing, the Department should not assert any position "for" or "against" the proposal. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. All formal, public comment submitted by the Department to any public or private decision authority shall be prefaced at the top of the document with the following language:

\* ~~THE IDAHO DEPARTMENT OF FISH AND GAME DOES NOT SUPPORT OR OPPOSE THIS PROPOSAL. THE PURPOSE OF THESE COMMENTS IS TO ASSIST THE DECISION-MAKING AUTHORITY BY PROVIDING TECHNICAL INFORMATION ADDRESSING POTENTIAL EFFECTS ON WILDLIFE AND WILDLIFE HABITAT AND HOW ANY ADVERSE EFFECTS MIGHT BE MITIGATED. IT IS NOT THE PURPOSE OF THE IDAHO DEPARTMENT OF FISH AND GAME TO SUPPORT OR OPPOSE THIS PROPOSAL.~~

**Justification:**

In general, the appropriate role of the Department's submissions is to take no position "for" or "against" a particular proposal recognizing the Commission has that policy responsibility, when appropriate. The proposed policy provides direction and clarity to the Department in submitting formal comments about proposals that affect wildlife and their habitat and minimizes misinterpretation of the context of the Department comments.

11/10/11  
Approved by Commission:  
"Unanimous"  
RLB

**Idaho Fish and Game Commission  
November 9-10, 2011  
Idaho Department of Fish and Game  
Best Western Plus Coeur d'Alene Inn  
506 West Appleway  
Coeur d'Alene, Idaho**

**November 9**

**MISCELLANEOUS**

**Commission Field Tour**

Commissioners took a boat tour of Lake Pend Oreille to observe the netting operation, and a trip to Granite Creek to see the kokanee spawning operation.

**Public Hearing**

Chairman McDermott called the November 9, 2011 public meeting to order at 7:03 pm, followed by introduction of the Commissioners, Director, and IDFG staff in attendance. The Chairman made opening remarks regarding the purpose of Fish and Game, the new website, and the conduct of the public meeting.

Brad Frei, outfitter on the Salmon River, expressed concern about the chukar season opening being delayed to Oct 1, 2011. Mr. Frei asked the Commission to restore the traditional September opening date for the Middle Fork because of seasonal access issues. The later season date impacts clients and the outfitting business. Clients have cancelled or not booked trips because of the later opening date and the risks of weather impacting their trips. Commissioner Budge asked Mr. Frei to clarify the end of his guiding season. Mr. Frei responded saying historically it's done by 3<sup>rd</sup> week in September.

Jim Hagedorn wanted to make sure the Commission looks at the Arizona deer, predator, and drought study he shared with Commissioner Trevey. Mr. Hagedorn also believed that the proposed Governor's auction tag separates the poor folk from the elite. Utah started selling auction tags in 1994, and hunters' harvest of deer in Utah has gone in the tank.

Chandie Bartell from Potlatch commented on the elk plan. Potlatch is a small logging town, and the community depends on wild meat for freezers. The 1991-1996 elk plan focused too much on non-consumptive uses.

David Claiborne, Idaho State ATV Association, commented on agenda items 17, 18, 19, and 20. The motorized hunting rules should go by the wayside; they add another unfair layer to travel plans for federal lands. The Commission should not regulate where people can camp.

Virginia Balsler, Idaho for Wildlife (IFW), talked about a Clearwater outfitter who had received and responded to the Fish and Game survey and was frustrated by what he saw in the field stating, "there is nothing left but bears up there." She requested pro-wolf groups be summoned to help restore elk populations. An elk restoration program should be instituted. IFW sees a higher value of elk for families. Wolves impede citizens' rights. Ms. Balsler provided written materials and a photo.

Wes Hansen sees bias in Fish and Game's writing about wolves. Wolves are animals we will either manage or exterminate. There needs to be a balance. Wolf hunting should be based on how many wolves can be sustained in a specific geographic area. There should be compensation to people for verified wolf kills.

involve technical comments and not formal policy. It is rare that we have come to Commission for policy guidance. At the joint meeting with IDPR, the agencies clarified the scope of our comments. The Department has proposed consistent preface language on page 2 of the gold sheet for the Commission's review. Commissioner Budge had a strong hand in this issue.

Deputy Director Kiefer indicated that if the Department had a legal obligation, property interest or is engaged in a collaborative effort such as the Aspen Working Group or the Kootenai Valley Resource Initiative, it is appropriate for the agency to take a position. On other issues, such as subdivisions or travel plans, the agency may make technical recommendations, but not take a position "for" or "against" a proposal.

Commissioner Budge stated that the agency's role is to comment on wildlife impacts, not to advocate for or against a particular project. The intent of the language is only to apply to formal agency comments and to clarify the agency is providing technical assistance.

Commissioner Wright indicated that the issue of trail closures and whether the department supported or opposed them was a point of concern.

Chairman McDermott said this language would allow the director to referee whether there is a policy issue to bring to the commission regarding particular projects.

Director Moore indicated he was supportive of the Department continuing to provide technical input with appropriate preface language. There have been some errors in the past, and the Department's technical comments have been misinterpreted as "making" a landowner do something. If a project presents a large-scale policy issue, we would bring that to the Commission. Where state agency comments are coordinated with those of other agencies through the Governor's office, such as on Gateway West, the Department would not need preface language.

**11-97** Commissioner Budge moved and Commissioner Wright seconded a motion to adopt agenda # 20 as recommended by staff with the reordering of the sentences in the preface language:

BE IT RESOLVED, that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving and managing wildlife to provide comments, whether required by law, solicited or volunteered, about proposals concerning their effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. However, in so doing, the Department should not assert any position "for" or "against" the proposal. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. All formal, public comment submitted by the Department to any public or private decision authority shall be prefaced at the top of the document with the following language:

The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of the Idaho Department of Fish and game to support or oppose this proposal.

All Commissioners voted in favor.

#### **MISCELLANEOUS**

Attn: Comprehensive Plan 354-8778  
(Fax)

Attached please find Draft Plan Comments.

Pages: 8 pages including Cover Page,  
Front & Back

14 Single Pages

From: Marlene Robson

## Draft Plan Comments

## Comprehensive Plan Comments

As you review the DRAFT Comprehensive Plan, please provide comments. The draft plan can be viewed on the [tetoncountyidaho.gov](http://tetoncountyidaho.gov) webpage and click on the link under announcements.

The Plan has been created by countless hours of volunteer work from seven committees. Community members, your neighbors, have worked hard to represent all viewpoints in the Valley to create a Plan that will lead Teton Valley towards a vibrant, sustainable future.

This undiscovered Gem is the result of homesteaders coming here & loving this valley. There has been much hard work, poverty, suffering in keeping this ground in agriculture. Generations have worked hard to preserve this for their children. Some people sold out during the boom & realized some monetary reward. Children have been taught hard work & values growing up here & working. It has been a survival thing. (Farming) We are dependent on prices & weather. We spend thousands of dollars putting in our crops. We are very vulnerable & our investment can be wiped out by drought, hail, frost, wind. No one has to take these risks that wants to look at the open space. This plan is very controversial also. The pendulum has swung way too far to the side of no development.

## Part 1 Comments

## Chapter 1, Executive Summary

The Executive Summary provides a summary overview of the Comp Plan. As you read Chapter 1, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

**1. What are your comments and/or ideas for enhancement of Chapter 1?**

You have a play on words with the 4000 input No. You use input because you have no idea how many individuals gave comments. You have no right to decide who can develop & who cannot. Of course we all love to tell others what to do. You want open space then pay for it! The survey was put together to come up with the values you want. Of course we all love open space & farms. They are beautiful & taken care of. America stands for private property rights. This boom & bust is tied to our National BUST. Our Federal Govt. is almost 16 Trillion in Debt & there is not going to be any boom here unless we get some oil wells. There is no rush to impose a stringent Comp Plan with strangling rules that will affect us well into the future.

## Draft Plan Comments

## Chapter 2. Thinking About Our Future

Chapter 2, Thinking About Our Future, gives a general background of Teton Valley, its recent history and current conditions. As you read Chapter 2, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

## 2. What are your comments and/or ideas for enhancement of Chapter 2?

This plan is also very controversial. You are saying you do not want landowners to be able to develop. Most landowners want to be able to reserve the right to sell off some property if necessary. Idaho State Statute 67-6508 is citing a mandate that every community adopt and regularly update a plan. I have been told that this has to be done every 10 years. This is what you are telling the public, but I cannot find where it says that. It only says a plan be written and amended as necessary. I believe you are trying to ramrod this through before November. I have talked with our Rep. Loertscher & he told me there was no time mandate from the state that he knew about.

Why does property have to be subdivided? What if a landowner wants to sell 1 acre or a small piece. Why should he not be able to do that? If I have 200 acres, why could I not sell 10, or 1 acre, parcels, plus or minus, over the next 10 or 20 years? What would be wrong with that? You are putting restrictions on land sales that we are opposed to.

Page 2-8 There are very few people that can afford parcels of land over 2 acres. Most people want a piece of property away from town to raise a family & maybe have a horse & pets.

## Draft Plan Comments

## Chapter 3. A Community Based Plan

Chapter 3, A Community Based Plan, provides an overview of how this Comprehensive Plan was crafted. This includes a summary of the outreach efforts involved in the Teton Valley 2020 process. As you read Chapter 3, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

### 3. What are your comments and/or ideas for enhancement of Chapter 3?

**4-1** VARD influence is very strong on all of these committees. How can it be right to have an attorney from VARD on a committee. I would like to have a count of how many on the committees are VARD members. ~~Because they~~ There are a few that want to control the whole valley. They have 2 commissioners on their side.

**4-7** Let us fix the roads we already have here before we talk about paving paths to connect all communities. You cannot even drive down the west portion of Packsaddle road. Our roads in Teton County are terrible.

**4-9** Regulations can strangle a community. Some group decided we needed to have a Jed Smith Wilderness Area. So, in the winter snowmobiling is outlawed. There are no animals there in the winter. The animals move down to lower altitudes. Now snowmobilers are forced down into the areas where the animals actually are. But this is against the law now. It is now a law enforcement issue. My point is a lot of times regulations have no common sense. Why create a problem when there doesn't need to be one. This was a wilderness ~~area~~ simply by where it is. Snowmobiles do no damage in winter. Every rule - every plan - every word has consequences. This plan will create undue regulation. We are regulated to death.

## Draft Plan Comments

## Chapter 4: Vision for a Vibrant Future

Chapter 4, A Vision for a Vibrant Future, provides the vision statements produced during the Teton Valley 2020 process. As you read Chapter 4, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

**4. What are your comments and/or ideas for enhancement of Chapter 4?**

**4-11** Playing does not contribute to strong character.

Working is very important and earning your bread is basic to developing a good honest individual & member of our community. It sounds like you want to create a big playground where people can recreate & be happy because they have all these beautiful farms to look at.

**4-13** How do we keep small town if you want to have everyone live in the towns? You want to keep small towns, rural character, but you want to encourage development. You want to encourage development, but you really do not want anymore lots sold here, by anyone north of Driggs that is.

**4-15** Providing Entertainment should not be a huge priority, especially in the recession we are in now. If kids are respectful of their teachers & put in the study time they can learn what they need to. We have good schools & good teachers. We have a lot of good ~~teachers~~<sup>students</sup> & also some students that are disrespectful & just want to be entertained. Good parents & families are key to good schools.

## Draft Plan Comments

## Chapter 5: The Framework Plan

Chapter 5, The Framework Plan, provides the Framework Map and summarizes appropriate land uses in each of the areas on the Framework Map. Chapter 5 also describes the goals and policies identified from the vision statement that support the Framework Plan and Map. As you read Chapter 5, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

**5. What are your comments and/or ideas for enhancement of Chapter 5?**

**5-4** Wildlife is under the Steward of the Fish and Game + State of Idaho. It really should belong to the people but it doesn't. The game should reside on public land and stay in the forest. It is not our responsibility to take care of the wildlife, but we do. They have free range of our property if they want to cross it + eat our crops, they do. There should not be a wildlife overlay. All of our property lies under the wildlife overlay which just places a huge burden of costs of studies + etc., attorney fees etc. just because you draw a line + put almost all of the whole ~~area~~ Valley under the wildlife overlay.

**5-6** The scenic corridor should be left the same as it is. The highway right-of-way should be the scope of scenic corridor. You are trying to regulate every inch of our valley.

## Draft Plan Comments

## Chapter 6: Implementation

Chapter 6, Implementation, provides an implementation plan to achieve the vision outlined in Chapter 4. As you read Chapter 6, please provide your ideas for enhancement. If you have a very specific comment on text or wording, be sure to include the page number that it applies to.

**6. What are your comments and/or ideas for enhancement of Chapter 6?**

Protecting land from development should be the choice of the land owner. You are trying to take away this right by the Comprehensive plan & Zoning. You came here for the quietness and beauty of the area & now you want to bring & use examples from Aspen, Steamboat, Vail, Ketchum, Park City & Missoula. You want to bring that influence here. We really prefer to not have large groups of people here. You bring them here & then you don't want them to stay. We object to becoming a microbrewing area. Surely, we can up with something more positive than that.

**6-10** Our Nation is in deep trouble because we are so far in debt. People are not spending money right now & these lots we have will probably not sell in the near future.

## Draft Plan Comments

## General Comments

**7. Generally, what is your level of support for the draft Comprehensive Plan?**

Love it!

I can live with it.

I don't like it.

**8. If you like it, briefly (50 words or less) tell us why.** ~~XXXXXXXXXX~~

**9. If you don't like it, briefly (50 words or less) tell us why.** The Comp. Plan seeks to regulate every inch of Teton Valley. You are giving the code writers a blanket document to do a very extreme plan of telling private property owners what they can & cannot do.

**10. Please provide any additional feedback you have about the draft Comprehensive Plan.**

The Comp Plan takes away private property rights & gives control to a select few. When you go to one extreme the public will revolt & will then demand change & the pendulum will swing dramatically the other direction. 3 County Commissioners should not have this much control over every aspect of our county. Basically this Comp. plan will give the Commissioners control over every inch of our county through wildlife & water overlays. Also the scenic corridor & the zoning gives them control. This Comp. plan sounds like it is trying to create a National Park with all of the trails, watching areas, biking, & recreation. You want the landowners to provide all of the open space & beauty of their well kept lands for all of the park visitors. It is not a well rounded plan & has no consideration for the land owner.

Draft Plan Comments

Account Yes

11. Please fill in your contact information. Please make sure you include a phone number if you do not have an email.

Name:

Address:

City/Town:

State:

Zip:

Email Address:

Phone Number:

12. In which part of Teton County do you live or most associate with?

Felt

Tonia

Driggs

Victor

Unincorporated Teton County, ID

Other Idaho

Alta, WY

Other Wyoming

Other (please specify)

**Draft Plan Comments**  
**The Process**

The following questions do not have to do with the Plan itself, but rather the process by which this Draft Comprehensive Plan was produced. These questions are to help the County to evaluate the Teton Valley 2020 process.

**13. How did you hear about this online questionnaire?**

- Word-of-mouth
- Website
- Subcommittee Member
- Newspaper Ad
- Mailer in mailbox
- Email alert from an organization

Other (please specify)

\_\_\_\_\_

**14. What other Teton Valley 2020 activities have you participated in (please check all that apply)?**

- Other online questionnaires
- I attended an Open House
- I attended a meeting
- I'm a subcommittee member
- I read an article in the paper
- I stopped by the Plan Van last summer
- I went to a meeting where there was a Teton Valley 2020 presentation
- I've perused drafts of committee work

Other (please specify)

\_\_\_\_\_

**Draft Plan Comments****The Process**

**15. The following is a list of the committee members that have worked on the Comprehensive Plan. Each subcommittee met 13 times and the Core Committee met 17 times over the past year. The Plan for Planning committee met two times a month for about six months starting in spring of 2010. These volunteers have put in countless hours of their time to create the document that has become the Draft Comprehensive Plan.**

**Plan for Planning (P4P) Committee**

Aaron Driggs

Brett Cooke

Dahvi Wilson

Darryl Johnson

Jeff Potter

Kendall Jelley

Kevin Owyang

Shawn Hill - Chairperson

**Rural Character + Ag Heritage Sub-Committee**

Dennie Arnold - Chairperson

Bonnie Reece

Brian Ashton

Bruce Arnold

Jack Liehenthal

Katherine Shepard

Jim Douglass

Sandy Mason

**Teton County Comprehensive Plan Core Committee**

Clave Booker - Chairperson

Dave Hensel

Kerry Buxton

Julia Stonper

Ian Noyes

Joe Madsen

Gina Hickey

\*Chairperson from each Sub-Committee

**Economic Development Sub-Committee**

Pete Koson - Chairperson

Anna Trentadue

Bob Foster

Brian Gibson

Hyrum Johnson

John Bingham

Lynda Skujins

Shannon Hamby

Tony Goe

Wayne Maness

**Dear Valued Comments**

**Transportation Sub-Committee**

- Tim Adams - Chairperson**
- Allen Monroe**
- Anne Callison**
- Jack Haddock**
- Lindsey Love**
- Ralph Mossman**

**Natural Resources + Outdoor Recreation Sub-Committee**

- Amy Verbeten - Chairperson**
- Brian Schmidt**
- Jennifer Dustin**
- Joanne Labelle**
- Julianna Eby**
- Lauren Wendt**
- Matt Lucia**
- Matt Mullenbach**
- Wade Kaufman**
- William Powell**

**Community Events + Facilities Sub-Committee**

- Diane Temple - Chairperson**
- Alice Stevenson**
- Carie Mowrey**
- Doug Self**
- Erica Linnell**
- Greg Casperson**
- Jack Revoyr**
- Jeff Potter**
- Jo Haddock**
- Lindsey Moss**
- Marie Tyler**
- Matthew Eagens**

**Do you know at least one of these people?**

Yes  
 No

Draft Plan Comments

The Process

16. How would you rate your own level of involvement in the creation of the Draft Comprehensive Plan?

This is the first I've heard of it

I've dabbled

I've participated at every point possible

1

2

3

4

5

Brief Comment Very hard to attend & try to run a business & care for aging parents and take care of all responsibilities.

17. What is your perception of the level of community involvement in writing the Draft Comprehensive Plan?

No community involvement

Some community involvement

High level of community involvement

1

2

3

4

5

Brief Comment Some of the people who have a lot of time to recreate & are retired may have more available time. I believe the VARD People really had a big impact on this. Also the Colorado Firm wrote all of the language for this,

18. In general, do you think the process by which the Draft Comprehensive Plan was produced was a fair process?

Not fair at all, biased

Neutral

Absolutely Fair

1

2

3

4

5

Brief Comment VARD has way too much input & were heavily involved in all the Committees.

19. Is there anything else you would like to tell us about the Teton Valley 2020 process- the process by which the Draft Comprehensive Plan was created?

This Comp Plan is a Pre-Written Plan that is written by A Com. I believe the Framework & wording of the plan was already in place. It is being implemented in other communities around the country. Also, I believe the Commissioners let them know what to come up with or they knew which firm to hire that could help implement the plan they have in mind. Some of the Commissioners are very supportive of VARD & VARD'S Agenda.

**From:** Caroline Reynolds [<mailto:caroliner@silverstar.com>]

**Sent:** Tuesday, June 12, 2012 12:19 PM

**To:** Angie Rutherford

**Cc:** Joanne LaBelle; Kelly Park; Tony; Bob Foster; Lynda Skujins; Aaron Driggs; [barnold@silverstar.com](mailto:barnold@silverstar.com); [arnfarm@silverstar.com](mailto:arnfarm@silverstar.com)

**Subject:** Comp Plan draft of 6/8/12 Comments

*Angie: This afternoon at the meeting, I will give you a marked-up copy of the 6/8 draft for reference. It will include a little more than what is below.*

*Overall opinion: Many of the easy comments have been addressed. However, large issues remain unresolved even tho acknowledgement is sometimes seen in the comment boxes.*

*Significant revision:*

*The "very" was removed from the term "very low" as applied to dwelling densities of the Mixed Ag/Wetlands and Foothills land use categories. This is due to Dennie Arnold's work on the Rural Character + Ag Heritage Sub-Committee and is a good step in the right direction but not enough.*

*Other revisions:*

*The "green" as in green businesses was removed and replaced with "environmentally friendly" in some places. However, in Chapter 6, in the chart for Community Events + Facilities, in the key actions column (used to be p. 6-23) "Green Programs" should be similarly changed. Also see comment in "Disingenuous" section below.*

*Some of the statements in the first chapter re community participation in the process without statistical justification were removed or changed.*

*The role of the national economy and national real estate boom/bust cycle was added so that now it doesn't appear as if our problems here were due merely to an inadequate Comp Plan.*

*An indoor shooting range and snowmobiling were added to the list of suggested recreational amenities to be promoted.*

*Comments acknowledged with use of comment boxes in the margin, but not acted on:*

*no increased role of County in wildlife management (including overlays) suggested (used to be pp 5-25, 5-31, 6-18);*

*change density descriptors to only low, medium, and high or eliminate them altogether (used to be pp 5-3 thru 5-6);*

*remove climate conservation from consideration(used to be p. 5-20);*

*inclusion of lighting as a safety issue (in conflict with dark skies proposal);*

*zoning ordinances to be based on "Policies" of Comp Plan (State Statute 67-6511), not Framework Plan or Framework Map (used to be p 6-11)*

*Disingenuous "changes":*

*The wording on what used to be p 6-11 was changed from 'zoning code to be revised to reflect the Framework **Map**' to 'reflect the Framework **Plan**.' This, at first, appears to be a possible concession. But, later on in chapter 6 (used to be p. 6-26) a sentence was inserted that defines Framework Plan as including the "goals and policies and Framework Map."*

*The data from the Indianapolis situation as an example for our County was left in but the the references to "Indianapolis" were removed so that the ridiculousness of the comparison is not obvious. It is, however, still there. Now with the re-wording, it sounds as if homes along*

greenway systems are always more valuable (used to be p. 6-6). Data are not presented to support this.

Instead of removing the word green from "green technologies" (used to be p 6-3) and replacing with "environmentally-friendly," it was changed to "green environmentally-friendly."

Comments ignored and some new ones:

reliance on Framework Map or Framework Plan including Map for zoning ordinances, county planning etc. not warranted (used to be pp 5-17, 6-11, 6-26, 6-35);

notes at bottom of Framework Map need to state that it (map) does not define or dictate planning zones and that it is auxiliary info only;

futility and overreach of County to presume to protect or improve species diversity (used to be pp 5-20, 5-25);

delete names of specific industries to be encouraged (used to be p 6-3);

the list of resort communities which we are apparently supposed to emulate remain (used to be p 6-7);

definition of family, family members and immediate family (pertaining to family lot splits) needed;

definition of large lot needed;

definition of density bonuses and clustering incentives needed to help distinguish the difference;

definition of screening needed (used on what used to be p. 6-19);

definition of short plat needed;

definition of "green" (as in green environmentally friendly -- used to be p 6-3) needed if the terminology remains;

no statutory requirement to update Comp Plan every 5 years (used to be p 6-39).



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May 24, 2012

**VIA REGULAR MAIL AND EMAIL**

Teton County Board of County Commissioners  
c/o Angie Rutherford  
150 Courthouse Dr., Room 107  
Driggs, ID 83422

Email: [CompPlan@co.teton.id.us](mailto:CompPlan@co.teton.id.us)  
[commissioners@co.teton.id.us](mailto:commissioners@co.teton.id.us)

**RE: *Comments From the Teton County Group for Property Right ("TCGPR")  
Regarding Draft Comprehensive Plan for Teton County, Idaho.***

Dear Ms. Rutherford:

Our firm represents a group of individuals concerned with the property rights of individuals located in Teton County (the "County"), who call themselves the Teton County Group for Property Rights, or "TCGPR". TCGPR consists of a number of large and small landowners in Teton County. Our understanding is that we are to submit comments to you regarding the *Draft Comprehensive Plan for Teton County, Idaho* (the "Comprehensive Plan"), and you will then ensure these comments are provided to the Teton County Board of County Commissioners. We have also sent this letter by email to the email addresses set forth above, which we obtained from the Teton County website.

We understand the Comprehensive Plan remains open for comments, and there is currently a date scheduled for an open house to provide such comments on May 30<sup>th</sup> and 31<sup>st</sup>. We further understand there will be a joint BOCC/PZC/CC meeting at 5:30 p.m. on May 31<sup>st</sup>. To ensure that you have adequate time to consider our comments, we have provided these comments in advance of the May 30<sup>th</sup> open house.

It is our understanding that Teton County is in the process of its final review of an amended Comprehensive Plan that is currently a working draft. We further understand from our review of public materials that the intent of developing the Comprehensive Plan is to receive input from a number of sources, primarily through grass roots efforts. It does not appear

concerns voiced by a number of individuals at a recent Comprehensive Plan meeting in Teton have been addressed and incorporated into the current draft Comprehensive Plan. It is our hope this letter will again re-emphasize the concerns voiced by these landowners, which mirror TCGPR's concerns, as well as other concerns specific to TCGPR. It is our desire that these comments and considerations will be incorporated into the final version of the Comprehensive Plan before it is adopted.

The draft Comprehensive Plan contains numerous references to the County's goal of protecting private property rights. For example, the Comprehensive Plan contains the following statement:

Property rights are often compared to a bundle of sticks where each stick represents a different right. Sticks within the landowner's property rights bundle most often include the right to occupy, sell, lease, mortgage, donate, grant easements, use and exclude. Rights that could be held by the owner or separated from the bundle include mineral rights, air rights, water rights or development rights.<sup>1</sup>

*Comprehensive Plan* at 1-5.

The Comprehensive Plan goes on to state that "[t]his Plan strives to provide a balance between private and public property rights." *Id.* Further, "[w]hile few want to subdivide their property at this time, many land owners want the right to be able to subdivide if and when they so choose to do so in the future. This guidance is there not to impinge on future development but to protect it." *Id.* at 2-5.<sup>2</sup>

While TCGPR appreciates this important acknowledgement of private property rights, based upon our review of the Comprehensive Plan, the language set forth in some of the provisions of the Comprehensive Plan embrace principles that are out of balance and potentially improperly infringe on the private property rights of landowners.

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<sup>1</sup>A prior version of the draft Comprehensive Plan stated this principle in a slightly different way: "Property rights associated within private property have been compared to a bundle of sticks where each stick represents an individual right. Some of these represented rights within the "bundle" are mineral resources, air rights, the ability to sell, lease mortgage, donate, grant easements **and to subdivide.**" It is unclear why reference to the right to subdivide was removed in the latest draft, but clearly the right to subdivide would be part of a property owner's bundle of rights.

<sup>2</sup> Page 3-2 also provides that in the context of the five major content areas of the Comprehensive Plan, P4P decided that this should be done ". . . recognizing that property rights was an important part of all of these pieces and would be considered at all categories throughout the process."

We understand the vision contained in any comprehensive plan is eventually given real meaning when such vision is implemented through county ordinances, and the final version of those ordinances will ultimately determine whether or not private property rights have been infringed upon in an unlawful manner.<sup>3</sup> However, because zoning ordinances must be in accordance with the Comprehensive Plan (Idaho Code §§ 67-6511 and 67-6535(a)), we want to be on the record with our concerns regarding language in the Comprehensive Plan because of how this language may be interpreted in the preparation and adoption of amended zoning ordinances.

Therefore, as further explained below, we request the following:

1. The Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed. For example, the Foothills land use lists “[v]ery low residential densities with provision for clustering/conservation development.” This should simply be replaced with “residential.”
2. Provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County’s current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
3. In the alternative, we request that policies which support “strengthening” the wildlife overlay be removed.
4. The language and maps in the Comprehensive Plan which refer to distressed subdivisions be removed.

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<sup>3</sup> “This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. The Board may, therefore, refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels with the jurisdiction.” *Urrutia v. Blaine County*, 134 Idaho 353, 357-58, 2 P.3d 738, 742-43 (2000); “A comprehensive plan is not a legally controlling zoning law, . . .” *Evans v. Teton County*, 139 Idaho 71, 76, 73 P.3d 84, 89 (2003).

### **Removal of Vague Residential Density Terms**

Chapter 5 of the Comprehensive Plan describes “The Framework Plan.” A prior draft of the Comprehensive Plan described different “Land Uses,” including “Rural Agriculture,” “Mixed Agriculture/Wetland,” “Mixed Agriculture B,” “Foothills,” and “Waterway Corridors.” The prior draft also provided that in each of these categorized areas, the desired future land uses included “estate residential.”

There was no definition of “estate residential” in the prior draft. The term infers that land with these classifications—which, for example, includes **all** of the land west of the Teton River based on the map at page 5-2 of the Comprehensive Plan—could only have “estate residential” development lots.

In a more recent version of the Comprehensive Plan, land classifications have been changed and the term “estate residential” has been removed from the preferred land uses. In its place, the revised draft contains statements such as “low-density residential, with provisions for clustering/conservation developments to protect natural resources or rural character,” “[v]ery low density residential development, with provisions for clustering/conservation developments to protect natural resources,” and “medium-low density.” None of these densities are defined or described in any detail. It is unclear whether they are more or less restrictive densities than estate residential. The inference is that approved lot sizes must be much larger and have a reduced density. This inference is supported by page 6-19 of the Comprehensive Plan, which states that an intended key action through county planning is to “[s]trengthen the wildlife and natural hazard overlays, including further reducing density in riparian, wetland, floodplain and other sensitive or hazardous areas.” Virtually the entire western side of the Teton Valley, for example, could be classified as one of these areas, which could then disproportionately and negatively impact owners of these properties. Other landowners throughout the valley could be impacted as well. Policies that support such a disproportionate impact should be removed from the Comprehensive Plan.

The Comprehensive Plan should remove these vague density terms. Land use regulations should be sufficiently explicit so that a reasonable landowner can understand what is required to comply with the regulations and plan his or her land use accordingly. Local regulations should use clear and concise language, and should define terms so that the reader is left with little doubt as to what is required or intended. The current Teton County zoning designations are A2.5 and A20. Are the new categories of density contained in the draft Comprehensive Plan A2.5 and A20? Or does the County intend to reduce or change these densities? Is A20 considered “very low” density? Or does “very low” density mean something else? Does the County intend to move to rezone the entire county if this Comprehensive Plan is adopted? These are the types of

questions that all landowners will be asking. The lack of definition for these terms will lead to confusion because the density categories are patently vague and ambiguous.

Given the lack of definitions, the Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses described in the Comprehensive Plan, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed.

### **Wildlife Overlay**

In a similar vein, we remain concerned with the application of the County’s adopted wildlife overlay, which TCGPR believes infringes upon landowners’ property rights because regulation of wildlife is likely outside of a county’s police powers to regulate property for the health, safety, and morals of its citizens. Land ownership, and the rights incidental thereto, are perhaps best summarized as follows:

The right to own and enjoy private property is fundamental. It is one of the natural, inherent and inalienable rights of free men. It is not a gift of our Constitutions, because it existed before them. Our Constitutions embrace and proclaim it as an essential in our conception of freedom.

*State vs. Thompson*, 136 Idaho 322 at 323-324, 33P.3d 213, 214-215 (Ct. App. Idaho 2001).

While we agree with the inherent right to enjoy private property, we also recognize property ownership in a modern society does not allow for unfettered use of the property, and planning and zoning of property is permitted by city and county governments under the Local Land Use Planning Act, or “LLUPA.” However, zoning ordinances can be invalidated if they are deemed to be unreasonable. *Dry Creek Partners, LLC v. Ada County Comm’rs, ex rel. State*, 148 Idaho 11, 19, 217 P.3d 1282, 1290 (2009). In that context, “a zoning ordinance is only unreasonable when it is arbitrary, capricious, or discriminatory. Such circumstances exist when the ordinance bears ‘no substantial relationship to the public health, safety, morals, and general welfare.’” *Id.* (internal citations omitted).

With specific respect to wildlife, regulation of this resource occurs through the Idaho Department of Fish and Game as described in Title 36 of the Idaho Code. The Idaho Supreme Court has stated, with regard to police powers conferred on cities and counties:

[T]he Constitution of the State of Idaho grants to cities the right to make and enforce, within their limits, all local police regulations that are not in conflict with their charters or with the general laws. This general granted police power,

however, is limited by the restriction that ordinances enacted under the authority conferred by this constitutional provision must not be unreasonable or arbitrary.

*Ciszek vs. Kootenai County Board of Commissioners*, 254 P.3d 24, 32 (2011).

In other words, the actions of local governing boards must be reasonable, and cannot be arbitrary, capricious, or discriminatory, and must bear a substantial relationship to the public health, safety, morals, and general welfare of its citizens.

The individuals comprising TCGPR are conservation-minded landholders, who care for and are concerned about wildlife. The concern of TCGPR is that the Comprehensive Plan and its associated wildlife overlay go too far and diminish property rights. To the extent the Comprehensive Plan and its associated ordinances relating to the wildlife overlay remain, TCGPR maintains this could potentially expose Teton County to a regulatory takings claim or other legal action.

At this point it is still not entirely clear what effect the Comprehensive Plan will have on the county's current policies and zoning designations, and whether the next step after adoption of the Comprehensive Plan is a wholesale rezone of the County. However, the purpose of these comments is to point out that the County's regulations, which include zoning, cannot unreasonably infringe upon a landowner's reasonable investment-backed expectations. For example, in *Florida Rock Industries, Inc. vs. United States*, 45 Fed.Cl. 21, 49, ERC 1292, (1999), the Court of Federal Claims discussed a compensable partial regulatory taking of property and that a partial taking occurs when a regulation singles out a few property owners to bear burdens, while benefits are spread widely across the community. The wildlife overlay does just that by allowing the urban residents of Teton County to benefit at the expense of a rural few who happen to own property away from the cities of Driggs, Victor, and Teton. Such regulation does not promote a sense of community, but instead perpetuates the idea that once someone has their home in the County where they want, no one else should be able to build their home in the County where they desire. The right to purchase or construct a home at a resident's desired location should be enjoyed by all of Teton County's residents, regardless of when or where they decide to put their roots down.

As a practical matter, perhaps the County should consider whether or not the County's approach to protection of wildlife is inconsistent with the approach taken by federal and state agencies working to protect non-endangered wildlife. For example, attached is a copy of an information flyer for the "Sage-Grouse Initiative in Idaho," which is overseen by the National Resource Conservation Service ("NRCS"). In this document, the NRCS identifies habitat loss as one of the main threats to sage-grouse. In response to this problem, the NRCS has not attempted to infringe on property rights or stymie development, but instead has funded a program that seeks *voluntary* conservation—"[v]oluntary conservation can play a key role in protecting and restoring sage-grouse habitat."

For the benefit of all, the NRCS provides financial assistance to landowners who engage in certain conservation practices. This is the model that Teton County should adopt—a voluntary approach to wildlife conservation that balances the rights of property owners with those that live in Teton Valley and enjoy its wildlife. Current homeowners should not be entitled to enjoy open space and habitat protection entirely at the expense of those landowners who own open space and habitat and who may elect to subdivide their property in the future. Yet this is exactly what the County intends to do. The most recent version of the Comprehensive Plan states expressly that with different land types the overlays should be used to limit development. For example, under the Foothills designation, it states: “Development limited by overlays and development guidelines to protect natural resources.” This language did not exist in a prior version of the Comprehensive Plan, and it should be removed from the most recent version. In its place, the Comprehensive Plan should adopt and encourage private partnerships with landowners to mitigate impacts to wildlife in the development process.<sup>4</sup> Instead, the policy contained in the Comprehensive Plan seeks to strengthen the wildlife overlay by presumably incorporating more regulation and further restriction at the County level. This will penalize responsible landowners who were wise enough not to sell or develop their land during the real estate boom period.

It should be noted that there are no County ordinances of which we are aware that require a landowner to maintain wildlife habitat. A landowner could plow up his or her grassland, or clear timber from the property, to farm the property. A landowner could also fence off his or her property to keep wildlife out. Why, then, can the County expect to regulate development in wildlife areas when the wildlife could be excluded by the landowner in the first place? The point is that if the County regulates property to the point that a landowner views wildlife as a liability to their property interests, the actions of the County could very well become counterproductive and detrimental to wildlife. Because wildlife do not recognize political boundaries, it makes logical sense that they should be regulated, studied, and managed consistently throughout the entire State by the agency that has been statutorily mandated to manage our wildlife—the Idaho Department of Fish and Game—and not individual counties. For example, agents of IDFG have the ability to arrest those that harm wildlife or violate Idaho’s wildlife laws. Counties do not. Teton County therefore has an opportunity to amend its Comprehensive Plan to include policies that are well within its police powers, and not on the fringes of those powers, by overlapping regulation on an issue entirely with an existing agency of the State of Idaho.

The Comprehensive Plan should turn away from the overlay approach because it is unpredictable and disorderly. Land use regulations should be sufficiently explicit so that a reasonable landowner can understand what is required to comply with the regulations and plan his or her land use accordingly. Local regulations should use clear and concise language, and should define terms so that the reader is left with little doubt as to what is required or intended.

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<sup>4</sup> This is mentioned on page 5-31 of the Comprehensive Plan, which lists as a goal a desire to develop means to compensate private property owners for large parcels of open space. However, greater emphasis should be placed on this goal throughout the Comprehensive Plan, and should replace discussion of the wildlife overlay.

For example, the current zoning ordinances that address the wildlife overlay suggest that County officials will look for "indicator species" or "indicator habitat." Yet, there are no definitions or maps that show where these indicator items may be found, or what they are. These terms are vague and ambiguous, and are neither orderly nor predictable. The County has effectively delved into an area best left to the oversight of State and federal officials.

To be clear, TCGPR is not opposed to measures that may be *suggested* by the Idaho Department of Fish and Game to minimize impacts from development on fish and wildlife. For example, a suggestion that wildlife-friendly fencing be used within a subdivision is an appropriate suggestion. But these suggestions should come from IDFG, and certainly the County could solicit their comments on how impacts to a project could be mitigated. This principle is consistent with recently adopted IDFG policy. Enclosed for your reference is a copy of the actual agenda item and hand written notes of Fish and Game Commissioner Randy Budge. The policy contained therein limits IDFG's involvement in any matter to only providing technical information, and to suggest how any adverse effects from a proposed action might be mitigated. We have also included copies of the relevant adopted minutes from such meeting indicating that all Commissioners voted in favor of the policy. Pursuant to this policy, all formal, public comments submitted by IDFG to any public or private decision-making authority have to be prefaced with the following language:

The purpose of these comments is to assist the decision making authority by providing the technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of the Idaho Department of Fish and Game to support or oppose this proposal.

The key portion of this statement is that IDFG's policy mandates that they provide technical analysis of what impacts may be associated with a particular action, and how those actions could be mitigated.

We understand IDFG has been involved in the preparation of the wildlife overlay, and its involvement would likely not have been permitted had the above policy been in place at the time. What is clear is that with the adopted policy now in place, any continued involvement by IDFG in the wildlife overlay would be beyond providing technical information, and would be inappropriate. Comments by IDFG should be limited to providing technical information only when a development is proposed, and to suggest how any adverse wildlife effects associated with that project might be mitigated. IDFG's comments should be strictly technical, not adversarial to landowners or developers in general.

We therefore request that provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. The Comprehensive Plan should adopt and encourage

partnerships with landowners to mitigate impacts to wildlife in the development process. In the alternative, we request that statements in the Comprehensive Plan which support “strengthening” the wildlife overlay are removed. If anything, the wildlife overlay should be limited from its current application.

### **Distressed Subdivisions**

Finally, we note the Comprehensive Plan discusses distressed subdivisions in Teton County, and even includes a map with alleged distressed subdivisions. See *Comprehensive Plan* at 2-7.<sup>5</sup> The Comprehensive Plan goes on to say that “[a]s a result of these conditions and a somewhat flexible regulatory environment, thousands of lots were created in subdivisions that now lie empty. The over abundance of undeveloped platted residential lots (over 7,000) make economic recovery even more difficult by saturating an already weak real estate market.” *Comprehensive Plan* at 2-5.

We recognize the real estate market is less than ideal at the current time, and agree there is a problem with undeveloped subdivisions. However, there is a logical disconnect in the Comprehensive Plan to the extent the Comprehensive Plan assumes that because there is an oversupply of subdivided lots, there is no need for future subdivisions to aid in the economic development (and recovery) of Teton County. The ability to market and sell real state is obviously dependent on location, and the majority of existing distressed subdivisions, in our opinion, are located in less than ideal locations. To presume that subdivisions at other locations should not be approved because they will “saturate[] an already weak real estate market,” or must be done with a lesser density because existing higher density subdivisions are not marketable, presumes that every location in Teton County is the same. Common sense dictates that this is clearly not the case, and the maps contained in the Comprehensive Plan delineating different virtues and values associated with property in Teton County belie this logic as well. Economic recovery can and will occur with the development of more desirable subdivisions located in better locations. You cannot encourage economic development by saying that potential lot purchasers cannot have something better. We therefore hope the Comprehensive Plan does not go too far in its regulation and treatment of future subdivisions based upon current unmarketable lots contained in some of the existing and less-desirable subdivisions. The distressed subdivision language in the Comprehensive Plan should be removed to avoid any confusion as to its meaning and intent. It is irrelevant to consider future development proposals based on existing unsuccessful developments. Each development should be considered on their own merits.

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<sup>5</sup> This map also appears to be inaccurate. For example, it alleges that Huntsman Springs has “no infrastructure,” and is depicted in red. A visual inspection of the site shows that some roads have been constructed, the golf course is operational, and homes have been built. To allege that “no” infrastructure is in place is simply not true.

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We appreciate your consideration of the above comments, and the associated attached documents. In summary, we request the following:

1. The Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed.
2. That provisions are added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County’s current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
3. In the alternative, we request that policies which support “strengthening” the wildlife overlay be removed.
4. That language and maps in the Comprehensive Plan which refer to distressed subdivisions be removed.

TCGPR appreciates all Teton County has to offer, which is why its members own land in Teton County. Those virtues must be protected, but not to the extent that private property rights of its landowners are impacted to an unreasonable degree. We presume the real impact of the Comprehensive Plan will be delineated with the promulgation of zoning ordinances associated with it, which is why we believe the comments we are providing must be taken into account now. To the extent our concerns are not recognized, we can only presume that the Comprehensive Plan only gives lip service to private property rights, and the citizens of Teton County should be clear on that before offering their support or non-support for the current draft Comprehensive Plan. TCGPR will work to ensure that any forthcoming zoning ordinance changes are done in a manner that protects private property rights, and to the extent they do not, will explore its legal avenues to challenge the County’s actions to protect those rights. We hope the Comprehensive Plan and those individuals who have prepared it can be taken at their word where the Comprehensive Plan states that “many land owners want the right to be able to subdivide if and when they so choose to do so in the future. This guidance is there not to impinge on future development but to protect it.” *Id.* at 2-5. TCGPR’s comments outlined above are directed at that principle.

Teton County Board of County Commissioners  
May 24, 2012  
Page 11 of 11

Should you have any questions regarding these comments, please have a member of your planning and zoning department give me a call at 523-0620.

Best Regards,



Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, PLLC

Enclosures

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## Sage-Grouse Initiative in Idaho



NRCS developed the Sage-grouse Initiative to help private landowners conserve sage-grouse populations and habitat on their lands.

The greater sage-grouse (*Centrocercus urophasianus*) is a large ground-dwelling bird that depends on large tracts of sagebrush grasslands. Habitat loss is one of the main threats to this species and has contributed to its decline. However, voluntary conservation can play a key role in protecting and restoring sage-grouse habitat.

### Focusing on Manageable Threats

Using the Idaho Department of Fish and Game's 2006 *Conservation Plan for the Greater Sage-grouse in Idaho*, NRCS identified 10 threats to sage-grouse that private landowners could eliminate or reduce on their land. These include threats to birds, such as collisions with fences, escape from watering troughs and predation; and threats to sage-grouse habitat, like juniper encroachment, noxious weed spread, inadequate nesting cover, drained natural moist areas, or range health and condition.

### NRCS technical and financial assistance available for implementing specific practices

The threats were matched with 23 specific range-related conservation practices. NRCS offers financial assistance through the Environmental Quality Incentives Program and the Wildlife Habitat Incentive Program to implement those conservation practices.

The following examples are conservation practices for which landowners may receive a financial incentive under the Sage-grouse Initiative:

- Removing fences or obstructions to assist bird movement
- Marking fence wires to increase visibility
- Applying management strategies that treat invasive species
- Restoring altered hydrology in spring or moist areas
- Planting native shrubs
- Implementing grazing strategies that improve range health, condition and increase cover for nesting



For the complete list of the conservation practices and the threats they address, visit the Idaho NRCS Web site at [www.id.nrcs.programs.sagegrouse.gov/](http://www.id.nrcs.programs.sagegrouse.gov/)



A landowner does not have to treat all threats identified on his property, but the more threats that are addressed through the conservation practices, the higher their application will rank.

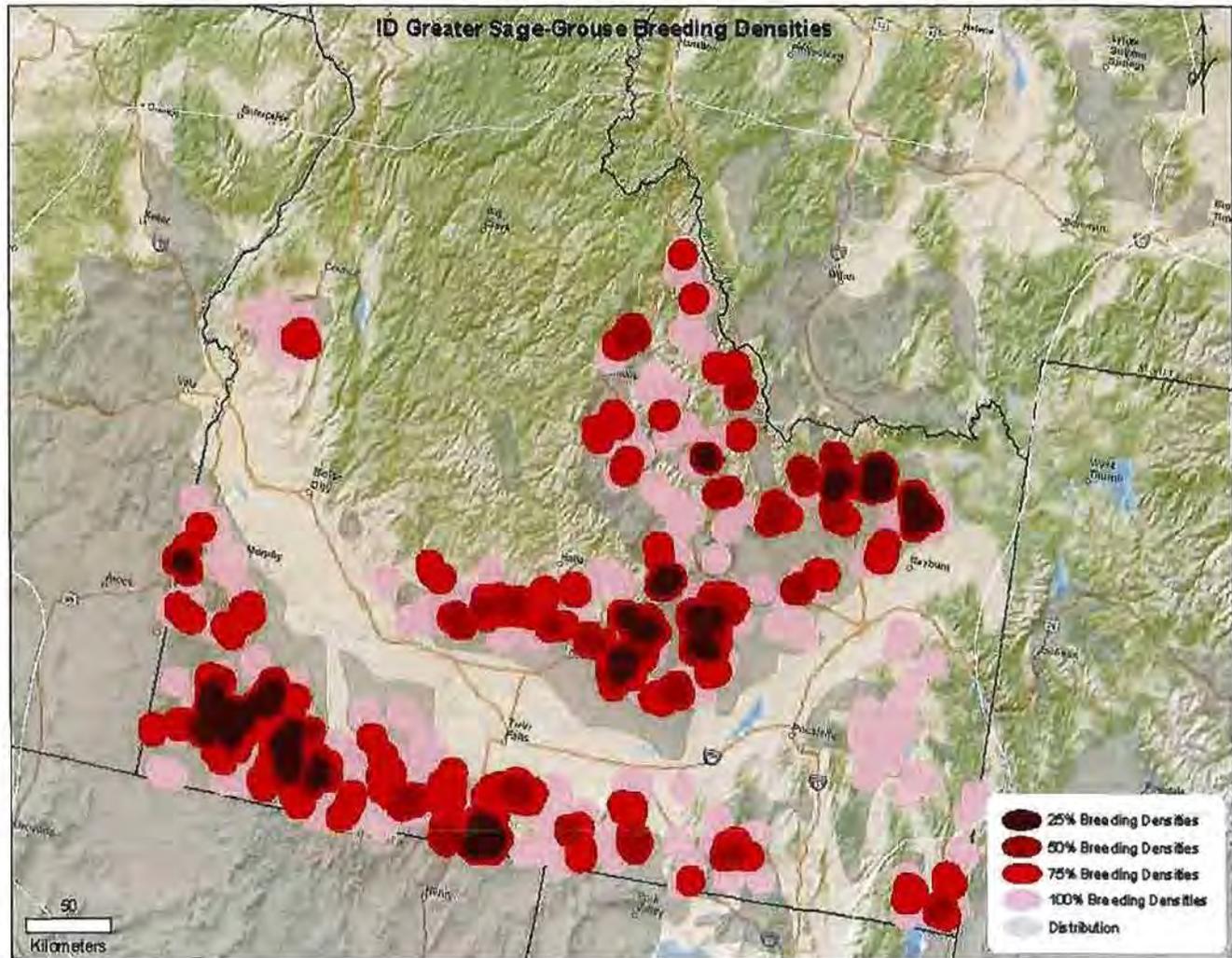
## Idaho sage-grouse habitat priorities areas for NRCS ranking

**Priority 1** - Areas within a 25% Breeding Density Area (contains 25% of breeding sage-grouse population)

**Priority 2** - Areas within a 50% Breeding Density Area (contains 50% of breeding sage-grouse population)

**Priority 3** - Areas within a 75% Breeding Density Area (contains 75% of breeding sage-grouse population)

**Priority 4** - Areas within a 100% Breeding Density Area (contains 100% of breeding sage-grouse population)



For more information, visit the Idaho NRCS Web site at [http://www.id.nrcs.usda.gov/programs/sage\\_grouse/index.html](http://www.id.nrcs.usda.gov/programs/sage_grouse/index.html). Or, visit the NRCS office near you.

NRCS Idaho State Office, 9173 W. Barnes Drive, Suite C, Boise, ID 83709; 208-378-5700

### **An Equal Opportunity Provider and Employer.**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Updated Jan 2011

**Meeting Date:** November 10, 2011

**Agenda Item No.** 20

**Agenda Item:** Department Technical Comment Policy

**Bureau Chief Approval:** VM

**Prepared by:** Commissioner Randy Budge and Sharon W. Kiefer

**Background:**

The Department provides a broad spectrum of technical services to state, federal, and private entities to uphold the Department's mission of protecting, preserving, and managing wildlife (wildlife reflective of I.C. §36-103) as a public trust resource. The Department's expertise and wildlife population management authority enables relevant technical information from staff concerning status of wildlife resources and credible evaluation of the effects that land and water management actions, proposals, and plans might have on wildlife and their habitat as well as recommendations for mitigation. Annually, the Department logs about 2,500 formal and informal technical contacts that range from phone contacts to staff for wildlife information to formal, written comments submitted by the Department for land and water decision processes.

The Department routinely evaluates and provides comments on a range of land and water use actions including development proposals, various projects, and management plans (collectively referenced as "proposals") to decision authorities including federal agencies, various instate governmental entities, and the private sector. Consideration of wildlife information by such decision-makers is of considerable importance in fulfilling the Department's mission.

Proposals encompass the full range of public and private land/water-use activities. The Department has expertise enabling it to provide technical information concerning the effects of proposals on wildlife and their habitat and how adverse effects might be mitigated. For formal decision processes, comments provided by the Department are sometimes required by law such as in Federal Energy Regulatory Committee proceedings, while other times they are solicited or volunteered such as through the federal National Environmental Policy Act or county planning processes.

At times the Department's comments about proposals have extended beyond technical information and recommendations to a specific position regarding a proposal or plan alternative, considered advocacy for a particular decision outcome. Such advocacy is generally not an appropriate role for the Department but is the policy purview of the Commission. The Department recognizes decisions about proposals are the province of relevant regulatory agencies or landowners yet the very nature of many proposals is such that there are identified negative effects to wildlife and their habitat and thus, one could misinterpret Department technical comments as opposition. It is important to the Commission to provide clarity regarding the Department's role in providing comments about proposals to maintain the department's technical credibility and positive relationships with land and water regulatory agencies and landowners and to ensure that the Commission's policy role to adopt a particular position about a proposal, when appropriate, is upheld.

Specific circumstances where it is likely appropriate for the Department or the Commission to take a position for or against a proposal are proposals that affect legal obligations of the Department or the state of Idaho as they relate to wildlife or fishery resources. There may also be circumstances where proposals would affect the management of the Department's own properties, in which case the Department would have a proprietary interest in commenting about a proposal.

Furthermore, the Department engages in collaborative efforts such as the Kootenai Valley Resource Initiative, the Clearwater Basin Collaborative, or the Aspen Working Group, where the Department actively participates as part of a broad spectrum of problem-solving stakeholders to directly shape outcomes beneficial to both wildlife and other resources. In this context, there is value in the Department being a supportive partner of the approach. Another appropriate context for Department support is when projects are developed specifically to benefit wildlife and wildlife-based recreation and uphold the Department's mission, such as certain conservation easements and stakeholder-developed Forest Legacy projects.

**Statutory Authority and/or Policy Issues:**

Adopting the proposed policy is within the general powers and duties of the Commission under I.C. §36-104.

**Public Involvement Process:**

As an action item, there will be opportunity for public comment at the November 9 public hearing.

**Staff Recommendation:**

Staff recommends the Commission pursue policy clarification directing consistent language prefacing technical comments to decision-makers about proposals per Commission adoption of the following resolution:

BE IT RESOLVED, that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving and managing wildlife to provide comments, whether required by law, solicited or volunteered, about proposals concerning their effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. However, in so doing, the Department should not assert any position "for" or "against" the proposal. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. All formal, public comment submitted by the Department to any public or private decision authority shall be prefaced at the top of the document with the following language:

\* ~~THE IDAHO DEPARTMENT OF FISH AND GAME DOES NOT SUPPORT OR OPPOSE THIS PROPOSAL. THE PURPOSE OF THESE COMMENTS IS TO ASSIST THE DECISION-MAKING AUTHORITY BY PROVIDING TECHNICAL INFORMATION ADDRESSING POTENTIAL EFFECTS ON WILDLIFE AND WILDLIFE HABITAT AND HOW ANY ADVERSE EFFECTS MIGHT BE MITIGATED. IT IS NOT THE PURPOSE OF THE IDAHO DEPARTMENT OF FISH AND GAME TO SUPPORT OR OPPOSE THIS PROPOSAL.~~

**Justification:**

In general, the appropriate role of the Department's submissions is to take no position "for" or "against" a particular proposal recognizing the Commission has that policy responsibility, when appropriate. The proposed policy provides direction and clarity to the Department in submitting formal comments about proposals that affect wildlife and their habitat and minimizes misinterpretation of the context of the Department comments.

11/10/11  
Approved by Commission:  
"Unanimous"  
RLB

**Idaho Fish and Game Commission  
November 9-10, 2011  
Idaho Department of Fish and Game  
Best Western Plus Coeur d'Alene Inn  
506 West Appleway  
Coeur d'Alene, Idaho**

**November 9**

**MISCELLANEOUS**

**Commission Field Tour**

Commissioners took a boat tour of Lake Pend Oreille to observe the netting operation, and a trip to Granite Creek to see the kokanee spawning operation.

**Public Hearing**

Chairman McDermott called the November 9, 2011 public meeting to order at 7:03 pm, followed by introduction of the Commissioners, Director, and IDFG staff in attendance. The Chairman made opening remarks regarding the purpose of Fish and Game, the new website, and the conduct of the public meeting.

Brad Frei, outfitter on the Salmon River, expressed concern about the chukar season opening being delayed to Oct 1, 2011. Mr. Frei asked the Commission to restore the traditional September opening date for the Middle Fork because of seasonal access issues. The later season date impacts clients and the outfitting business. Clients have cancelled or not booked trips because of the later opening date and the risks of weather impacting their trips. Commissioner Budge asked Mr. Frei to clarify the end of his guiding season. Mr. Frei responded saying historically it's done by 3<sup>rd</sup> week in September.

Jim Hagedorn wanted to make sure the Commission looks at the Arizona deer, predator, and drought study he shared with Commissioner Trevey. Mr. Hagedorn also believed that the proposed Governor's auction tag separates the poor folk from the elite. Utah started selling auction tags in 1994, and hunters' harvest of deer in Utah has gone in the tank.

Chandie Bartell from Potlatch commented on the elk plan. Potlatch is a small logging town, and the community depends on wild meat for freezers. The 1991-1996 elk plan focused too much on non-consumptive uses.

David Claiborne, Idaho State ATV Association, commented on agenda items 17, 18, 19, and 20. The motorized hunting rules should go by the wayside; they add another unfair layer to travel plans for federal lands. The Commission should not regulate where people can camp.

Virginia Balsler, Idaho for Wildlife (IFW), talked about a Clearwater outfitter who had received and responded to the Fish and Game survey and was frustrated by what he saw in the field stating, "there is nothing left but bears up there." She requested pro-wolf groups be summoned to help restore elk populations. An elk restoration program should be instituted. IFW sees a higher value of elk for families. Wolves impede citizens' rights. Ms. Balsler provided written materials and a photo.

Wes Hansen sees bias in Fish and Game's writing about wolves. Wolves are animals we will either manage or exterminate. There needs to be a balance. Wolf hunting should be based on how many wolves can be sustained in a specific geographic area. There should be compensation to people for verified wolf kills.

involve technical comments and not formal policy. It is rare that we have come to Commission for policy guidance. At the joint meeting with IDPR, the agencies clarified the scope of our comments. The Department has proposed consistent preface language on page 2 of the gold sheet for the Commission's review. Commissioner Budge had a strong hand in this issue.

Deputy Director Kiefer indicated that if the Department had a legal obligation, property interest or is engaged in a collaborative effort such as the Aspen Working Group or the Kootenai Valley Resource Initiative, it is appropriate for the agency to take a position. On other issues, such as subdivisions or travel plans, the agency may make technical recommendations, but not take a position "for" or "against" a proposal.

Commissioner Budge stated that the agency's role is to comment on wildlife impacts, not to advocate for or against a particular project. The intent of the language is only to apply to formal agency comments and to clarify the agency is providing technical assistance.

Commissioner Wright indicated that the issue of trail closures and whether the department supported or opposed them was a point of concern.

Chairman McDermott said this language would allow the director to referee whether there is a policy issue to bring to the commission regarding particular projects.

Director Moore indicated he was supportive of the Department continuing to provide technical input with appropriate preface language. There have been some errors in the past, and the Department's technical comments have been misinterpreted as "making" a landowner do something. If a project presents a large-scale policy issue, we would bring that to the Commission. Where state agency comments are coordinated with those of other agencies through the Governor's office, such as on Gateway West, the Department would not need preface language.

**11-97** Commissioner Budge moved and Commissioner Wright seconded a motion to adopt agenda # 20 as recommended by staff with the reordering of the sentences in the preface language:

BE IT RESOLVED, that it is part of the role and responsibility of the Department in fulfilling its mission of protecting, preserving and managing wildlife to provide comments, whether required by law, solicited or volunteered, about proposals concerning their effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. However, in so doing, the Department should not assert any position "for" or "against" the proposal. Instead, the Department's comments should provide technical information and act as an expert assessing the effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. All formal, public comment submitted by the Department to any public or private decision authority shall be prefaced at the top of the document with the following language:

The purpose of these comments is to assist the decision-making authority by providing technical information addressing potential effects on wildlife and wildlife habitat and how any adverse effects might be mitigated. It is not the purpose of the Idaho Department of Fish and game to support or oppose this proposal.

All Commissioners voted in favor.

#### **MISCELLANEOUS**

From: Richard Elder  
Sent: Tuesday, June 12, 2012 6:10 PM  
To: Angie Rutherford  
Cc: [stacey@tetonvalleyadvocates.org](mailto:stacey@tetonvalleyadvocates.org)  
Subject: How do you want your valley to grow?

Greetings:

I just received a brochure entitled "Teton Valley is Special" that is a perfect example of delusional thinking. You need not think that I am singling you out for criticism, because the assumptions voiced in the brochure are held almost universally by all Americans. And any seventh grade math student can prove them wrong.

Take a poll of politicians, economists (including Nobel Prize winners), CEO's of Fortune 500 corporations, carpenters and soccer moms, and ask them what they think the idea growth rate for the country is, and they will choose 3% as a minimum--- many will choose 5+%. Only "reasonable", because our debt-based economic and financial system will collapse when it ceases to grow---.

If Teton valley now has a population of 10,000 and grows at a rate of 3% per year in 23 years the population will be 20,000. In another 23 years it will be 40,000. In less than a century the valley would have 160,000 people. If it continued to grow at 3% in less than 400 years the original population of the Teton valley would have expanded to cover the entire surface of the earth.

"Anyone who believes exponential growth can go on forever in a finite world is either a madman or an economist" --Kenneth Boulding

The statement "Let's grow smarter" is purely delusional. Smarter than what---yeast? How about "lets become part of a sustainable ecosystem in the Teton Valley?"

The question that we should be asking is What kind of valley do we want to leave for our children and grandchildren and the moose, deer, elk, foxes, birds and animals we share it with? And how can we move it in that direction instead of waiting for the next cycle of collapse which is gathering steam around the world?

Richard Elder  
Driggs

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**From:** Chris Anthony  
**Sent:** Thursday, June 14, 2012 9:20 AM  
**To:** Angie Rutherford  
**Subject:** let's grow smarter

Good day... I am in receipt of your mailer regarding "responsible growth".

Thank you for your work, my wife and I have relocated here permanently and made this our home for the last two years. We have a significant financial and emotional investment in Teton Valley and intend to live our lives here. We love Teton Valley, the people, the culture and the good and the bad. We are very committed to helping see the Valley grow in a responsible fashion. I like all that I've seen in the brochure and if we can help in any way please let me know.

Thanks Again,  
Chris & Kathy Anthony  
Victor, ID

**From:** rick sievers  
**Sent:** Thursday, June 14, 2012 9:34 AM  
**To:** Angie Rutherford  
**Subject:** Comp Plan

Continue with plans to minimize sprawl and undeveloped subdivisions. It can only help with commuting time, traffic load and raising land prices ,while enhancing scenery and tourism .Overall making the valley worth more not less from all aspects and for all who live here. Thanks Rick Sievers

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**From:** Missy Colyer [missydianeb@yahoo.com]  
**Sent:** Thursday, June 14, 2012 8:20 PM  
**To:** Angie Rutherford  
**Subject:** Comp plan

Dear Planning & Zoning Commission,

I am writing you to ask that the following be incorporated into the comp plan:

- maintenance of cultural and scenic values
- protection for wildlife and natural resources
- guidance to maintain vibrant downtowns and smart future growth
- support for economic development of our community

Thank you for your consideration and good luck,

Missy Colyer

Tetonia, Idaho

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**From:** Cavallaro,Rob  
**Sent:** Thursday, June 14, 2012 8:37 PM  
**To:** 'pzadmin@co.teton.id.us'  
**Cc:** Schmidt,Steve; Meints,Daryl; Garren,Dan; 'tom.bassista@idfg.idaho.gov'; High,Brett; Atwood,Paul  
**Subject:** Idaho Fish and Game Wildlife Summary for Teton County

Angie,

Attached is a document prepared by IDFG staff summarizing key fish and wildlife resources in Teton County. We prepared this per your recent request to have such a summary to use as a reference for the ongoing development of Teton County's Comprehensive Plan. Please contact Regional Supervisor, Steve Schmidt, if you have questions or require additional information. Thank you for considering fish and wildlife conservation in your planning efforts.

Regards,

Rob Cavallaro

Regional Wildlife Biologist, Idaho Department of Fish and Game

4279 Commerce Circle Idaho Falls, Idaho 83401

[rob.cavallaro@idfg.idaho.gov](mailto:rob.cavallaro@idfg.idaho.gov)

See separate document for IDFG comments

(208) 525-7290

Dear Planning & Zoning Commission:

Here's what I value about living in Teton Valley:

- open spaces with rural character
- small town feel
- quiet neighborhoods
- recreational opportunities - hiking, biking, skiing
- clean air, clean water

Debra Adams

Victor ID

X Debra Adams

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Keep up the good work. Continue to include all factions. Stay focused on the future. Talk to people with positive attitudes.

Richard Miller

X Victor ID. 83455 Richard Miller

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Need Larger paper for Comments! We are Being Run over!!  
Dear Planning & Zoning Commission: The problem you have  
is you are infringing on private owners  
rights - the Right to own your own property.  
Use all the public land for all of  
this Comprehensive planning. We "love" our  
land and will fight for it. To keep  
Public from taking our private land for  
their enjoyment!!

LARRY & Charbett, Kunz

\* Larry & Charbett, Kunz  
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: THERE ARE SO MANY MODELS  
OF VIBRANT COMMUNITIES IN THE ROCKY MT. WEST; FT. BENTON,  
WHITEFISH, RED LODGE, LOGAN, FRUITA, BAKER, STANLEY, HAILEY  
McCALL ... AND MODELS OF FAILING SOCIAL + ECONOMIC TOWNS:  
CHALLIS, PINEDALE, SODA SPRINGS, BUTTE MT, TONOPAH NV, ANACONDA MT,  
LOWO MT, ISLAND PK ID. THE DIFFERENCE IN EVERY CASE -  
PLANNING OR LACK THERE OF.

NEIL GLEICHMAN

\* DRIGGS ID 83422

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I do NOT Advocate  
Tearing up Good Farm Ground, For  
Housing Development. There has  
been too much of that already.  
Some day we are going to need some  
thing to EAT + Fuel to keep warm.

Murel Kay

Tetonia, Ida

X \_\_\_\_\_ Murel Kay  
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: Economic Development, open spaces  
& the local lifestyle are values that worked in connection with  
one another provided a bond comprehensive plan is in place.  
Without it, we all lose. I would also like to see the area have  
cultural events and attractions that are unique to the area.  
Let's put TV on the map for its outstanding vision, in growth  
and make its values an attraction to all who visit. Thanks!

Sue Tyler, \_\_\_\_\_ Tetonia, Idaho 83452

X \_\_\_\_\_  
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Support mom/pop businesses like Corner <sup>Brng</sup> but still bring bigger stores to the Valley. Prepare people of County for earthquakes, blizzards, wild fire etc.

Depression is rampant: start support group, ps, my name etc;

Sarah Thiel

Driggs ID 83422

\* Sarah Thiel

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

My husband and I live in Alta and consider Teton Valley ID to be our community. The Comp Plan process has been lengthy and inclusive. The committees were diverse and worked hard. Please don't "water down" what has been drafted. I support meaningful open space, scenic values, vibrant downtowns, cost-effective development decisions, and incentives for farmers to keep land rural but plan for future, Alta

Nancy Siverd

wy 83414

Nancy Siverd

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

# BE MORE BUSINESS FRIENDLY!

PAUL J. RAUBK JR.

X *Paul J Raubk Jr*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

## Why do you live here?

Dear Planning & Zoning Commission: Please do not be influenced by self serving people who obviously do not have enough to do that they join VARD and come up with proposals that totally ignore the agricultural community with wonderful phrases like "vibrant community, abundant wildlife, etc." we have problems (ignored) by this group.

HARRY NIENDORF

*Harry Niendorf*

PRJ 56

X Signature is required - print your name & address also to be sure that the county will recognize your comments.

- meaningful open space and rural character
  - recreation access and opportunities
  - vibrant towns
  - abundant fish & wildlife
  - quality place to raise a family
- None of Above  
I didn't move here, I started here.

6/12 Comments from Caroline Reynolds

the vast majority of the community can accept and support. The intent of this Plan is to achieve this goal.

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The current comprehensive plan, "Teton County Comprehensive Plan: A Guide for Development 2004-2010," was laden with controversy since its adoption. The Plan has contradictions within itself and most would argue that while it might claim to protect the rural character of the valley, it has not been effective in doing so. The previous Plan was based on projections through 2010. This date has passed and conditions on the ground have changed so drastically since the Plan's adoption in 2004 that it is no longer a relevant document. This new Plan will be a living document that is able to be adapted and modified to fit changing circumstances while holding true to the community's vision.

Like a business, a community needs a plan for its future. Before a new business opens, its owner will create a business plan that identifies major sectors of the business and a plan for how the business will eventually make money. The business plan usually includes a mission statement and often lists specific goals and objectives in order to accomplish that mission. Likewise, a community needs a vision for itself and a plan for how it will achieve that vision. That is the purpose of the Comprehensive Plan. It is a guiding document upon which all governmental community actions should be based. This is necessary to avoid decisions that negatively affect the entire community and individual properties.

Idaho State Statute 67-6508 mandates that every community adopt and <sup>e not in statute</sup> regularly update a plan: "It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan." The Local Land Use Policy Act (LLUPA) recognizes the importance of a visioning process to planning for a community's future. Although this Plan does not follow the exact format or order shown in LLUPA, all required components are included.

Rights associated with private property have been compared to a bundle of sticks where each stick represents an individual right that can be separated from the bundle and reassembled. Some of the represented rights within the "bundle" are mineral resources, air rights, the ability to sell, lease, mortgage, donate, grant easements, use and exclude. Property rights are not absolute, however, and they do not allow uses that unreasonably interfere with the property rights of others or interfere with public health, safety, or general welfare.

Providing a balance between the bundle of private and public property rights is a challenge for most communities, and Teton Valley is no exception. A good local example of the need to balance the rights that a property owner enjoys with their responsibility to their neighbor is the "noxious weed problem." Public comments indicate that the larger community opposes the spread of noxious weeds and that the burden of weed control falls on individual property owners. This is a clear example where community control over the spread of noxious weeds overrides the right of an individual landowner to keep their property in an unmaintained state.

It seems that there are other areas of agreement in Teton Valley where regulations make sense given the context. For example, many agree that the adequate delivery of roads and utility services by a developer usually enhances surrounding property values and can reduce the burden to the County and individual taxpayers. The same may be said for land use and subdivision regulations protecting basic community health and safety such as those enacted to improve surface and groundwater quality, provide safe and well-maintained roads, control noise, and avoid health concerns.

In fact, the County has a responsibility to regulate land use in order to promote the health, safety and general welfare of the public. Many oppose regulations or zone changes that could reduce the development potential of their property due to a perceived decrease in property value. However, the value of real property is largely due to factors external to the property lines. In fact, the popular cliché that the "three most important things in real estate

still oppose this  
prop. being. There are  
opposing arguments  
not presented here.

"the location, location and location" speaks to the fact that the context within which a piece of land exists is the most important aspect of value. Regulations that maintain view corridors, protect natural resources, preserve rural character or prohibit incompatible development protect this context.

The table below breaks down some of the rights in the bundle associated with private property and lists the party that typically holds the right, although many rights can be transferred between parties.

## Chapter 5. The Framework Plan

The Framework Plan for Teton County sets the stage for future growth that is consistent with the Vision of the community. This includes directing development towards existing population centers, preserving the rural character and scenic vistas of the valley that help drive the economy, and establishing the financial stability of the public and private sectors so that high quality services and facilities can be provided. The Framework Plan includes a map that outlines projected land uses and amenities as well as a set of goals and policies that support and accompany the map.

### THE FRAMEWORK MAP

The Framework Map shows projected land uses and amenities and is the physical embodiment of our Vision. It depicts a valley bisected by the Teton River flowing freely through the valley bottom and surrounded by majestic Teton, Snake River and Big Hole mountain ranges. The community lives primarily on the eastern side of the river with access to services, jobs and cities. The eastern side of the valley includes a variety of neighborhoods providing a range of housing options for residents. This side of the valley also includes foothills, wildlife habitat and crucial water resources. The majority of future residents will live near the Valley's cultural hearts of Driggs, Victor and Teton. The western slope, valley floor, and northern plains are home to rural areas including lower density residential areas, agricultural areas, river valleys, wildlife habitat and foothills.

The Plan proposes efficient and logical growth patterns. A variety of land use areas protect the Valley's character and provide guidance and incentives for appropriate development types. The Plan projects a future where development is directed towards existing population centers in order to preserve the rural character and scenic valley vistas that drive our economy and quality of life.

The Valley will have a perimeter trail that rivals the best system in the nation if the proposed Plan and Vision for the County is achieved. Pathway connections along old railroad beds and existing roads continue to the Teton River, completing the network. The road system is anchored by formalized gateways and flanked by scenic viewsheds. Our scenic vista protection is centered along Highways 33, 32, 31 and Ski Hill Road - the primary transportation routes through the Valley. Although we sit in the heart of the mountains, we are served by a multimodal road and pathway system that connects towns, Grand Targhee Resort, Idaho Falls and Jackson.

### LAND USES

Desired future land uses for Teton County have either a rural or neighborhood character generally dictated by physical features and proximity to existing services. The valley is bounded by the Teton Range on the east, the Big Hole Mountains on the west, the Snake River Range on the south and is divided by the Teton River which runs from the south to the north. The Teton River starts as a shallow, slowly moving creek running through wetlands on the southern end and exits Teton County as a rapidly moving, rocky river running through a deep canyon on the northern end of the valley. These physical features divide the County into a western slope, eastern slope, valley floor, rolling hills and northern canyon rim. Land uses can be further characterized based on proximity to community services, availability of public water and sewer systems and established land uses.

### Neighborhoods

In general, the areas proximate to the cities of Victor, Driggs and Teton are designated as "neighborhood" areas. Due to the availability of services and established land use patterns, these areas are appropriate for varying degrees of residential, commercial, and light industrial development that define the edge between "town and country."

*Town Neighborhood:* Town Neighborhoods are located within the area of impact and immediately adjacent to the cities of Victor, Driggs and Teton. These areas have readily available electric, phone and other dry utilities as well as public water and sewer services. The unincorporated town of Felt is also considered a Town Neighborhood area although public water and sewer service is not available. In general, further development and densification of Felt is

Comment [J26]: Comment to only use "low", "medium" and "high" for density descriptions. Also comment to remove all descriptions for density and just identify use. Other comments that many levels of density descriptions (and more detailed descriptions) need to be included so all areas are not the same.

Because the Rural Agriculture areas are located far from existing towns, public water and sewer services are not available. Desired future character and land uses for the Rural Agriculture areas include:

Agriculture

Ranching

Low-density residential, with provisions for clustering/conservation developments to protect natural resources or rural character

Conservation and wildlife habitat enhancement

*Fixed Agriculture / Wetland:* Mixed Agriculture Wetland areas are located immediately east of the Teton River on the valley floor and include lands that are classified as wetlands and floodplains as shown on the U.S. Fish and Wildlife Service Wetland Inventory and the Federal Emergency Management Agency Flood Insurance Rate Map. These areas have some wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. Desired future character and land uses include:

Agriculture

Ranching

Low density residential development, with provisions for clustering/conservation development to protect natural resources

- Conservation and wildlife habitat enhancement
- Development limited by all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations
- Development limited by overlays and development guidelines to protect natural resources

*Mixed Agriculture / Rural Neighborhood:* Mixed Agriculture / Rural Neighborhood areas are located south of Driggs and east of Highway 33. These areas are predominately rangeland and agriculture land and have high scenic qualities. The area along the highway south of Driggs provides a visual separation and distinct edge between the city and the more rural area to the south. Desired future character and land uses include:

- Agriculture
- Ranching
- Medium-low density residential, with provisions for clustering/conservation development to preserve views
- Conservation and wildlife habitat enhancement

*Foothills:* The Foothills are located on the eastern slope of the Big Hole Mountains, the western slope of the Teton Range and the northern slope of the Snake River Range. These areas have rolling or steep topography and harsh wind and weather or are in the wildland/urban interface area. The boundaries of the Foothills areas were generally defined by the toe of the mountain slopes and the edge of heavy forest or vegetation. Due to their proximity to the forested public lands, these areas have high wildfire hazard and wildlife value. Some access to adjacent public land exists and the area is highly visible from the valley floor. Due to their remote location, public water and sewer service is not available in the Foothills. Desired future character and land uses include:

- Low residential densities with provision for clustering/conservation development
- Residential development clustered to respect topography
- Access points to public lands
- Conservation and wildlife habitat enhancement
- Wildland-Urban interface
- Development limited by overlays and development guidelines to protect natural resources

not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. Desired future character and land uses for Town Neighborhoods include:

- The highest level of residential density outside of the Cities
- Residential densities lower than the adjacent Cities and that meet the intent of City future land uses within their Areas of Impact
- A variety of housing types, including attached housing and possibility of live-work units in strategic locations
- Parks, greenways, and neighborhood amenities
- Safe and convenient street and pathway connections to towns
- Pedestrian amenities and complete streets
- Limited neighborhood commercial

**Industrial/Research/Live-Work:** These areas are located within the Town Neighborhoods or adjacent to the Towns and have low visibility from the scenic corridor and tourist centers. Most of these areas are currently undeveloped and utility services are available. Desired future character and land uses for Industrial/Research/Live-Work areas include:

- Light industrial
- Heavy industrial
- Cottage industries
- Business development centers
- Live-work units and workforce residential housing
- Safe and convenient street and pathway connections to towns
- Well maintained roadway connections to highways

**Rural Neighborhood:** Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. Desired future character and land uses for the Rural Neighborhoods include:

- A transitional character with residential densities in between that of Town Neighborhoods and Rural Areas
- Medium density single family neighborhoods with large open spaces
- Clustered, amenity-based neighborhoods
- Safe and convenient street and pathway connections within these areas and to Towns

### **Rural Areas**

The western slope, valley floor, and the northern plains are classified as "rural". These areas are located further from the towns or in places of greater sensitivity. Much of this land is in agricultural production or includes undeveloped parcels of native vegetation that supports wildlife. Although some medium to high density residential subdivisions exist in the rural areas, they are for the most part currently undeveloped. These areas may be appropriate for sensitively designed conservation developments, continued agricultural use, or conservation areas.

**Rural Agriculture:** Rural Agriculture areas are located on the north and western sides of the valley and include the most productive agricultural land due to soils present. Some lands are better agriculture ground than others due to microclimates. Much of this area, especially the land located on the western side, is important wildlife habitat.

*Waterway Corridors:* Waterway Corridors include the land adjacent to the Teton River and its major tributaries. These areas include the riparian areas, wildlife habitat, wetlands and floodplains associated with the streams and are important fish and wildlife habitats. Public access to the Teton River is currently available in limited locations. The majority of the existing parcels in this area are large, although there are a few older, developed subdivisions along the Teton River. Public water and sewer service is not available. Desired future character and land uses include:

- Agriculture
- The lowest residential density in the County
- Conservation and wildlife habitat enhancement
- Development limited by all applicable County, State and Federal regulations including USACE wetland regulations and County floodplain development regulations
- Scenic quality preservation
- Public access points for river recreation
- Overlays and development guidelines to protect natural resources
- Little to no (or very limited) commercial activity

## SCENIC CORRIDOR

The unsurpassed scenic quality of Teton Valley is a great asset and should be maintained to benefit the local business economy, the tourism industry and the quality of life for residents. The scenic corridor is shown along Highways 33, 32, 31 and Ski Hill Road, which are the primary transportation routes through the Valley. The area within the scenic corridor can be developed in accordance with the underlying zoning, but building and site design will need to meet high standards of visual quality in order to maintain the scenic character of the area and protect the viewshed from the scenic corridor. Buildings that are part of our agricultural industry and designs that pay tribute to our agricultural heritage are desired in the scenic corridor. The intensity of use within the scenic corridor could be defined in overlay areas within the corridor. An attractive scenic corridor can improve visitor experience and increase economic development by attracting businesses and tourists.

Comment [J27]: More description of uses allowed?

Comment [J28]: Require large setbacks?

## GATEWAYS

Well planned gateways provide visitors with a positive first impression of Teton Valley and help define the area as distinct and unique. Gateways are located along Highways 33, 32, 31 and Ski Hill Road in locations where natural physical features emphasize the sense of arrival. Constructed features at the gateways could include signage, scenic overlooks, rest areas, visitor information and wayfinding information such as maps of tourist destinations and points of interest.

## AMENITIES

The Framework Map shows approximate locations for amenities that will maintain and enhance recreational opportunities and enhance the quality of life in Teton Valley. Amenities are very important for economic development because they entice entrepreneurs, business owners, skilled workers, retirees, and young families to relocate and remain here, bringing with them their businesses, skills and wealth. People do not choose to live and open a business here because it is easy. Instead they are attracted to the community because of its friendly people, natural resources, and recreational opportunities which make it a "lifestyle" community. They come to enjoy all that the valley has to offer from motorized and non-motorized trail systems; outstanding hunting and fishing; excellent snowmobiling and skiing; quiet and scenic rivers; and beautiful vistas of one of the most majestic mountain ranges in the world. Future economic growth relies heavily on these amenities.

Amenities shown on the Framework Map include:

- Recreational Trails and Pathways (Rail Trail, Scenic Bike Route, Perimeter Trail)



Policies

- 4.1 Establish review criteria and process for evaluating transportation improvements.
- 4.2 Encourage pedestrian connectivity in appropriate areas.
- 4.3 Coordinate and integrate land use and transportation planning and development to ensure that they mutually support overall community goals.
  - 4.3.1.1 The County will plan its future transportation system to complement and encourage development patterns designated on the Framework Map *by zoning ordinances*
- 4.4 Develop access management policies for future development (for both state highways and rural county roads).

*Comp. Plan and associated maps are not law*

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*Goal T 5: Support continued improvements to the Driggs Memorial Airport to support Teton County's aviation needs.*

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Policies

- 5.1 Support implementation of the 2011 Driggs Memorial Airport Master Plan and updates, as adopted, to ensure that the airport can meet projected needs.

# natural resources + outdoor recreation

Goal NROR 1: Conserve our ~~public lands and natural resources~~ (air, water, wildlife, <sup>native plant</sup> fisheries, ~~climate~~ trail systems, wetlands, dark skies, soundscape, soils, <sup>and animal species</sup> open space, native vegetation).

Comment [3214]: Delete?

## Policies

- 1.1 Create benchmarks for monitoring and conserving natural resources.
- 1.2 Conserve and enhance ~~bi~~diversity and native ecosystems. <sup>habitats.</sup>
- 1.3 Regularly update all natural and scenic resource inventories, to assess the incremental impacts of development on the resource and as a basis for regulatory amendments, as necessary.
- 1.4 Work with municipalities and public water systems to ensure safe and adequate drinking water.
- 1.5 Ensure adequate wastewater treatment.
- 1.6 Encourage the conservation of high water quality in rivers and streams.

*none of these policies impacts climate*

Goal NROR 2: Enhance and preserve our access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.

## Policies

- 2.1 Maintain and improve existing public land and river access.
  - 2.2 Support the creation of new public land access when it's consistent with natural resource conservation goals.
  - 2.3 Support the creation of a County winter travel plan which includes access points.
  - 2.4 Consider and accommodate access for different user groups to minimize user conflict and resource damage.
  - 2.5 Seek cooperation of private landowners to improve accessibility to adjacent public lands.
- Work with state and federal agencies and private land owners to protect environmentally-sensitive areas from resource degradation.

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*Goal NROR 3: Provide and promote exceptional recreational opportunities for all types of users (including but not limited to biking, skiing, fishing, off-highway vehicle use, hunting, ~~trail~~ users, equestrians, boating, non-motorized flight) as a means for economic development and enhanced quality of life.*

---

Comment [J215]: Add "shooting"

Policies

- 3.1 Enhance and improve all season access to public lands and waterways, except where necessary to protect areas from environmental degradation, negative impact to wildlife habitat, or to protect public safety.
- 3.2 Recognize the need to accommodate different user groups in a way that minimizes user conflicts and resource damage.
- 3.3 Support a diversity of recreation as a mechanism to bring together community and build acceptance of diverse lifestyles.
- 3.4 Collaborate with Federal, State, and non-governmental agencies to improve recreational opportunities.
- 3.5 Establish mechanisms for funding recreation improvements. Opportunities may include:
  - 3.5.1 Creation of a Recreation District which is self-supporting, revenue generating, job creating, and which is funded through such sources as user fees, program fees, lodging taxes, grants, ~~donations~~, etc.;
  - 3.5.2 Grants; or
  - 3.5.3 Trusts or endowments.

Comment [J216]: Property taxes, household fees,

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*Goal NROR 4: Balance private property rights and protection of our natural resources.*

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Policies

- 4.1 Ensure that development regulations balance natural resources protection and growth, are clear and predictable, and preserve the economic value of the land.
- 

*Goal NROR 5: Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon and fires.*

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Policies

- 5.1. Ensure that regulations minimize the detrimental effects of natural hazards and their inherent risks.

Policies

- 7.1. Allow only low-impact activities in sensitive resource areas and higher impact activities in resource areas of less sensitivity.
- 7.2. Consider seasonal use restrictions to protect natural resources while allowing access at appropriate times.
- 7.3. Encourage siting structural improvements in areas that will result in the least amount of natural resource impact.

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

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Policies

- 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.
- 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.
- 8.3 *Minimize the cumulative impacts of development on wildlife and wildlife habitat.* *potential*
- 8.4 *Protect and/or improve the diversity of native vegetation.* *Facilitate measures designed to plant and animal species habitat*
- 8.5 Protect and improve riparian and aquatic habitats. *as determined by current Fed, State & Cnty. regs*
- 8.6 A Wildlife Impact Mitigation Plan shall be developed for any development project which impacts an important habitat for which presents concerns of detrimental human-wildlife interaction. Requirements and performance standards for the mitigation plan shall be clearly established in the Subdivision Ordinance and shall be the basis for approval of the plan.
- 8.7 Provide incentives for voluntary habitat buffers, seasonal use restrictions, and aquatic connectivity along key drainages.
- 8.8 Work collaboratively with other jurisdictions to preserve, enhance, restore and maintain undeveloped lands critical for providing ecosystem connections and buffers for joining significant ecosystems.
- 8.9 Designate and map lands within or buffering Teton River Canyon as an irreplaceable natural area, and work with private landowners and government agencies to protect and conserve the area's ecological resources, including wintering big game and cutthroat trout. *ion* *action of* *encourage*

# community events + facilities

*Goal CEF 1: Provide high-quality public and private services and facilities in a coordinated manner for the health, <sup>[safety]</sup> and enjoyment of the community.*

Comment [JZ17]: Comment that need to address outdoor lighting as public safety issue. Also dark sky compliant.

## Policies

- .1 Encourage locating new facilities in existing population centers to maximize efficiency and convenience and minimize costs.
- .2 Develop Master Plans for Recreation, Community Facilities, and other Public Services that coordinate and include all providers and users.
- .3 Encourage partnerships and working relationships with non-profit groups in order to expand services and facilities.
- .4 Reserve locations on the Framework Map for new facilities in accordance with the planned areas of growth and build these new facilities when the demand <sup>exists</sup>.
- .5 Maintain a 20-year capital facilities program with 5 year reviews that sets priorities for constructing necessary facilities which are consistent with the Comprehensive Plan.
- .6 Identify acceptable Levels of Service (LOS), create LOS plans, and develop standards for measuring service delivery success for fire/EMS, law enforcement, utilities/infrastructure, transportation, weed management, medical care, schools, libraries, parks, solid waste, and other recreational facilities.
- .7 Require the undergrounding of electrical and other facilities where feasible in order to preserve the County's scenic views.

Comment [JZ18]: and funding

*Goal CEF 2: Encourage the development and support of high-quality education facilities (primary, secondary and post-secondary) and diverse and affordable activities for all ages.*

## Policies

- 2.1. Encourage expansion and development of the pre-K through post secondary education system.
- 2.2. Encourage the siting of new schools near existing neighborhood centers to promote walkability.
- 2.3. Encourage the Idaho State Legislature to change the State educational allocation formula so as to provide adequate funding for public education.
- 2.4. Provide incentives for new developments to create and/or enhance community amenities.

*Encourage private*

- 2.5. ~~Support the construction of a multi-use recreation facility or network of facilities (pool, gym, climbing wall, bowling alley, indoor riding arena, indoor shooting range, etc.) when financially feasible and in accordance with the Recreation Master Plan.~~
- 2.6. Encourage expansion and development of community libraries.

---

*Goal CEF 3: Encourage an environment that fosters community involvement.*

---

Policies

- 3.1. Find common ground by identifying shared values and priorities and acknowledging differences respectfully.
- 3.2. Support events and activities that bring diverse segments of the community together.
- 3.3. Encourage open communication among community organizations to minimize scheduling conflicts.

---

*Goal CEF 4: Adequately fund existing and future public services and facilities.*

---

Policies *Provide tax incentives for private development of*

- 4.1. ~~Seek funding options (e.g. Recreation District, grants, private donations) to develop and support affordable facilities and activities for all ages (e.g. Recreation Center, 4-H, etc.).~~
- 4.2. Seek funding options to acquire land for future public services and facilities. *contributes to*
- 4.3. Maintain up-to-date County impact fees which ensure that growth ~~pays its fair share~~ of the costs of necessary facilities and services.
- 4.4. ~~Support programs and partnerships that reduce costs for the County (e.g. recycling, co-locating facilities, and sharing resources).~~ *encourage and support where feasible*
- 4.5. New development shall be approved only when adequate public facilities and services are available, or when necessary improvements will be made as part of the development project.

# agriculture + rural heritage

*Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.*

## Policies

- 1.1. Ensure that planned growth maintains Teton Valley's rural character.
- 1.2. Allow vacation of subdivision plats where appropriate and viable.
- 1.3. Ensure that open spaces are managed responsibly, *in accordance to existing regs.*
- 1.4. Maintain the County's rural heritage through the scenic corridors.  
*Encourage and where feasible support*
- 1.5. Support the preservation of open space, farmland, natural beauty, and critical environmental areas.
- 1.6. Encourage higher density development in and around existing Cities (Driggs, Victor, and Tetonina).

*Goal ARH 2: Balance property rights and rural character.*

## Policies

- 2.1. Develop a means to compensate private property owners for large parcels of open space that benefit the community. Funding options include:
  - 2.1.1. Transfer of development rights program in cooperation with the cities of Victor, Driggs, and Tetonina;
  - 2.1.2. *Acquire* <sup>conservation</sup> easements through purchase, lease or voluntary donation;
  - 2.1.3. Establish a program to fund the acquisition of open space through voluntary open space fees. *Comment [J219]: Other methods.*
- 2.2. Provide a means for transfer of agricultural land to family members. *define*
- 2.3. Incentivize maintaining or creating large parcels.

*Goal ARH 3: Support and enhance agriculture and ranching.*

## Policies

- 3.1. Recognize the Right to Farm Act.
- 3.2. Improve and maintain roads important for agricultural production and transportation.
- 3.3. *Encourage* ~~Support~~ local food production outlets such as Farmer's Markets and encourage local agriculture production.

## Chapter 6. Implementation

Teton Valley's Vision, Framework and Policies inspire us to take action. The test of this Plan is not whether it turns out to portray the future accurately, but whether it allows the County to learn, adapt and implement new actions and tools in response to alternative future conditions. This Implementation Plan examines where we are now, where we want to go, what tools are available, and key actions to attain our desired goals, even with an uncertain future. This chapter stresses flexibility and adaptability, while encouraging bold moves that will have the greatest beneficial impact on our Valley.

### KEY ECONOMIC IMPLICATIONS TO PLANNING POLICIES

The Comprehensive Plan has several major concepts aimed at improving the overall quality of life, attractiveness, and economic competitiveness of the community. From an economic perspective, all of the proposed policies and investments would help Teton Valley compete for economic and residential growth. A summary of the economic implications of key policies and investments is provided in the following five sections and is based on each of the Plan Components: Economic Development, Transportation, Natural Resources + Outdoor Recreation, Community Events + Facilities, and Agricultural + Rural Heritage. The economic recommendations have informed the development of specific implementation actions.

One key economic response to Teton Valley's present challenges is to build on the area's attributes - high scenic quality, natural habitat and resources, recreational opportunities and rural character - by investing in quality-of-life amenities that will attract new industries. This is because Teton Valley's success in economic development, especially in future research and development and other related industries, is tied to its ability to attract and retain highly educated professional employees and entrepreneurs. As other sectors of the economy become more dependent on technology and knowledge, attracting and retaining these skilled employees will become increasingly important.

Quality of life has a broad meaning in community planning and economic development. It refers to the livability of an area as defined by numerous community characteristics and indicators such as public safety, quality of educational opportunities, entertainment and cultural amenities, as well as environmental quality and access to open space, parks, and recreation opportunities. While the value of quality-of-life is not typically quantified, high quality-of-life correlates with positive economic growth.

A growing body of academic and economic development research links quality-of-life and community amenities to economic success and sustainability. Many rural areas in the U.S. are transitioning from natural resource-based economies, as is the case in Teton County, towards more knowledge-based industries and 'footloose industries' whose profits are not tied to their locations. These industries rely less on access to raw materials, heavy infrastructure, and energy supplies and more on skilled labor. As a result, attracting a skilled and talented labor pool is the key to economic development for knowledge-based industries.

"highly educated"  
was removed from  
what was p. 6-8  
Suggest if he deleted  
here, as well.

Quality-of-life investments have also been shown to have a positive impact on residential and commercial real estate values. Research shows that proximity to open space, parks, and vibrant commercial areas increases property values. Having these amenities close to workplaces can also increase worker productivity and satisfaction. While these investments have a fiscal cost to the community and its residents, the cost of not maintaining quality-of-life may result in an even greater cost in reduced economic competitiveness.

## ECONOMIC DEVELOPMENT

### Footloose, Knowledge-Based Industries

Certain service and financial industry sectors do not need to be located close to markets or need distribution modes. These sectors or large firms rely primarily on telecommunications and internet facilities to conduct business. There are many examples of major service sectors that locate where they prefer to live for lifestyle purposes.

In Idaho, Power Engineers is a major consulting engineering firm that is located in Hailey purely for the lifestyle of the Big Wood Valley (Sun Valley). Their business takes their consultants and engineers around the world. Another example is CityPASS, which illustrates the ability to attract footloose, knowledge-based industries to Teton Valley. With headquarters in Victor, CityPASS has 27 employees that produce and sell travel booklets containing tickets to attractions in North America. CityPASS has successfully attracted employees to Teton Valley by virtue of its lifestyle and quality-of-life attributes.

Sectors that could be considered footloose and knowledge-based could include insurance, financial services and web-based businesses that do not require physical shipping.

### Locally-Owned and Operated Businesses

Locally-owned and operated businesses are important for a number of reasons. They maximize economic impact on the local economy because profits are kept in the local area rather than siphoned off to a parent company. This helps support other sectors of the local economy. Local businesses also have a stronger affinity for the local community and tend to be more supportive of civic causes, local charities, local events and other aspects of local participation. Local business owners tend to support each other and they engender the support of the local population.

### Industry Clusters

Creation of Industry Clusters is one of a number of strategies that could lead to sustainable industrial development and is a very helpful tool towards implementation of Teton Valley's economic goals. The concept would entail attraction of environmentally friendly technologies, value added agriculture, recreational technologies, or visitor oriented businesses to congregate together in a mutually supportive manner to create an industry cluster. Depending on the industry, this concept depends on transportation infrastructure including the Idaho Falls and Jackson Hole airports, access to Interstate highways for product distribution, and linkages to educational institutions such as Boise State, Eastern Idaho Technical College or Idaho State University. Examples of green environmentally friendly technologies might include research, development and production of photovoltaic technologies, wind turbines, battery technology, environmental mitigation technologies and other environmentally friendly businesses. Value added agriculture industries might include organic produce or locally branded produce or products. A recreational technology example currently operating in the Valley is 22 Designs which manufactures telemark ski bindings. A recreational technology cluster could also include outdoor sportswear, sunglasses, ski goggles, or other outdoor equipment manufacturers that commonly seek out lifestyle communities. A visitor oriented business cluster could include hotels, restaurants and retail stores.

Quality-of-life would be a critical factor in attracting or developing these types of businesses and their employees. Being successful in this type of venture will require overcoming location disadvantages Teton County has, such as proximity to markets, distribution and shipping. Establishing and promoting this concept would require a concerted effort on the part of government and economic development entities.

## TRANSPORTATION

*If this is not deleted, it must be defined*

*do you really know that waste streams from these businesses (industries) are "environmentally friendly?"*

Transportation is important to every economy regardless of size. Teton County is linked to other cities via highways and nearby airports. Enhancements to the infrastructure and public transportation services will enhance quality-of-life, facilitate tourism and support the economy. Well maintained roads are especially important for the distribution of agricultural products out of the Valley.

#### Transportation as an Amenity

While transportation is a critical underpinning of the economy, it can also enhance quality-of-life and facilitate tourism. Transportation systems can act as an amenity when they are perceived as an experience or a 'ride'. Western examples of this might include the Napa Wine Train, the Durango to Silverton railway, open roof buses, and the San Francisco cable cars. While large systems are capital intensive and almost always require government subsidy to operate, there are smaller scale options that might be appropriate for Teton County such as local sightseeing buses. These types of services could be owned and operated by local businesses and would be expected to be economically viable without government support.

#### Transit

The issue of public transit is important to Teton Valley, as a sizeable portion of the population commutes to Jackson. Limited bus service to Jackson is currently being provided by START, but wider public transit service will require public subsidy, especially given the dispersed and low density character of residential development in the county. A looping bus route connecting the transit hub that services Jackson would reduce motor vehicle trips and enhance citizens' quality-of-life by reducing vehicle fuel and operating costs, reduce emissions and provide a safer alternative during inclement weather. The amount of transit expenditure that stays within the area is estimated to be between 60 to 75%.

Comment [2220]: Rexburg and Idaho Falls.

Additional private bus and shuttle services could be encouraged to connect hotels with the ski resort or to connect Driggs and Victor to the Idaho Falls, Jackson and Salt Lake City airports. Efficient public transit can enhance tourism to the area by providing reliable shuttles between popular areas and eliminating the need for car rentals by tourists.

#### Interconnected Pathway System

Trail and pathway systems are consistently cited as the most desired amenity in master planned residential communities. Interconnected trail and pathway systems on a larger scale can greatly enhance quality-of-life and can reduce motor vehicle trips by encouraging bicycle trips. This can have a positive environmental impact and can improve public health. Communities that have invested in bicycle and pedestrian infrastructure have experienced positive economic impacts by attracting bicycle industry dollars. For example, Jackson, Wyoming has spent an estimated \$1.7 million over the past decade on area trail systems and, in return, has benefited from an estimated \$18 million annual boost to their economy as a direct result of trail related goods and services purchased in addition to supporting \$3.6 million in jobs and generating \$1.8 million in taxes every year (Kaliszewski, 2011). Trail systems facilitate running, biking and walking throughout the community and can attract tourists, especially those interested in longer stays.

Certain tourism destinations and residential communities are well known for their strong trail and pathway systems. The Ketchum / Sun Valley system stretches from north of Sun Valley all the way down the Big Wood Valley to Bellevue and beyond. It is often cited as one of the best things about living in the valley. Areas that offer this type of amenity become known for their trails, and these amenities can be a strong draw for lifestyle migrants, second home owners and long stay tourists seeking the outdoor lifestyle.

#### NATURAL RESOURCES + OUTDOOR RECREATION

Natural resources and outdoor recreation is the primary tourism product of Teton County and one of the most important aspects attracting quality-of-life migrants and entrepreneurs interested in opening knowledge based or footloose industries. Branding and marketing Teton County as a destination is apparently underdeveloped. Aside from Grand Targhee (Wyoming), there are few large commercial resorts or lodging facilities that brand and market Teton Valley. It is also overshadowed by Jackson, Grand Teton National Park, and Yellowstone National Park,

which are nearby. Therefore, a concerted effort needs to be made to define the differentiating characteristics of Teton County and promote the brand as an outdoor recreation destination with good air access (Jackson and Idaho Falls), recognizing that there is a delicate balance between preserving and promoting the natural resources.

### Recreational Tourism

Recreational tourism is a niche segment of the outdoor recreation product that Teton County is offering tourists. It is essentially comprised of packaging special itineraries, activities and experiences that focus on the natural environment of the region. The region is very well suited to pursue this segment, as the destination features outdoor recreation, world class scenery and high quality experiences in nature. Therefore, these types of recreational tourism experiences should be promoted and marketed.

To develop the recreational tourism aspects of the destination, the various resources that are available such as the mountains, rivers, dark skies and unspoiled natural zones should be evaluated and packaged by tourism industry participants such as lodging properties and outfitters. Developed recreational amenities such as golfing, biking, fishing, horseback riding, skiing or snowmobiling could also be part of specialty packages. These activities and itineraries can then be promoted on-line and in tourism information centers. The goal will be to expand the offering of the destination, attract tourists that are seeking these types of experiences and extend the length of stay of visitors already aware of the destination.

Recreational tourism can also go hand-in-hand with cultural heritage tourism. According to the 2006 Travel Activities and Motivations Survey (TAMS) by Lang Research, those who visited historical sites, museums and art galleries were more likely than the average U.S. pleasure traveler to have participated in a wide range of outdoor activities, especially wildlife viewing, while on trips in the past two years. Relative to the average U.S. pleasure traveler, they are also more likely to go hiking, climbing, paddling, jogging, cycling, cross-country skiing and to participate in extreme sports (e.g. extreme air sports, extreme skiing).

### Open Space

Open space is important to preserve within communities as a quality-of-life amenity and to enhance the aesthetic appeal of a place. This is especially true for Teton County, which possesses priceless scenic beauty and relies on tourism as a key component to the economic development strategy. Tourist-oriented towns and communities work hard to be pleasing to the eye. They need to attract visitors and create an appealing feel to both locals and tourists. Open space is very important in this regard.

Teton Valley has an opportunity to repurpose rural, platted, undeveloped subdivisions that could be part of a larger system of open space created through land purchase or acquisition of conservation easements. Open space could include infill parks, trail connections, wildlife corridors, open fields, green belts and riparian restoration zones. Some of these types of open space can become popular amenities to residents and tourists alike.

### Parks and Recreation

Greenways, parks, open space and multiuse paths (bicycle and pedestrian) have been shown to have positive impacts on property values and public health.

Land that is protected from development, either for recreational use, habitat conservation, or natural resource protection, has a tangible value that is hard to measure. One of the primary benefits of open space and conservation land is increased quality-of-life. While the value of quality-of-life is not often quantified, it has a direct link to economic development and community vitality that can be measured in other ways.

It has been well established that proximity to open lands and conservation areas enhances property values (McConnell, 2005). The "proximate principal" describes the correlation between higher property values and proximity to open lands, natural areas and parks. For example, an analysis of MLS sales of homes located along greenway systems found that the average premium paid for a home within one-half mile of a greenway trail system was between \$4,384 and \$13,059 (Lindsey, 2003).

### Recreation Access

*Indianapolis example  
not any more valid than  
before. Should be deleted.*

The Teton River and Targhee National Forest are important natural attractions to both residents and tourists. Existing access for fishing, boating, hiking and other activities is important to maintain and develop where appropriate. As two of the top recreational tourism and outdoor recreation resources of the valley, the river and forest should be readily accessible in multiple locations.

At the same time, it will be important to maintain, manage and preserve the natural feel and the wild and scenic character of the Teton River and other waterways or they will lose their value as authentic recreational tourism attractions. Thus, biking trails along the banks of waterways should be limited to town areas and more populated areas, while the majority of the riparian area should be as pristine as possible while still accessible.

River-based tourism is a major sector of tourism that can be promoted in the Valley. The Teton River will support fly fishing, boating and hiking visitors. It is also a major branding and place identifier of the valley much like Aspen, Steamboat, Vail, Ketchum, Park City and Missoula. The community needs to embrace the river, keep it accessible and facilitate access and visitation through outfitters to maximize economic benefits.

#### COMMUNITY EVENTS + FACILITIES

Community events and facilities can be important means of enhancing the quality-of-life for residents and attracting visitors during off-peak periods. This can include slow midweek periods or low visitation months. Many of the events and facilities require public subsidy and/or support from non-profit organizations. This is especially true for conference and convention centers that do not normally cover capital costs or even operating costs. However, once destinations reach a certain level, they can subsidize conference / convention center development financing and operating costs through hotel taxes. The benefits to the destination are significant, as group business during slow periods can make the difference between feasible and non-feasible lodging, retail, dining and entertainment. Other destinations in Idaho have pursued this successfully, including Pocatello, Nampa, and Coeur d'Alene. Sometimes, destinations, such as Sun Valley and McCall, rely on private lodging / resorts to provide the facilities. Once provided, they are heavily used and often outgrown.

Events are also a very effective means of promoting visitation during off-peak periods. Events can include festivals, races, competitions, fairs, concerts, symposiums, off-site corporate retreats and other activities. The economic impact of these events can be very significant. However, they also require significant organizing and promoting capability and often require significant dedication of resources such as life-safety protection, sanitary, clean-up, and marketing / promotion. *Sanitation*

Certain facilities such as recreation centers, multipurpose rooms, community pools and like facilities are geared more towards the local population. These facilities are used for community meetings, teen activities, family gatherings, wedding receptions, funerals and other community activities. Sometimes they are private or are operated by non-profits. These facilities can be important to creating a sense of community, thereby enhancing quality-of-life.

#### Education Facilities

The presence of high quality educational opportunities from pre-kindergarten through post secondary levels is important in attracting entrepreneurs interested in opening footloose, knowledge-based industries. Many employees of technology companies will be reluctant to move to Teton County unless there are excellent facilities for the education of their children. Public schools in Teton County should aspire to a standard of excellence that goes beyond what is required by the state of Idaho and strive to meet international standards. The establishment of a community college or an extension of an established university would greatly enhance economic development by creating jobs and attracting students.

#### AGRICULTURAL + RURAL HERITAGE

##### Sustainable Agriculture Production

"Highly educated, was removed from 3rd line"

# economic development

| <i>Where Are We Now?</i>  | <i>Where Do We Want to Go?</i>     | <i>Tools</i>                               | <i>Key Actions</i>   | <i>Participants</i>  | <i>Timing</i> |
|---|------------------------------------|--|--|--|---------------|
| Undiscovered "lifestyle" community with recreation based services (shops, guides, outfitters) | An appealing "lifestyle" community | Marketing, Branding and Wayfinding Program | Develop new marketing, branding and signage materials. Design and install gateway signage and landscape treatments; wayfinding master plan; wayfinding sign installation.                              | Chamber of Commerce; Teton Valley Business Development Center, Teton Valley Marketing Alliance; Cities | 3             |
|   |                                    |  | Preserve and enhance recreational opportunities  | County Planning; Non-profit organizations  | 0             |
| Reduced land values due to over-supply of medium density (1.0 - 2.5 acre) residential lots    | A healthy real estate market       | Subdivision and Zoning Ordinance           | Mitigate the economic impact of non-viable subdivisions.   | County; property owners  | 3             |
|   |                                    |  | Zone changes to reflect the <sup>Policies</sup> Framework Plan and encourage development of quality growth neighborhoods adjacent to existing communities and reduce density in sensitive rural areas. | County Planning  | I             |
|   |                                    |  | <del>Reduce future potential supply of residential lots by 75%.</del>  | County Planning  | I             |
|   |                                    |  | Prioritize existing commercial and manufacturing land to reach a goal of 60/40% commercial/residential tax base.   | County Planning ; City of Driggs; City of Victor; City of Tetonla                                      | 3             |
|   |                                    |  | Require development proposals to be accompanied by relevant market research and due diligence that justify viability of the project and consider off-site impacts.                                     | County Planning  | I             |
| Struggling local businesses   | Thriving locally-owned businesses  | Buy Local Program                          | Promote official "Buy Local" campaign for the Teton Valley.  | Chamber of Commerce; Teton Valley Business Development Center, Teton Valley Marketing Alliance         | 2             |
|   |                                    | Technical assistance                       | Provide technical assistance to local businesses.  | Teton Valley Business Development Center   | I             |
| Limited amount of economic  | Vibrant, stable and diverse local  | Economic Development Program               | Unify Marketing, Job Retention, and Recruitment Programs.  | Chamber of Commerce; Teton Valley Business Development.  | 2             |

*agree!*

**Comment [J221]:** Comment that should not be restricting future growth and development since not all developments are unmarketable.

Could add to "encourage creative and new approaches to land development" to action or goals and policies section.

**Comment [J222]:** Questions on whether or not this is realistic?

# natural resources + outdoor recreation

| <i>Where Are We Now?</i>   | <i>Where Do We Want to Go?</i>                               | <i>Tools</i>  | <i>Key Actions</i>  | <i>Participants</i>  | <i>Timing</i> |
|--|--|---|---|--|---------------|
| Relatively pristine and intact wildlife habitats anchored by large tracts of public land and key private lands protected with conservation easements | Conserved and enhanced functional habitats                   | Subdivision and Zoning Ordinance                        | Revise ordinances to protect water quality and quantity, require <u>screening</u> where appropriate, protect key habitat areas, and reflect the land use framework along all natural waterways. | County Planning  | 2             |
|  |  |   | Revise ordinances to specify low development density in sensitive wildlife habitat, riparian areas and wetlands.  | County Planning  | 2             |
|  |  |   | Amend subdivision and zoning ordinances to allow enhanced <u>clustering incentives</u> and conservation easement purchase or lease.   | County Planning  | 2             |
|  |  | Tax Incentives and Fees                                 | Utilize tax incentives and fee structures to support land use framework.  | County   | 2             |
|  |  |   | Investigate funding options for purchase or lease of conservation easements through property tax, resort tax, hotel tax, real estate transfer tax, voluntary fees, or others.                   | County,  | 5+            |
|  |  | Overlay Standards                                       | Strengthen the wildlife and natural hazard overlays, including further reducing density in riparian, wetland, floodplain and other sensitive or hazardous areas.                                | County Planning  | 2             |
|  |  |   | Purchase or lease conservation easements in high priority areas for wildlife protection.  | Property Owners; Teton Regional Land Trust; Other accredited land trusts or entities | 2             |
| Poorly planned and scattered development that disconnects and threatens wildlife migration   | Protected wildlife movement corridors and sensitive habitats | Subdivision and Zoning Ordinance - Subdivision Vacation | Incentivize vacation of non-viable subdivisions in or near migration corridors or sensitive habitats.   | County Planning  | 2             |

*define*

*define*

*Current applicable regs.*

**Comment [J223]:** Comments received to remove strengthening the wildlife overlay and remove all references and that IDFG should be relied on to regulate wildlife. Comments on where wildlife overlay came from? Other comments that wildlife and overlays are important.

Note: We have contacted IDFG regarding regulating wildlife in Teton County. We could provide additional supporting information in the Appendix on the existing wildlife in Teton County. IDFG could also be added as a "participant" to this action.

| <i>Where Are We Now?</i>  | <i>Where Do We Want to Go?</i>  | <i>Tools</i>  | <i>Key Actions</i>   | <i>Participants</i>  | <i>Timing</i> |
|---|---|---|--|--|---------------|
| corridors and sensitive habitat   |   |   |  |  |               |
| Water quality and quantity concerns   | Good water quality and quantity for recreation, fisheries habitat and human consumption       | Plan Development - Subdivision and Zoning Ordinance | Develop a source water protection plan   | County Planning  | 5+            |
|   |   |   | Ensure developments have adequate supply of drinking water and ability for adequate wastewater treatment prior to approval.                          | County Planning  | 2             |
|   |   |   | Develop a source water protection plan   | County Planning; Non-profit organizations, State, Local and Federal agencies | 5+            |
|   |   |   | Ensure developments have adequate supply of drinking water and ability for adequate wastewater treatment prior to approval.                          | County Planning; Non-profit organizations, State, Local and Federal agencies | 2             |
| Numerous and diverse opportunities for recreation on public land, although some access is limited | Numerous, high-quality recreational opportunities and facilities for all ages and user groups | Recreation Master Plan                              | Explore the feasibility of a Recreation District   | County; Cities   | 2             |
|   |   |   | Develop a Trails and Pathways Master Plan, work with federal and state land agencies to maintain and improve access to public lands.                 | County Planning, Non-profit organizations, State, Local and Federal agencies | 5             |
|   |   |   | Community that values a wide range of outdoor recreational opportunities   | Protected and expanded range of access to outdoor recreation areas           |               |
| Tourism enhanced by natural resource protection   | Tourism enhanced by natural resource protection   | Planning Documents                                  | Create a Winter Travel Plan that includes maintenance and improvement of public land and river access and identifies potential new access locations. | County Planning, Engineering, and Road and Bridge                            | 5             |
|   |   |   | Create and adopt a County-Wide Flood Preparedness and Prevention Plan.   | County Emergency Management  | 2             |
|   |   | Local, State and Federal Coordination               | Work with state and federal agencies and private land owners to inventory and map sensitive areas.   | County GIS; Property Owners; USGS; NRCS; BLM; NGOs; USFS; IDFG               | 2             |

*human consumption should come first*

*Overlay Standards*  
*current applicable regs*

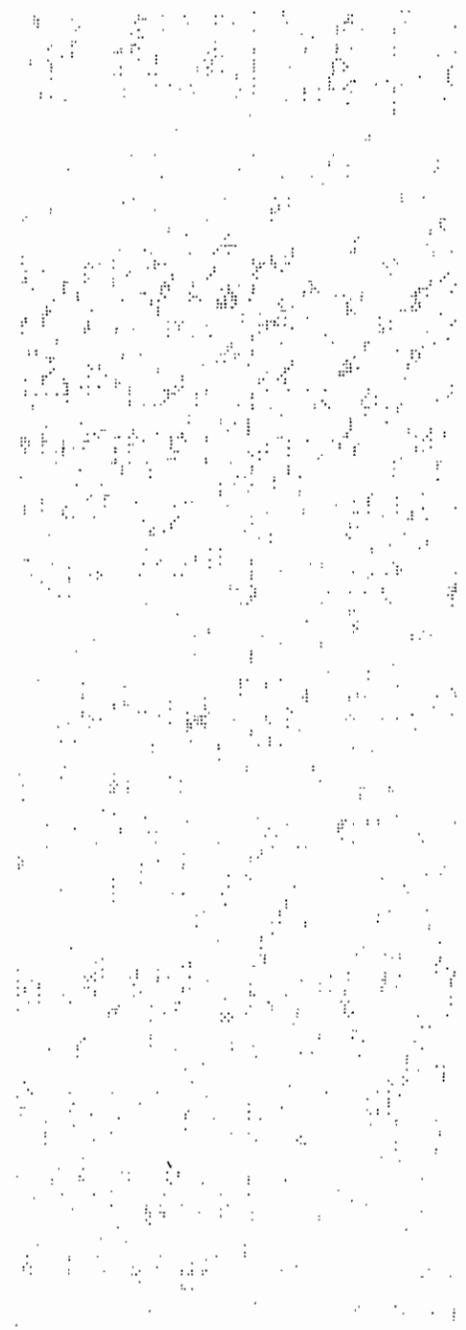
*No. Current Fed, State and Local regs sufficient*

| <i>Where Are We Now?</i>   | <i>Where Do We Want to Go?</i>  | <i>Tools</i>                                 | <i>Key Actions</i>  | <i>Participants</i>  | <i>Timing</i> |   |
|--|---|--|---|--|---------------|---|
| Water and sewer service within existing towns only. High cost to provide roads, road maintenance and other services to rural areas | Sufficient infrastructure to efficiently serve the needs of the community | Utility Standards                            | Amend Subdivision and Zoning Ordinances, to focus development requirements to utility provision.  | County Planning  | 2             |   |
|  |   | Area of Impact Agreements                    | Work with Cities to determine appropriate Area of Impact (AOI) boundaries based on future annexation plans.   | County Planning; Cities  | 3             |   |
|  |   | Transportation Plan                          |   |  |               |   |
|  |   | Coordinated Emergency Services               | County-wide Emergency Service Plan  | Create a county-wide emergency services plan.                                | County        | 3 |
|  |   | Fiscal Impact Tool                           |   | Develop a comprehensive county fiscal impact tool.                           | County        | 5 |
|  |   | Transfer of Development Rights (TDR) Program | Work with Cities to investigate the feasibility of TDR program.   | County Planning; Cities of Driggs, Victor and Teton                          | 5+            |   |
| Incomplete but growing recycling facilities  | Efficient and convenient recycling opportunities, reduced waste stream    | Recycling Program                            | Work with Teton Valley Community Recycling (TVCR) and other partners to promote waste reduction education campaigns and pursue grant opportunities to expand the County Recycling and other Green Programs. | County Solid Waste and Recycling; Private entities; non-profit organizations | 0             |   |

Coordinated public and private recycling services

*Environmentally friendly*

Timing: 0=Ongoing; 1=Immediate; 2 = Within 2 Years; 3 = Within 3 Years; 5 = Within 5 Years; 5+ = 5 or More Years



# agricultural + rural heritage

| <i>Where Are We Now?</i>  | <i>Where Do We Want to Go?</i>  | <i>Tools</i>   | <i>Key Actions</i>  | <i>Participants</i>                                   | <i>Timing</i> |
|---|---|--|---|---|---------------|
| Established agricultural industry - (seed potatoes, barley, alfalfa, hay, etc) but transportation costs, short growing seasons and harsh climate create financial hardship. | Agriculture as a key industry   | Land Protection Trusts, USDA assistance                            | Explore funding options and incentives for maintaining the financial viability of farm operations.<br><br>Diversify crops and specialties | USDA, ISDA, Private Land Trusts, Property Owners      | 0             |
| Agricultural and rural lands are a key element in rural character and wildlife habitat. Overdevelopment of rural areas threatens this                                       | Preserved agricultural and rural lands and a distinct rural character | Cluster Development Program  | Amend subdivision and zoning ordinances to allow enhanced clustering incentives and conservation easements that are purchased or leased.  | County Planning                                       | 2             |
|   |   | Conservation Easement Purchase or Lease                            |   |   |               |
|   |   | Transfer of Development Rights (TDR) Program                       | Work with Cities to investigate the feasibility of TDR program.   | County Planning; Cities of Driggs, Victor and Tetonia | 5+            |
|   |   | Subdivision and Zoning Ordinance - Large Lot Streamlining          | Create/amend ordinances and programs to promote Large Lot Subdivisions.   | County Planning                                       | 0             |
|   |   | Open Space Levy or Dedication Incentives                           | Explore open space funding options and voluntary incentives that would be oriented to the protection of open space and large farms.       | County  | 5+            |
| Aging farmer demographic / losing agricultural heritage   | Continued multi-generational agricultural heritage                    | Subdivision and Zoning Ordinance - Family Lot Splits or Short Plat | Amend the Subdivision Ordinance to allow Family Lot Splits or a Short Plat process.   | County Planning                                       | 2             |
| Weed Infestation from vacant subdivisions and other   | Healthy, open landscape   | Subdivision and Zoning Ordinance - Subdivision Vacation            | Vacate non-viable subdivisions; amend County Code to strengthen penalties for weed violations.  | County Planning; Extension Office                     | 2             |

Comment [J224]: Add "state law" as tool and "enforce state noxious weed laws" as key action

## IMPLEMENTATION TOOLS

A series of tools are available to implement the Plan, some of which are employed most effectively either through the County; public and private partnerships; or by private efforts. The tools rely on choices made by individual landowners or on actions taken by public or private agencies. The Board of County Commissioners can play a role in Plan implementation by updating the Capital Improvement Plan, revising zoning and subdivision regulations, or making budget allocations to achieve plan goals and objectives.

Teton County uses two primary regulatory tools to implement the goals and policies set forth in the Comprehensive Plan: the Zoning Code and the Subdivision Code (both are codified chapters within the County Code). Additional tools for implementing the Comprehensive Plan include other portions of the County Code, the Capital Improvement Plan, and a host of non-regulatory means.

### PRIMARY REGULATORY TOOLS

#### Zoning Code Amendments

The Zoning Code regulates the use of land. More specifically, the provisions of the Zoning Code divide the County into residential, agricultural, commercial, industrial, public and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land within the zone and the standards to which improvements must conform, such as building height, setbacks, and lot size. The Zoning Code is approved by Ordinance and consists of text found in Title 8 of the County Code, along with an official Zoning Map.

The Zoning Code fulfills two major roles:

- First, the provisions of the Zoning Code promote the general public health, safety, and welfare of County residents.
- Secondly, the Zoning Code helps to implement the Comprehensive Plan.

In a broad sense, zoning encourages the orderly development of the County and implements the Comprehensive Plan. The Comprehensive Plan provides a general and long-range policy for the County, while the Zoning Code serves as a legal ordinance with binding provisions on how land can be developed. Zoning sets the pattern for growth and defines appropriate land uses for each zone. The various zones have specific boundaries and, when drafting the Zoning Code, the County considers how each land parcel will be affected and how potential development on that parcel will affect those around it. However, zoning is only one of several tools available to bring the Plan recommendations to reality.

The Zoning Code shall be revised to reflect the Framework Plan which includes the goals and policies and Framework Map. The Zoning Code can be amended in a variety of ways, one of which results in the change in allowable development density. In Teton County, this density is represented by the number of dwelling units permitted per acre. For example, our current zoning includes A20 and A/RR 2.5 zone districts, which allows a density of 1 house per 20 acres and 1 house per 2.5 acres, respectively. Changes could result in either increases or reductions in the allowable density. Other amendments to the Zoning Code could include:

- Changes in minimum lot sizes/ density decreases in key rural areas;
- Elimination of residential density bonuses;
- Changes in the procedures necessary for permitting of uses;
- Concentration of commercial, mixed use development and housing near existing towns to ensure economic viability;
- Standards or overlay zones that set a level of protection for scenic corridors, prime farmland, flood prone or environmentally sensitive areas, e.g. riparian areas; and
- The addition of form or performance-based code strategies.

*policies of the*

*of the Comp. Plan (67-651)*

*are these different from clustering incentives? → see next page*

*as defined by current regs.*

There are four primary types of zoning code that the County could consider as part of the Plan Implementation strategy: Conventional (also known as Euclidean), Form-Based, Performance, and Incentive-Based, as well as a Hybrid Code that may combine elements of some or all of the four primary types.

**Conventional Code (Euclidean):** Teton County's current zoning is based primarily on a conventional code that regulates development through land use classifications and dimensional standards. Present County zoning land use classifications are agriculture, residential, retail commercial, wholesale commercial and manufacturing. Each land use must comply with dimensional standards that regulate the height and size of structures. These dimensional standards typically take the form of minimum lot sizes, building setbacks from property lines, and height limits.

**Form-Based Code:** A form-based code places more emphasis on regulating the form and scale of buildings and their placement rather than the distinctions between land use types. Form-based codes are the newest form of zoning code and have not typically been utilized in a rural setting. Form-based codes typically result in greater control over the visual quality of building architecture and public areas along streets and community gathering places.

**Performance Zoning Code:** Performance zoning regulates the impact of land uses through set standards of performance. These specific standards usually concern residential density, intensity of commercial development, vehicular traffic, noise, and access to light and air. Under performance zoning, developers can locate any use within an area, subject to meeting the performance standards for that district. Performance zoning allows for the greatest flexibility of all code types.

**Incentive Zoning Code:** Incentive zoning provides a reward (typically in the form of greater residential density or building size) to a developer who does something beyond "standard practice" that is in the community's interest (such as protecting open space or prime wildlife habitat). Teton County already provides the opportunity for density bonuses which would be considered an "incentive." Incentive zoning allows for a high degree of flexibility.

*but it is proposed that they be eliminated (see previous page)*

#### Subdivision Ordinance Amendments

The Subdivision Ordinance provides the County with standards and regulations for the approval of new subdivisions and lot splits. The Subdivision Ordinance, found in Title 9 of the County Code, includes design standards for streets, blocks, and other public improvements. The Subdivision Ordinance provides the application procedures for approval of all types of land divisions within the County. The Subdivision Ordinance relates to the Comprehensive Plan by assuring proper design of residential areas and design and location of public facilities. New or enhanced subdivision tools that might be added to the Ordinance include:

- Transfer of Development Rights (TDR);
- Conservation Easement Dedication, Purchase or Lease;
- Large Lot Subdivision Incentives; and
- Family Lot Splits.

*that have breached their contract with the County*

#### Vacate/ Replat Non-Viable Subdivisions

Non-viable subdivisions can be "vacated" through a process where the internal property lines are eliminated and the parcel reverts to its previous configuration. This is an existing tool to bring land back to a rural character. Vacating a subdivision does not mean that the property cannot be developed again in the future.

Since there are times when it is not appropriate or desirable to vacate the plat for an entire subdivision or phase of a subdivision, generally because several lots have been improved and homes developed, consideration may be given toward replatting the subdivision. A replat involves preparing a new plat that reflects new lot sizes, streets and utilities that meet current public improvement standards or lot and street patterns that avoid environmentally sensitive areas. Where the original subdivision plat contained undersized lots, lots on environmentally sensitive land, or inadequate roads and utilities, the replat may show fewer developable lots, increase the open space, or rearrange lots so that higher quality habitat is protected. Replatting can be used with both paper subdivisions and partially developed subdivisions, and can be effective to reduce lots, protect wildlife habitat, or reduce service costs.

New regulations should encourage and allow a streamlined review process for property owners wishing to voluntarily vacate a subdivision plat whenever possible.

Subdivision impact fees and the provision and timing of infrastructure should be reexamined with these subdivision vacation and replat regulations in mind. New provisions should be added to the Code. Other Code criteria may center on whether the County can economically provide services to subdivisions that have not begun development. Subdivisions that meet certain criteria could be replatted to meet the goals of the Comprehensive Plan, including reduced lot sizes and open space conservation, according to a "replat" Code provision.

#### Conservation Easements, Purchase of Development Rights (PDR) or Open Space Purchase *← lease or*

Land can be retained for future generations as agricultural or open, natural landscapes through three primary mechanisms: conservation easements, purchase of development rights, or public purchase. All of these options offer a voluntary means to open land preservation.

*Conservation Easements:* Dedication or sale of conservation easements by private property owners to private, non-profit lands trusts or conservation organizations allow many of the property rights to be retained (e.g.-continue farming or ranching), and continued ownership and place of residence. If donated, the owner receives a tax benefit; if sold, the owner retains revenues from the sale of the conservation easement. A conservation easement also can be used to reduce the value of an estate that is subject to taxation. In some cases, property owners may wish to enter into a conservation lease, whereby the land can be maintained in an open, undeveloped state for a set period of time and fee.

*Purchase or Donation of Development Rights:* Development rights can be severed from agricultural lands in two primary ways. Development rights can be purchased by different entities (usually a non-profit land trust but sometimes a public agency), and they can be donated by landowners to nonprofit land trusts, conservation organizations or public agencies. The severance of development rights runs with the land, and future landowners must ensure that the land is not developed. As with conservation easements, agricultural and ranching activities can continue and the property owner retains the right to sell the property.

*Open Space Purchase or Donation:* Currently, Teton County does not purchase open land or development rights. However, if there was adequate public support, the County could use money raised from a Conservation or Open Space Levy or other funding source to purchase Development Rights or Open Space. A two-year levy would need to be passed by a majority vote of those included in a levy district and a permanent levy would require approval by a super majority. Other funding options could include a voluntary fee or resort, real estate, or hotel taxes.

#### Transfer of Development Rights (TDR) Program

TDR programs allow landowners to transfer the right to develop one parcel of land to a different parcel. The parcel of land where the rights originate is called the "sending" parcel. When the rights are moved from a sending parcel, the land is restricted with a permanent conservation easement, or deed restricted from future development. The property owner of the sending parcel relinquishes the right to develop the land, but can continue indefinitely with farming or ranching activities. The parcel of land to which the rights are transferred is called the "receiving" parcel and is generally more appropriate for development. Transferring rights generally allows the owner of the receiving parcel to build at a higher density than ordinarily permitted by the base zoning. A targeted TDR program would allow development to be transferred between select parcels. The transfer would be facilitated when the sending and receiving parcels match designated preservation zones (the sending areas) and growth areas (the receiving areas). Strategically placed sending and receiving areas maximize community benefit by providing an incentive for greater development and population densities in or near the County's cities while protecting parcels with the highest scenic, cultural and wildlife habitat value.

The first step toward creating a Transfer of Development Rights Program will be a joint study with Teton County communities to determine feasibility. Making the program a practical option in an area as large as Teton County will likely entail breaking the program into smaller geographic areas. Keys to TDR program success can be learned

from other counties including Payette County, Idaho which has one of the most successful TDR programs in the Country.

#### Cluster Development (also known as Conservation Subdivisions)

Cluster Development is a housing pattern that clusters new housing on a portion of the property with the remaining area protected as open space to allow for continued agriculture production or protection of natural habitat. A rural cluster development could include relatively large lot clusters (1 to 3 acres) and does not necessarily require urban type densities.

The preserved natural or agricultural area attracts buyers who want to enjoy the countryside without owning or maintaining a large parcel of land. Cluster development is currently included in the existing Planned Unit Development Ordinance. Cluster Development can help create lots that are small enough for a homeowner to maintain and also create dedicated open areas.

#### Large Lot Subdivision Incentives

Incentives can be created for subdivisions with lots that are larger than the minimum size allowed under the zoning district. This could help make it easier to break off a piece of land to sell when needed. The lots would need to be large enough to help reach the goal of preserving rural character and larger than what the underlying zoning would allow.

#### Family Lot Splits (also known as Family Subdivisions or Transfers)

Family Lot Splits help to forward continuance of viable farming operations. This type of small subdivision originated from the farming tradition that allowed a farmer to split off lots for his children, to fulfill their need for housing, to pass along a portion of the family's land holdings and to allow the family members to live in close proximity to the farm ~~where they worked together.~~ *Should not be necessary for them to have worked there.*

Rules for Family Lot Splits are designed to both protect the rights for a farm family to sell or gift land to an immediate family member and discourage circumvention of the standards that would promote speculative land development. Standards typically define "immediate family" limit the number of subdivided lots that occur, the period of time the benefactor must hold the lot, and the size of lot that can be created. Immediate family is most frequently defined as the property owner's children. Lot sizes are usually required to be no smaller than the required minimum lot size within the zoning district and enough land would need to be available to meet the underlying zoning requirements. Subdivision review processes are often streamlined to make it quicker and easier to create a Family Lot Split.

*← if that is the definition to be used here, then so state in the glossary*

#### Short Plat

Creation of a smaller subdivision can often be accommodated through an abbreviated review process to create a Short Plat, also called a Short Subdivision. The purpose of the short plat is to allow the creation of a small number of parcels without being subject to the more lengthy procedural standards of the preliminary and final plat regulations and to provide a simplified administrative process for review. Thresholds for creation of a short plat are typically based on the number of lots being created and the requirement for right-of-way dedication.

#### Capital Improvement Plan (CIP)

Teton County has an existing Capital Improvement Plan (CIP) that identifies future capital needs for roads and other public services, prioritizes these capital projects and specifies funding sources. This plan should be updated based on current population projects and current projected conditions. The impact fee ordinance should be updated based on the new information. The CIP should also include plans for other economic development initiatives that fall outside of the typical infrastructure and facilities developed by the County. The County should also adopt a CIP for the Teton County Fire District and implement impact fees in accordance with that plan.

#### NON-REGULATORY TOOLS

Plan implementation is more than regulation. There are non-regulatory measures such as creating structure for inter-local agreements, public-private partnerships, and efforts of the business community and individuals.

#### Guidelines

The County can put recommended guidelines in place that will suggest specific non-regulatory techniques to preserve community character in the Valley. Guidelines could include historic preservation, architectural and landscape design, and high performing building design. The County currently has some guidelines in place and these could be expanded to provide guidance to land developers and property owners.

#### Buy-Local Program

Creating a "buy-local" campaign will maximize positive financial impact on the local economy because profits are kept in the local area as opposed to being exported out of Teton Valley. By keeping money in the area, other sectors of the local economy are supported. Local businesses have a stronger affinity for the local culture and tend to be more supportive of civic causes, local charities, local events and other aspects of local participation. Local business owners tend to support each other and they engender support by the local population.

#### Teton Valley Marketing and Branding

A targeted marketing and branding effort will help expand exposure of Teton Valley to other markets and to prospective employers and the tourism industry. Teton Valley needs to market its high quality-of-life, area history and amenities, and create an attractive identity through a unique brand.

#### Support of Non-Profit Organizations

Teton Valley is home to over 50 private, non-profit organizations (public charities, private foundations & others) that work to address community needs. Area projects and programs include animal safety, arts and culture, child and family services, civic groups, conservation and environment, education, health and human services, and sports and recreation. Partnerships between the public sector, business and the non-profit organizations are necessary for the Plan to be successful.

### IMPLEMENTATION FRAMEWORK

The Teton County Comprehensive Plan provides goals for development of the County over a 20-year period beginning in 2012. To meet these goals, the Plan establishes a series of tools and specific action items. The Plan also defines specific steps and follow-up activities to be taken to track implementation of the Plan. An implementation framework ensures that specific strategic actions take place, that Plan updates occur and that the Plan is adapted where needed in order to meet the community's desired future. The implementation framework consists of the elements shown at right.

#### ACTION MATRIX

The policies in the Comprehensive Plan are implemented through a series of tools and key actions to realize the expressed vision. These actions are spread across the main elements of the Comprehensive Plan. Below are highlights of a few of the anticipated action items intended to advance the goals of the Comprehensive Plan:

- Redraw zoning districts and create appropriate ordinances to implement the Vision in each district.
- Create/amend ordinances and programs for TDRs, Large Lot Subdivisions, Conservation Easement Purchase or Lease Programs, Zoning Changes, Land Use Matrix and prepare a ballot question for an Open Space Levy.
- Vacate non-viable subdivisions; amend County Code to strengthen penalties for weed violations.
- Create a Recreation Master Plan and potentially a Parks and Recreation Department to manage facilities and programs.
- Create a Unified Marketing, Job Retention, and Recruitment Program.
- Develop an official "Buy Local" Campaign and Marketing program for Teton Valley.

*Policies stated in the  
Comp Plan  
which have  
breached their  
current contract to  
the County*

## MINOR AND MAJOR PLAN UPDATES

In order for the Comprehensive Plan to change with future conditions, it must be reviewed, revised, and updated periodically. Revisions to the plan shall be conducted according to two distinct procedures: Comprehensive Updates and Minor Amendments. Comprehensive Updates to the Plan will take place every five years. The Updates should focus on the review of the vision, framework, policies, tools and actions to ensure the Plan is headed in the correct direction. A separate process shall be used to make Minor Amendments to the Plan as a result of the adoption of new plans, land use codes, tools, actions or resolutions of specific issues found in the Plan. Minor Amendments, preferably conducted annually, should include any necessary changes to the framework map, text or map errors.

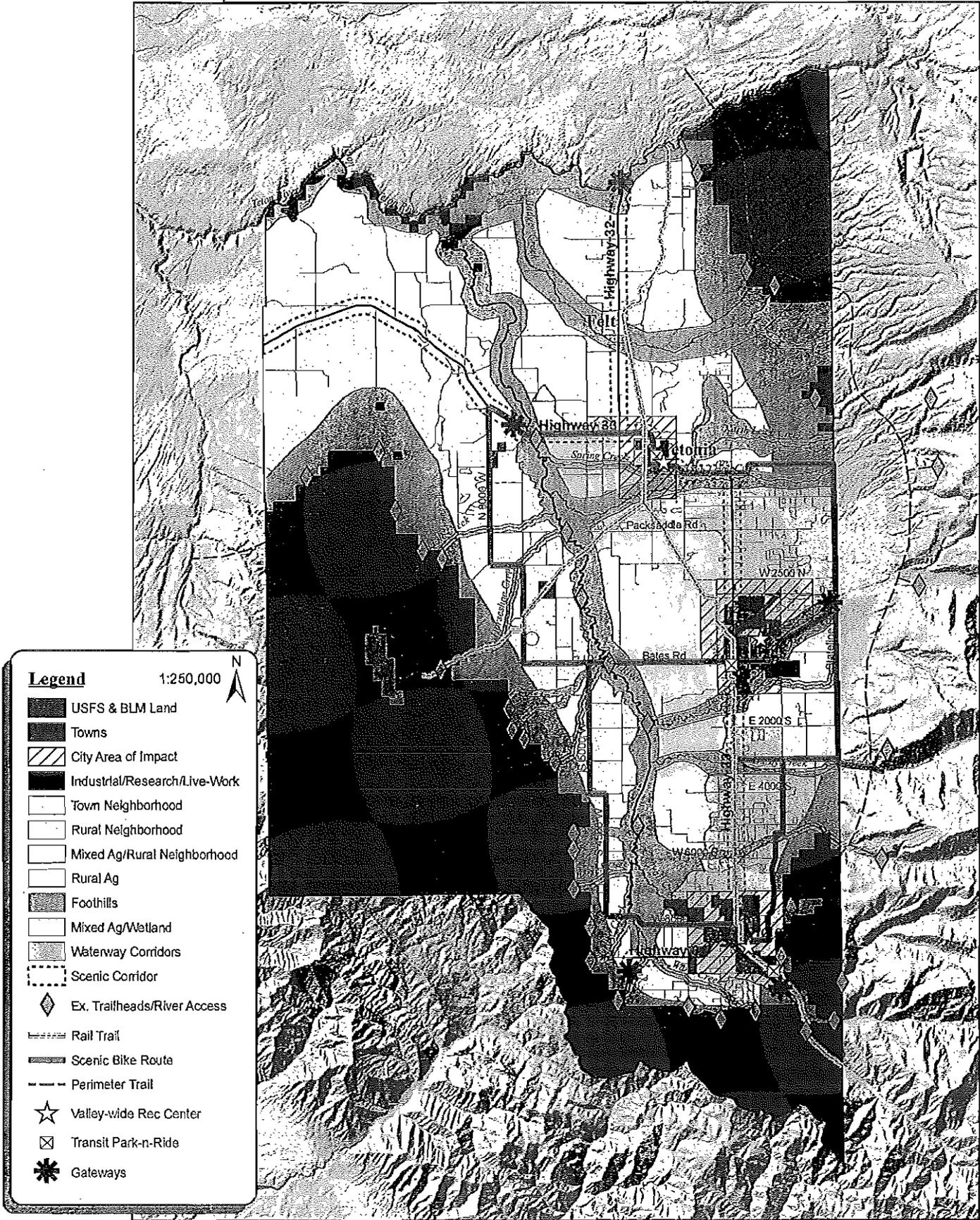
## PRIVATE INITIATIVES

A key fundamental basis for the success of the Comprehensive Plan process includes how the private sector can contribute to the success of the community. Non-profits, private businesses, individual homeowners and each citizen should help implement the Plan in their own way by trying to achieve its policies. The County will also begin an award program that will occur every two to three years and can be held in conjunction with the Annual Report to the Community and the Biennial Summit. The program will acknowledge the best planning, design or built project.

An award program promotes awareness of the importance of good community design, and its role in maintaining and enhancing the quality-of-life in the Teton Valley. It celebrates success and sets an example for design possibilities.

*State the Statutory requirement or change to "as needed."*

# The Framework Map



## Legend

1:250,000



- USFS & BLM Land
- Towns
- City Area of Impact
- Industrial/Research/Live-Work
- Town Neighborhood
- Rural Neighborhood
- Mixed Ag/Rural Neighborhood
- Rural Ag
- Foothills
- Mixed Ag/Wetland
- Waterway Corridors
- Scenic Corridor
- Ex. Trailheads/River Access
- Rail Trail
- Scenic Bike Route
- Perimeter Trail
- Valley-wide Rec Center
- Transit Park-n-Ride
- Gateways

## Notes

*as auxiliary information*

1. This Framework Map is meant to be used in context with the Framework Goals and Policies.
2. This map depicts desired future land uses and does not affect existing conditions, land uses, or developments. *for*

*dictate planning zones*



3.  
10/12



# Valley Advocates for Responsible Development

June 15, 2012

Teton County Planning & Zoning Commission  
Teton County Board of County Commissioners  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422

RE: Sources of legal authority for natural resources and wildlife planning.

Dear Commissioners:

This letter is submitted to clarify and ultimately rebut some of the statements and assertions addressed to the Teton County Board of County Commissioners in the May 24, 2012 letter written by Mr. Robert Harris on behalf of an anonymous client or clients who formed a legal entity called Teton Valley Group for Property Rights (TVPRG).

**I. A Comprehensive Plan is not the same as a zoning ordinance.**

The TVPRG letter confuses comprehensive planning with zoning. They are not the same thing. Mandated by the Local Land Use Planning Act (LLUPA),<sup>1</sup> a comprehensive plan is intended to be a forward looking, visionary statement of (in this case) Teton County's direction and goals as they affect land use planning decisions.<sup>2</sup> Comprehensive plans do not, and cannot, have the same force and effect as zoning. The Idaho Supreme Court has distinguished comprehensive plans from zoning ordinances in this way:

[LLUPA] indicates that a comprehensive plan and a zoning ordinance are distinct concepts serving different purposes. A comprehensive plan reflects the "desirable goals and objectives, or desirable future situations" for the land within a jurisdiction. I.C. § 67-6508. This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. The Board may, therefore, refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or

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<sup>1</sup> I.C. §§ 67-6501 to 67-6537, also known as "LLUPA".

<sup>2</sup> *Cove Springs Development, Inc., v. Blaine County*, Case No. CV2008-22, page 15 (5<sup>th</sup> Dist., June 3, 2008).



# Valley Advocates for Responsible Development

adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels within the jurisdiction.<sup>3</sup>

The TVPRG letter explicitly asks the county to define or re-define the zoning districts in the draft comprehensive plan. (Letter at p. 4) Neither boards of county commissioners nor their planning commissions have authority to change zoning districts through adoption of a comprehensive plan. It is well established in Idaho that the comprehensive plan cannot be elevated to the level of zoning law.<sup>4</sup> Likewise, the land use designations in the comprehensive plan will not match the then current zoning ordinances unless the county plans for no future improvements or changes to its past development patterns.<sup>5</sup> The land use map, which is a required element of a comprehensive plan, should not be confused with the zoning map that is also required by LLUPA. Zoning maps control what types of developments may be currently constructed in a given area, whereas “the land use map, in essence, is a goal or forecast of future development.”<sup>6</sup>

The TVPRG letter also contends that the comprehensive plan must clearly define the land use terms in the framework map. The only statutory requirement for land use terms is that which is inherent in the comprehensive planning process itself – to provide suitable direction to county commissioners and planning commissions of the future intended direction of land use in the polity. Ironically, TVPG then contradicts its own contention by requesting that the land use terms in the draft plan be made more vague by eliminating the “High” “Low” “Medium” density housing descriptions for the land use categories. The existing land use definitions in the draft plan include a sufficient and reasonable directive to guide the

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<sup>3</sup> *Urrutia v. Blaine County*, 134 Idaho 353, 357, 2 P.3d 738, 742 (2000) (internal citations omitted); *See also, South Fork Coalition v. Board of Commissioners of Bonneville County*, 117 Idaho 857, 863, 792 P.2d 882, 888 (1990) (a comprehensive plan does not operate as legally controlling zoning law).

<sup>4</sup> *Urrutia* at 358-59, 743-744 (the general language in a comprehensive plan is a general guideline which cannot be used to effectively rezone land; comprehensive plans cannot be elevated to the level of legally controlling zoning law).

<sup>5</sup> *Bone v. City of Lewiston*, 107 Idaho 844, 850, 693 P.2d 1046, 1052 (1984) (the “in accordance” language of I.C. § 67-6511 does not require that a zoning ordinance’s land use designation must be exactly the same as the corresponding designation in the comprehensive plan).

<sup>6</sup> *Bone* at 850, 1052. *See also*, Allen, Gary G.; Meyer, Christopher H.; Nelson, Deborah E., Lee, Franklin G. Lee, *Idaho Land Use Handbook: The Law of Planning, Zoning, and Property Rights in Idaho* (2011).



future land use planning and zoning decisions without going through the build-out scenarios and economic impact studies that will accompany those future actions. While TVPRG asks for certainty in the land use definitions, their requested changes would “gut” these definitions, leaving the land uses to only be vaguely referenced as simply “residential”. (Letter at p. 5)

## **II. Cities and counties (not Idaho Fish and Game) have sole planning and zoning authority over all the lands within their jurisdiction.**

The TVPRG letter wrongly asserts that references to the wildlife overlay should be removed from the comprehensive plan as Teton County has no regulatory authority over wildlife. The rationale for this contention is not that wildlife planning is unimportant or has no benefit to the County. Instead, they argue that only the Idaho Department of Fish and Game (IDFG) should be left to regulate wildlife. (Letter at p.5) TVPRG further asserts that IDFG’s involvement in preparation of Teton County’s 2008 wildlife overlay would not likely be permitted today. (Letter at p. 8) These arguments fail on three counts.

1. Planning decisions that protect and preserve wildlife habitat are not the same thing as regulation of wildlife; the draft comprehensive plan has absolutely no reference to regulating wildlife.

The draft comprehensive plan does not propose to regulate wildlife. It proposes to protect habitat when private property is developed, particularly where proposed development might impact valuable or unique habitats. That such planning in turn benefits wildlife and achieves other important goals does not make it a *de facto* regulation of wildlife. There is a distinct difference. Wildlife refers to the organism, whereas habitat refers to land, often the place or area where the organism might live. Contrary to TVPRG’s assertions, nowhere in any of the sections of the June 8 draft of the comprehensive plan does it state that Teton County intends to regulate wildlife. Nowhere in the plan are private property owners required to maintain wildlife or habitat on their property. TVPRG’s letter fails to cite a single phrase, sentence, or anything else contained in the draft comprehensive plan which substantiates these claims.

2. Only cities and counties have the statutory authority to plan for the protection of habitat on private property.

All wildlife is declared the property of the state of Idaho, (I.C. § 36-103) but wildlife habitat can be found on both public and private property. By their very nature, wildlife often move between habitats on both public and private lands. While IDFG has the regulatory authority over wildlife, the department has no



# Valley Advocates for Responsible Development

regulatory authority over land use decisions affecting private lands.<sup>7</sup> This is because only cities and counties have the jurisdictional authority to plan for the protection of habitat on private property in Idaho. As stated in the recent case of *Cove Springs Development Inc., v. Blaine County*:

The delegation of land use planning and zoning authority contained in LLUPA is a complete, comprehensive, and exclusive delegation to local city and county governments.<sup>8</sup>

This authority expressly includes the statutory duty to plan for management of natural resources, habitat, and wildlife within the city or county's boundaries.<sup>9</sup> LLUPA further mandates that comprehensive plans must include all of the land within the city or county's jurisdictional boundaries. (I.C. § 67-6508) Contrary to TVPRG's stance, the county has a statutory duty to consider the impact of future planning decisions on habitat so as to preserve natural resources and wildlife.

3. IDFG can provide technical analysis to local governments and enter into cooperative agreements for wildlife management and protection projects.

The TVPRG letter asserts that IDFG's involvement in preparation of Teton County's 2008 wildlife overlay would not likely be permitted today. (Letter at p. 8) This statement is patently false. By statute, IDFG can enter into cooperative agreements with cities and counties for wildlife management and protection projects. (I.C. § 360104(b)(9)) Likewise, IDFG can provide technical analysis for counties to develop their own wildlife overlay maps. Idaho Courts have clearly come to expect IDFG will play a meaningful role in assisting counties with the development of wildlife overlays.<sup>10</sup> IDFG's direct and voluntary participation in

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<sup>7</sup> *Cove Springs* at 18.

<sup>8</sup> *Cove Springs* at 17 (Emphasis Added); *See also, Sprenger, Grubb, & Associates v. Hailey*, 133 Idaho 320, 321, 986 P.2d 343, 344(1999) ("LLUPA provides both mandatory and exclusive procedures for the implementation of planning and zoning"); *And, Gumprecht v. City of Coeur d'Alene*, 104 Idaho 615, 617, 661 P.2d 1214, 1216 (1983).

<sup>9</sup> The stated purposed of LLUPA is to ensure that the important environmental features of the state and localities are protected, and also to protect fish, wildlife, and recreation resources. (I.C. § 67-6502) In addition, cities and counties are required to include a natural resources and land use component in their comprehensive plan which expressly includes wildlife. (I.C. § 67-6508)

<sup>10</sup> *Cove Springs* at 19-20, (counties may choose to use the expertise of IDFG to develop a wildlife overlay); *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the



Teton County's comprehensive planning process itself affirms the importance of sound planning to help IDFG achieve its statutory goals of wildlife management.

### **III. Although it is not a part of the comprehensive plan, the Teton County Wildlife Habitat Overlay is a legitimate zoning ordinance.**

Pursuant to the procedures established in LLUPA, the Teton County Board of County Commissioners adopted as a part of its zoning ordinance, the Teton County Wildlife Habitat Overlay on November 14, 2008.<sup>11</sup> The overlay is not a part of the comprehensive plan, but is a part of Teton County's zoning ordinances. These are distinctly different pieces of legislation rooted in different statutory requirements in LLUPA.<sup>12</sup> The June 8<sup>th</sup> draft comprehensive plan merely references maintaining and updating the overlay, which is precisely the kind of clear and unambiguous directive that a good comprehensive plan is supposed to contain.

As a statutory zoning category, the usage of overlay maps to protect sensitive areas is well established in Idaho. The Idaho Supreme Court has held:

This Court has recognized that aesthetic concerns, including the preservation of open space and the maintenance of the rural character of Blaine County, are valid rationales for the County to enact zoning restrictions under its police power. The purpose of the MOD [mountain overlay district], as set forth in B.C.C. § 9-21-1(B), falls squarely within the recognized powers of the County.<sup>13</sup>

In fact, the adoption of a natural resources overlay map is not only well recognized in Idaho, it was exactly what the *Cove Springs* court directed Blaine County to create when their wildlife protection regulations came under judicial review:

If the County desires to make use of the expertise of IDFG, the U.S. Fish and Wildlife Service, the University of Idaho, the USDA Extension Service, or any other expert, it should invite their views in the context of a hearing

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correct usage of critical wildlife habitat maps that are based on natural resources inventory maps identified by Idaho Fish and Game)

<sup>11</sup> Teton County Code §§ 8-5-1 and 8-5-2.

<sup>12</sup> Comprehensive plans are authorized and required by I.C. § 67-6508. Zoning ordinances are authorized and required by I.C. § 67-6511.

<sup>13</sup> *Terrazas v. Blaine County*, 147 Idaho 193, 198, 207 P.3d 164, 174 (2009).



# Valley Advocates for Responsible Development

process that accommodates rebuttal of evidence which reserves the final decision to the County, as mandated by LLUPA. The result of that process should be the adoption of a map or objective criteria that clearly define the boundaries of the zone.<sup>14</sup>

In addition to *Cove Springs*, Fremont County's proper use of natural resource inventory maps and IDFG habitat mapping as a part of their zoning code was recently upheld by the Idaho Supreme Court.<sup>15</sup> Moreover, county wetland regulations and hillside development requirements have been similarly affirmed by the Idaho Supreme Court on numerous occasions as both written ordinances and also in the form of overlay maps.<sup>16</sup>

If wildlife overlays are a lawful part of the planning and zoning structure in many Idaho counties, then setting goals and directives for future use of these overlays is an appropriate subject for a county's comprehensive plan.

#### **IV. In addition to all of the above, comprehensive plans are not reviewable in Idaho.**

We appreciate the fact that receiving TVPRG's message on a law firm's letterhead might carry the implied threat of a lawsuit in the event the stated wishes are not granted. However, we encourage you not be intimidated. In addition to the reasons stated above, a lawsuit challenging the draft of the comprehensive plan would have no basis because no one can sue in Idaho over the amendment of a comprehensive plan. The Idaho Supreme Court has clearly held in the recent case of *Burns Holdings, LLC v. Madison County Board of County Commissioners* (2009) that

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<sup>14</sup> *Cove Springs* at 19-20.

<sup>15</sup> *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the correct usage of critical wildlife habitat maps that are based on natural resources inventory maps identified by Idaho Fish and Game).

<sup>16</sup> *Noble v. Kootenai County*, 148 Idaho 937, 231 P.3d 1034 (2010) (upholding Kootenai County's enforcement of their county floodplain development ordinance); *Terrazas v. Blaine County*, 147 Idaho 193, 207 P.3d 164 (2009) (upholding Blaine County's usage of a Mountain Overlay District to regulate development in avalanche-prone areas); *Rollins v. Blaine County*, 147 Idaho 729, 215 P.3d 449 (2009) (also upholding correct application of Blaine County's Mountain Overlay District); *Cowan v. Fremont County*, 143 Idaho 501, 148 P.3d, 1247 (2006) (upholding the correct usage of both county wetland and county hillside regulations).



there is no statutory right of judicial review of a county's decision to amend its comprehensive plan map.<sup>17</sup>

After the *Burns* decision and two other similar cases were decided by the Idaho Supreme Court, the Legislature passed HB 605 on March 23, 2010 as a reaction to these court decisions. The Legislature amended I.C. § 67-6521 to now authorize judicial review of certain land use actions such as zoning ordinances, permits authorizing development, variances and subdivisions. It must be noted however, that the Legislature consciously declined to create a right of judicial review of the substantive elements of comprehensive plans. Thus, *Burns* and the subsequent acts by the Legislature clearly indicate that a comprehensive plan can only be successfully challenged for failure to follow hearing requirements, other procedural requirements in LLUPA, or for failure to include a statutorily required element (ie: natural resources, affordable housing, transportation, etc).<sup>18</sup>

## **V. The best way forward is to clarify and build on what already exists in the draft plan – not strip away meaning and substance.**

Everything that is in the draft comprehensive plan is there through substantial collaboration and consensus. This draft plan has been the two-year work product of 1,800 volunteer hours and over 4,000 public “inputs” to date. Much of the language that TVPRD now challenges, including the descriptors for densities, is the result of extensive and painstaking conversations at the subcommittee and core committee levels. Instead of implementing the major changes requested in TVPRG’s letter, (which are potentially the views of only a single person and would essentially “gut” the substance of the plan) the goal now should be to clarify and build on what already exists in the plan.

This plan is the impressive product of a tremendous community effort spanning more than two years – a proud accomplishment for us all. Thank you for your hard work and consideration in the service of our community.

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<sup>17</sup> *Burns Holdings, LLC v. Madison County Board of County Commissioners*, 147 Idaho 660, 663, 214 P.3d 646, 649 (2009).

<sup>18</sup> See also, Allen, Gary G.; Meyer, Christopher H.; Nelson, Deborah E., Lee, Franklin G. Lee, *Idaho Land Use Handbook: The Law of Planning, Zoning, and Property Rights in Idaho*, (2011).



# Valley Advocates for Responsible Development

Sincerely,

[/S/ David Axelrod](#)

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David Axelrod  
VARD Board President  
*Licensed to practice law in Idaho  
and Oregon*

[/S/ Richard Berg](#)

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Comments, Comp Plan Tracked Changes Draft for 6/19 PZC work meeting  
Submitted by Alice Stevenson

These comments address new proposed or tracked changes and are therefore in addition to my previous comments

Page 5

Regarding ACR's comment bubble, I would like to clarify my previous comments regarding changing "our." I had noticed in the tracked changes version for the 6/12 meeting that the consultants (for reasons unknown to me) had changed "our" to "the" in some places but not others. I have no preference; I simply thought if there was purposeful intent behind the change, then it should be made throughout the document.

Page 7

Regarding ACR's comment bubble at the bottom: As a member of the CE&F SC, I am quite sure we never intended to imply that there would be multiple recreation centers--multiple facilities, perhaps, some of which might be private enterprises, but not more than one actual public Recreation Center.

Page 52 (bottom) mentions recreation centers (plural)—next page mentions that these facilities might be private

When the consultants put two centers on the Framework Map, we viewed that as indicating that the Recreation Center--which the public input strongly supported as an eventual outcome of forming a Recreation District--would be in either Driggs or Victor. The map shows a star in Driggs and in Victor, with the legend saying "Valley-wide Rec Center"—note use of singular.

Conclusion: If you read this entire sentence (starts with Therefore, 3 lines up from bottom), it is summarizing what is depicted on the Framework Map. I don't think "a valley-wide recreation program" is depicted on the map. Suggested re-wording:

"...along the primary transportation routes, **a Recreation Center in either Driggs for Victor,** and support for..."

Page 10

ACR's tracked change and bubble near bottom: Based on the scientific evidence that I have studied, I strongly agree with Angie. However, in order to compromise with those community members who do not accept that humans are influencing climate change, I would suggest adding the word "may": "...and increased reliance on fossil fuels, which **may** contribute to climate change."

Page 12

Strongly support addition of "reduce fossil fuel consumption"

Page 13

Great addition about the logo. Perhaps the sentence at the top of the next page that explains "2020" should be moved to this paragraph about the logo. (Many have thought 2020 referred to when this Comp Plan would end, like the current Comp Plan that gives an end date of 2010.)

Page 14

New par. at top: "...and evaluated proposing consultants' submissions" is awkward.

Suggest: "...and evaluated all proposals submitted."

Page 16

Top: I like the new wording!

Page 20 and Page 38

I still do not think climate or trail systems are natural resources (and I think climate has been taken into consideration by suggested changes on earlier pages)

**From:** Sheila Russell  
**Sent:** Saturday, June 16, 2012 1:25 PM  
**To:** Angie Rutherford  
**Subject:** Comp Plan

Dear Planning and Zoning Commission:

Our concern is with proposed zoning code changes for Comp Plan 2012. If the present zoning codes change dramatically, we believe the property rights of landowners, particularly large land owners such as farmers, will be infringed upon. Extending the scenic corridors for recreational and scenic values does not seem to be a good reason for taking land from the owners.

Currently, we have the ability to subdivide our property one time. Under the suggested "Foothills" classification for Comp Plan 2012, we would no longer have the ability or right to subdivide. We do not like losing that option.

Sincerely,  
Stephen and Sheila Russell

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**From:** Kerry Brophy Lloyd  
**Sent:** Friday, June 15, 2012 3:42 PM  
**To:** Angie Rutherford  
**Subject:** Comments on Teton Co. Comprehensive Plan

Dear Commission,

In my opinion, Teton Valley is already over-developed. It's a real shame to see how unplanned growth has left houses scattered throughout the Valley without any regard to viewsheds or wildlife corridors. I can see why some old timers think it has been "ruined." In many ways, it has.

That being said, I think this juncture offers a chance to steer toward a better path for future growth. I support a Comprehensive Plan that sets much more strict guidelines on where/how growth can happen...and puts plans in place that allow many of the undeveloped subdivisions and lots to be retired and left as open space.

I would like to see future development much more clustered near our existing towns, as well as near existing and fully-developed subdivisions.

I am fully supportive of these stricter regulations that limit the rural sprawl of homes in our Valley. We must put these guidelines/plans in place now if we want to keep what's left of our rural, scenic Valley.

Thanks,  
Kerry Brophy Lloyd

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**From:** NANCY JOHN SIVERD  
**Sent:** Friday, June 15, 2012 3:37 PM  
**To:** Angie Rutherford  
**Subject:** Comprehensive Plan

Please see my attached comments (provided as a 1-page Word document).  
Thank you, Nancy Siverd

To: Teton County Planning and Zoning Commission, Teton County Idaho

From: Nancy S. Siverd, 1590 N. Bustle Creek Road, Alta WY 83414

Subject: Teton County Idaho Comprehensive Plan

Date: June 15, 2012

As residents of Alta, my husband and I consider ourselves part of the Teton County Idaho community. We do our shopping and dining there. We also participate in many non-profits, as board members and/or supporters. We are enthusiastically active in the Tin Cup Challenge. The bottom line is that we care very much about what happens in Teton County Idaho and feel that the Comprehensive Plan is important to our future.

The Comp Plan Process has been inclusive and thorough, allowing any and all who are interested to participate on committees, through surveys, public meetings/forums, and more, over a long period of time.

I am writing to express my concern about the recent position letter from the Teton County Group for Property Rights (TCGPR), because their letter contains several specific requests for substantive changes to the language and intent of the Teton County Comprehensive Plan, at the very end of the process. It is imperative that this letter be carefully balanced with the nearly 4,000 public comments received throughout the process.

This letter submitted by a law firm representing undisclosed clients appears to have gained more than its fair share of attention in the Comprehensive Plan drafting process. The 'comments' in the Draft Comprehensive Plan for the 6/19 work session reference TCGPR positions several times, without appropriate balance or context.

In Chapter 5, Land Uses, of the draft for the 6/19 work session: A 'Comment' provided to P&Z based on the TCGPR letter says "to remove all descriptions for density and just identify use." However, the strong community support for managing rural development density is not reflected, along with this comment.

In Chapter 6, Economic Development, of the draft for the 6/19 work session: While the surplus of subdivided rural real estate is widely recognized as a burden to the economy, this is not represented in the 'Comment' provided to P&Z "that should not be restricting future growth and development since not all developments are unmarketable" which is based on the TCGPR letter.

In Chapter 6, Natural Resources & Outdoor Recreation, of the draft for the 6/19 work session: The request of the TCGPR is reflected in the comment to "remove strengthening the wildlife overlay and remove all references and that IDFG should be relied on to regulate wildlife." While the other comments acknowledge that some people care about wildlife habitat, it is important to provide balance and recognize the numerous people who responded to the December 2010 Plan for Planning Survey. When asked to name the 5 most important amenities in Teton County, 250 people named wildlife. Other related amenities received 380 "votes" for recreation, and 279 "votes" for rural character.

The draft Comprehensive Plan represents a commendable, collaborative, community effort and consensus. Now, the goals should be to clarify and build on what exists, not to weaken substance. Please do not be unduly influenced by a letter from an unknown number of people on legal letterhead, at such a late stage.

Thank you, Nancy S. Siverd

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From: Susan Tear  
Sent: Friday, June 15, 2012 2:46 PM  
To: Angie Rutherford  
Subject: Comp Plan

Hi Folks,

I am writing to endorse a Comp Plan that supports meaningful open space and encourages land conservancy with abundant wildlife.

We need to maintain open corridors for wildlife and plan residential communities away from sensitive habitat.

We need to avoid sprawling subdivisions and instead cluster homes with abundant open space surrounding them.

We need to protect our healthy water supplies and landscapes. We also should support rural character and work together with farmers and ranchers for mutually beneficial growth and development.

Access to exceptional recreation must be maintained in a reasonable way that supports our economy but does not degrade our wilderness.

We need to look for new economic development that is aligned with these values but that also actively encourages the growth of jobs here.

We need to support lively downtown areas with more dense growth happening within town limits.

Thank you for listening,  
Susan Tear  
Victor, ID 83455

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From: Stevenson Alice [<mailto:asvictor@ida.net>]  
Sent: Saturday, June 16, 2012 8:58 AM  
To: Angie Rutherford  
Subject: Comments for PZC

I am submitting the attached Chapter 6 comments for the June 19 PZC work meeting. I understand that the June 26 meeting will focus on Chapter 6, but since Chapters 5 & 6 are so integrally linked, I know some discussion of Ch. 6 may occur at the June 19 meeting.

Thank you,  
Alice Stevenson

Comments, Comp Plan Tracked Changes Draft, **Chapter 6**  
Submitted by Alice Stevenson

#### **Page 48**

Opening:

Line 7: consider changing “encouraging bold moves” to “encouraging **key actions**”

2<sup>nd</sup> par in Key Economic Implications section, 3<sup>rd</sup> line: consider changing “...amenities that will attract new industries” to “...amenities that will attract new **businesses and residents.**”

The first meaning of industry in my dictionary is: economic activity concerned with the processing of raw materials and manufacture of goods in factories. Industries means industrial, whereas, businesses includes commercial, industrial, or even home businesses and is thus a more inclusive word. Also, we need more residents to support more businesses; they go together.

#### **Page 50**

Transportation as an Amenity:

3<sup>rd</sup> line: close-to-home Western examples would be the stagecoach rides in Jackson or sleigh rides (Jackson and T.V.)

Transit bubble: I don't think a “sizeable portion of the population” commutes to anywhere other than Jackson

Transit, 2<sup>nd</sup> par., 3<sup>rd</sup> line: suggest changing “...eliminating the need for car rentals...” to “...**reducing** the need for car rentals...”

Interconnected Pathway System

1<sup>st</sup> par., last sentence: Trail systems also sometimes facilitate snowmobiling or other motorized recreation/transportation, depending on the type of trail or pathway. The glossary defines pathway as being asphalt, and the trail system definition only lists non-motorized uses, so I am not sure of intent here. Note that the Driggs-Victor pathway (asphalt) also allows snowmobile usage. I support being inclusive of all user groups whenever appropriate and hope you will take a careful look at all references in the Comp Plan to pathways or trails.

#### **Page 51**

NR + OR, 1<sup>st</sup> line: I don't think that natural resources are a tourism *product*; rather, natural resources help us attract tourists. I suggest this re-wording: “Natural resources and outdoor recreation **in Teton County are crucial to** attracting quality-of-life migrants and entrepreneurs interested in opening knowledge-based or footloose industries.”

#### **Page 52**

1<sup>st</sup> full par: The first phrase will be a hot-button phrase, and I don't like the sound of it. Consider re-wording: “Land that is **set aside as open space**, either for...”

or “Land that is **left undeveloped**, either for...”

Recreation Access, 2<sup>nd</sup> par., 3<sup>rd</sup> line: delete biking: “Thus, **biking** trails along the banks...” Trails might also be for other user groups such as runners, walkers, or equestrians.

3<sup>rd</sup> par.: I don't understand how the Teton River supports hikers. Please be careful not to make it sound like people can walk along the river through private property; I have heard this objection from some members of the public. The waterway is public; the land along it is not (with a few exceptions).

CE + F

1<sup>st</sup> par., 3<sup>rd</sup> sentence: Please add “**and local businesses**” at the end. Our local businesses contribute heavily to local events.

4<sup>th</sup> line, end: “However, once destinations reach a certain level, they can subsidize conference / convention center development financing and operating costs through hotel taxes.” This sentence may need some tweaking. Maybe it just needs a comma after development, depending on the intended meaning. Also, by destinations reaching a certain level, does that mean reaching a certain population?

6<sup>th</sup> line: “The benefits to the destination are significant, as group business during slow periods can make the difference between feasible and non-feasible lodging, retail, dining and entertainment.” Is there better wording than “group business”? Maybe say “conferences and conventions” or “group events”?

2<sup>nd</sup> par., next to last line: “...dedication of resources such as life-safety protection, sanitary, clean-up...” Suggest changing sanitary to **sanitation**

## Page 55

1<sup>st</sup> section:

Where Are We Now : I don't think we are “undiscovered,” having been featured in several magazines and having recently been one of the fastest growing counties in the country. Suggest changing “undiscovered” to “**growing**”

2<sup>nd</sup> section:

Where Are We Now: This starts to put numbers to the definition of “medium density.” Please consider this carefully. In the unincorporated county, density probably can't be greater than 1 DU/acre due to septic tank considerations (unless there is a community sewer system). So I question whether 1.0-acre lots are medium density.

Key Action #2: “Zone changes to reflect the Framework Plan and encourage development of quality growth neighborhoods adjacent to existing communities and reduce density in sensitive rural areas.” Consider changing “quality growth neighborhoods” to “**town neighborhoods.**”

Key Action #3: “Reduce future potential supply of residential lots by 75%.” I don't quite understand how County planning will accomplish this, and it certainly won't be “immediate” as indicated in the timing column. If the County action that is anticipated here is to vacate empty subdivisions that are out of compliance with their Development Agreement or to vacate incomplete subdivisions in cooperation with willing developers, then please be more specific about this action.

Key Action #4: I agree with the bubble comment. Because Teton County, Idaho serves as a “bedroom community” for Jackson and we have so many commuters, I think this is unrealistic. Also, why is a 60/40 split desirable? Is there some background information to support this? Our tax base was boosted during the boom years by second homes.

## Page 56

2<sup>nd</sup> Key Action: The County already allows home businesses.

Last Key Action: What is high-intensity use? Since this action is listed in the Industry clusters section, this makes me nervous. Considering the definition of industry, I think industry clusters should be very limited and maybe not allowed outside the Cities and the City Areas of Impact. Stating that high-intensity use will be allowed in “appropriate areas” is far too open-ended.

## Page 57

Regarding “identifying appropriate commercial use for the County”: Aren't these already identified by the area descriptions? Town Neighborhoods, which are within City Areas of Impact (page 27), allow limited neighborhood commercial. None of the other area descriptions include commercial, although the Live-Work areas, which are also within the City Areas of Impact, include “cottage industries,” which I presume are light commercial. Please keep in mind this statement from page 26: “The Plan projects a future where development is directed towards existing population centers in order to preserve the rural character and scenic valley vistas that drive our economy and quality of life.”

Next to last section: “Strengthen scenic corridor ordinance.” I think this could/should be accomplished within 2 years. (timing currently says 3) Scenic valley vistas are a high priority.

Last section: I think the County has already adopted a definition of “affordable housing.” Check with the Teton County Housing Authority Commission.

## Page 58

2<sup>nd</sup> section, Where Are We Now?: The poorly maintained rural roads are a big problem for residential use, too, not just agricultural use—please edit this phrase

2<sup>nd</sup> section, last Key Action: “Balance public funding and match with grant programs.” Balance with what? Consider this wording: “Match public funding with grants.”

Last Key Action: Unless you are considering unincorporated Felt as a “town,” Hwy. 32 does not go through any towns in Teton County.

**Page 59**

Why would you propose a tool of “Trails and Pathways Master Plan” and not include Teton Valley Trails and Pathways as a participant?

**Page 60**

1<sup>st</sup> Key Action: Please add the word “**further**” before the word protect in both instances

3<sup>rd</sup> Key Action: What is meant by “enhanced clustering”? In my opinion, we already have overly generous clustering incentives in the form of density bonuses in the rural county. I think those incentives should be reduced, not enhanced. If everything that has been platted with clusters were developed and built out today, I think there would be community backlash against the clustering that has already been approved.

Key Action for Overlay Standards: Please do not water down the current wildlife overlay! Wildlife is one of our most important natural resources and contributes to bringing new residents and tourists to our area.

**Page 61**

Last Key Action in water section: Please add the word “**safe**” before “drinking water”

Rec. Section, 2<sup>nd</sup> Key Action: Again, a Trails and Pathways Master Plan is called for, w/o including Teton Valley Trails and Pathways as a participant

**Page 62**

Delete “**minimized**” at end of Where Do We Want to Go? statement

**Page 63**

1<sup>st</sup> Where Are We Now?: I think **Pioneer Day** should be capitalized

last section: Please add “**State Legislative Changes**” (or something similar) as the Tool next to “Work with legislators...”

**Page 64**

3<sup>rd</sup> tool has nothing to go with it—Add Key Actions, Participants and Timing to mirror Transportation SC

Coordinated Emergency Services: Expand list of participants to include Ambulance District, Fire Protection District, Sheriff Department and Search and Rescue

Fiscal Impact Tool: Didn’t the County approve use of the Fiscal Impact Calculator that was developed by a consultant contracted by VARD? Pretty sure that was a recommendation from the PZC to the BCC while I served on the PZC.

**Page 65**

2<sup>nd</sup> section, Key Action: same comment about enhanced clustering incentives as I made on Page 60

Conservation Easement Purchase or Lease: complete the chart.

Last section: I strongly urge you to drop Family Lot Splits as an option. The Short Plat option satisfies the need that has been expressed by the farmers and can be applied equitably to any landowner in any area or zone. Family Lot Splits, as I have heard discussed, cater preferentially to farmers, with no different result than Short Plats, but with the added potential of conflicts, confusion and abuse. Family Lot Splits have been tried and abandoned in other places. Do we really want to get into the predicament of quibbling over who is Family? In the Survey Monkey about Land Use Tools, Short Plat was not an option. Many of us who are sympathetic to the plight of the farmers were in favor of Family Lot Splits (or checked “it depends”), but I, for one, would have opted for Short Plat instead if that had been an option. We don’t need the future conflict that Family Lot Splits will engender. (If you take it out here, also take it out of the Ag Policy section in Chapter 5.)

**Page 67**

1<sup>st</sup> sentence: use commas instead of semi-colons

2<sup>nd</sup> par.: Wouldn’t the Impact Fee Ordinance be another important implementation Tool?

Last par., 1<sup>st</sup> sentence: Consider re-wording to say “**The Zoning Code should be revised to reflect the Comprehensive Plan, including all goals, policies and the Framework Map (aka Projected Land Use Map).**” (Also, possibly use the word “shall” instead of “should,” since it is mandatory that the ordinances follow the Comp Plan, and a projected land use map is also a mandatory component of the Comp Plan.)

**Page 68**

Subdivision Ordinance Amendments, bullets: Please replace Family Lot Splits with Short Plats, for reasons expressed above

**Page 69**

2<sup>nd</sup> full par., 4<sup>th</sup> line: “**this** Comprehensive Plan,” since all existing subdivisions had to meet the goals of the Comp Plan that was in effect at the time of their approval

Open Space Purchase or Donation, last line: define super majority

**Page 70**

For reasons already discussed, please remove Family Lot Splits as an option. Instead, use much of the rationale in this section in the Short Plat section. The Short Plat can be used to meet the same goals as discussed in the Family Lot Split section, without giving preferential treatment to one group of landowners or opening the door to misuse and/or add'l community conflict.

**Page 71**

Top: I don't think the County can adopt a CIP for the Fire District, as they are their own entity with their own Board of Commissioners. Alternative wording: “**The Teton County Fire Protection District should adopt a CIP and implement impact fees in accordance with that plan.**”

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**From:** Stacey Frisk  
**Sent:** Friday, June 15, 2012 2:29 PM  
**To:** Angie Rutherford  
**Cc:** Dave Hensel  
**Subject:** Comments on Chapter 5

P&Z Commission,

We've attached our comments regarding Chapter 5, specifically regarding the addition of 'Heavy Industrial' to appropriate uses in the IRL Zone. I've also included American Planning Association definitions for Light and Heavy Industry based on a compiled review of planning codes across the country.

Best,

Stacey Frisk  
Executive Director  
Valley Advocates for Responsible Development (VARD)

**[SEE FOLLOWING PAGE FOR LETTER]**



## Valley Advocates for Responsible Development

Teton County Planning & Zoning Commission:

June 12, 2012

On behalf of the VARD staff, Board of Directors, and our membership of over 500 community members, we would like to register comment on proposed changes in Chapter 5 of the Draft Comprehensive Plan. The Industrial/Research/Live-work Zone (IRL Zone) fulfills an important component of economic development in Teton County, Idaho. Research and industrial facilities will help build vibrancy and economic sustainability. However the very recent addition of 'Heavy Industrial' to the list of appropriate land uses appears compatible in only one of the three proposed locations.

Chapter 6 of the Comprehensive Plan confirms the desire of Teton County to attract industries that are “knowledge-based (and) could include insurance, financial services and web-based businesses.” The Economic Development implementation plan supports incentives for the “attraction of environmentally friendly technologies, value added agriculture, recreational technologies, or visitor oriented businesses to congregate together in a mutually supportive manner to create an industry cluster.”

Given the incompatibility between oftentimes noisy and intensive heavy industrial activity and highly desired tech and knowledge-based jobs, we support differentiating zones for Heavy and Light Industrial uses. Of the three currently proposed IRL Zones, it appears that two of the zones currently offer the infrastructure and amenities that appeal to light industry, service, and research facilities while one appeals to heavier industrial uses:

- **Driggs Centre:** The IRL Zone to the southeast of Driggs (the intended location of the Driggs Centre Business Park) should not include Heavy Industrial activity. As a vacant 60-acre business park with nearly all infrastructure complete, this location is ideal for attracting a large business in need of a multi-acre campus. The Economic Development subcommittee had discussed promoting this large site in its entirety as a potential campus for a business to move to Teton Valley.
- **North of the Driggs Airport:** The IRL Zone to the north of the Driggs airport (which is over 200 acres in size) may be appropriate for heavy industrial use, but it is within the City of Driggs Impact Area, and language should be consistent with the City of Driggs Comprehensive Plan.
- **Northeast of Victor:** The IRL Zone on the northeastern border of Victor is also not compatible with heavy industrial operations. That zone borders several residential developments such as Sage Hen condominiums and currently contains successful commercial operations such as the Wildwood Room that could be damaged by heavy industrial use. The proposed Scenic Bike Route that has received substantial public support also passes closely to that zone. The noise and trucking traffic that comes with heavy industrial operations is not compatible with safe and scenic bike pathways.

Additionally, infill of appropriate light industrial and commercial uses should be prioritized inside the Urban Impact Area. Both Heavy and Light Industrial use should also be clearly defined in the Appendix. I've attached the American Planning Association's professional definitions, based on compiled code from representative communities.

Best regards,

Stacey Frisk, Executive Director

The manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises. (*Lake Elsinore, Calif.*)

Storage, repair, manufacture, preparation or treatment of any article, substance, or commodity. (*Waukesha, Wisc.*)

Any use in which the major activity is the treatment, processing, rebuilding, repairing, or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises. (*Mishawaka, Ind.*)

Any department or branch of art, occupation, or business conducted as a means of livelihood or for profit, especially one which employs much labor and capital and is a distinct branch of trade. (*Sunnyside, Wash.*)

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



*heavy industry*

A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage

or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. (*Easton, Md.*)

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage. (*Loveland, Colo.*)

**industry, light** Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semifinished products may be temporarily stored outdoors pending shipment. (*Cecil County, Md.*)

A use engaged in the manufacture, predominately from previously prepared

materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. (*Easton, Md.*)

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, fish tanks and supplies, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature. (*Blacksburg, Va.*)

A use that involves the manufacturing, production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominately from previously prepared or refined materials (or from raw materials that do not need refining). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. (*Burien, Wash.*)

Uses engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, "light industrial" shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. "Light industrial" shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries. (*Loveland, Colo.*)

Any operation which assembles, improves, treats, compounds, or packages goods or materials in a manner which does not create a noticeable amount of

noise, dust, odor, smoke, glare or vibration outside of the building in which the activity takes place, which does not require outside storage of goods or materials, and which does not generate (in the opinion of the city council) objectionable amounts of truck traffic. (*Vadnais Heights, Minn.*)

**industry, medium** Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc. (*Blacksburg, Va.*)

**infill development** (See also **tear-down**) Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities) provided by the applicable local governmental entity. Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern laterally and horizontally thus necessitating a higher expenditure for capital improvements than would be required for infill development. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies. (*Topeka, Kans.*)

Development of vacant, skipped-over parcels of land in otherwise built-up areas. Local governments are showing increasing interest in infill development as a way of containing energy costs and limiting costs of extending infrastructure into newly developing areas. Infill development also provides an attractive alternative to new development by reducing loss of critical and resource lands to new development and by focusing on strengthening older neighborhoods. (*King County, Wash.*)

The construction of a building on a vacant parcel located in a predominately built up area. The local zoning regulations determine whether the new building fits harmoniously into the neighborhood. (*New York City, N.Y.*)

The use of vacant land, the reuse or change of use of a previously developed parcel or group of parcels, or the intensification of use or change of use by remodeling or renovating an entire structure. Infill development can be on land having one or more of the following characteristics: (1) was platted or developed more than 25 years ago; (2) is in a subdivision that is more than 80 percent built out and that was platted more than 15 years ago; (3) is bounded on two or more sides by existing development; (4) is within a Historic Preservation District; (5) is within an unplatted area that contains lots of two and one-half acres or less where 80 percent or more of the lots or tracts are developed and have been for at least 15 years; (6) is within a blighted area as defined by state law; (7) contains an original structure or use that is no longer viable or which is not economically feasible to renovate; (8) contains an existing structure that does not comply with current building and/or zoning code requirements; (9) the lot does not comply with current zoning code requirements or is in an area with inadequate or antiquated platting; (10) is in an area that is currently served by inadequate infrastructure for its planned reuse. (*Tulsa, Okla.*)

Construction on an existing street in an existing neighborhood in which the existing house on the lot is torn down and replaced by a new house. (*Lexington, Mass.*)

The development of vacant or partially developed parcels which are surrounded by or in close proximity to areas that are substantially or fully developed. (*Golden, Colo.*)

**infill site** Any vacant lot or parcel within developed areas of the city, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed ar-

reas located on the periphery of the city limits shall not be considered as infill sites. (*Boise City, Idaho*)

Land that is largely vacant and underdeveloped within areas that are already largely developed. (*Santa Rosa, Calif.*)

**infiltration** The downward movement or seepage of water from the surface to the subsoil and/or groundwater. The infiltration rate is expressed in terms of inches per hour. (*Grand Traverse County, Mich.*)

**infiltration facility** (See also **storm-water definitions**) A structure or area that allows stormwater runoff to gradually seep into the ground (e.g. french drains, seepage pits, infiltration basin, dry well, or perforated pipe). (*Grand Traverse County, Mich.*)

**inflow** (See also **sewer definitions**) Water, other than wastewater, that enters a sewer system (including sewer service connections) from sources such as but not limited to roof leaders, cellar drains, yard drains, area drains, drains from springs and swamping areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters, or drainage. (*Indian River County, Fla.*)

**infrastructure** Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc. (*Redmond, Wash.*)

The basic facilities such as roads, schools, power plants, transmission lines, transportation, and communication systems on which the continuance and growth of a community depends. (*Washoe County, Nev.*)

Streets, water and sewer lines, and other public facilities necessary to the functioning of a community. (*Handbook for Planning Commissioners in Missouri*)

Facilities and services needed to sustain development and land-use activities including but not limited to utility lines,

# How do you want to grow?



Current development in the vicinity of Highway 33 and 5000 N.



This visualization depicts the same area (at left) with full build-out of the

Dear Planning & Zoning Commission: Why do you care how I want to grow. VARD's already checked my box. (See enclosed Vard flier attached.) Without growth you cannot have jobs for the people who have spent their lives here that truly love Teton valley. Picture without growth means no place for people. Picture with ~~growth~~ <sup>Buildout</sup> means more trees, birds, prosperity.

Robert Kincaid  
PO Box 136  
VICTOR, ID. 83455

Robert Kincaid  
Box 136  
VICTOR, ID 83456

Signature is required with your name & address also to be sure that the commission can locate your comment.

Dear Planning & Zoning Commission:

1. Who says a responsible Comprehensive Plan should include guidelines for "meaningful open space?" It is not in Title 67, Chapter 6508 the State Statutes. What is "meaningful?" Is it still desirable no matter the cost to our farmers and ranchers? Our single family, detached home lifestyle? How much open space do we need? 2. "Measures to insure that we can enjoy abundant wildlife" is an overreach. Teton County is not a wildlife preserve. National Forest, BLM and Park lands abound within easy reach. The 67-6508 Statute directs an analysis "the uses of ....wildlife..." That is a far cry from the proposed provision. 3. What is a "healthy landscape?" Healthy for what? By whose definition? This is truly subjective. Does it mean natural? Pristine? Healthy for the cattle grazing? Healthy for the humans who live on it? 4. Check the definition of "vibrant." That is not what I want. This is not downtown Seattle. I fear that "vibrant" as used here is inconsistent with "rural character." 5. What is "fair" development? Fair to whom? The farmers and ranchers? The new residents who will be crowded into city centers? The taxpayers whose taxes will rise? 6. Re "provide landowners with new opportunities," that is not equivalent to GOOI opportunities. 7. There is more to "quality of life" than wildlife viewing, bicycle paths and a climbing wall. There is nothing wrong with those things per se. But if they come at the expense of property rights, an equitable financial burden to all segments of the population, a lifestyle that prefers a family home on a 1 to 3 acre lot, and relatively low cost of living its value is so diminished as to be an infringement of our freedoms.

This attempt to sell an undesirable concept to what you may think is an unsuspecting population is transparent and disingenuous.

CAROLINE REYNOLDS, PO BOX 557, DRIGGS

X *Caroline Reynolds*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: *We have been property owners for the past six years and are now full time residents as of May 16, 2012. The valley has been over developed during our six years of being property owners and I feel strongly the Commission should slow down any future developments, there are currently thousands of lots for sale which is probably a 10 year + supply and we don't need any new lots created!!!*

X *Robert D Jones 1680 Overlook Way Victor, ID 83455*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

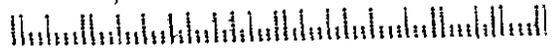
Dear Planning & Zoning Commission: I Support well-planned growth that values vibrant town centers and allows for our cultural heritage to continue while recognizing the benefits of open space and public access to recreation. Incentives that support rural character and provide large landowners with opportunities to plan for the future are vital. For instance, Family Splitting should be allowed within specific parameters (written by P&Z) so that family ownership is favored +

\* *Pat Smithhammer* 9029 Red Mt. Way, Victor ID 83455

Signature is required - print your name & address also to be sure that the county will recognize your comments.

150 Courthouse Drive, Room 107  
Driggs, ID 83422

and yet sizable land portions (40 acres) are maintained.



Dear Planning & Zoning Commission: I moved here to get away from big cities & congestion. I want to be in the country away from subdivisions. I would like to see more ranching & farming. Fewer (people) <sup>(tourists)</sup>. We need to encourage farm/ranch people to come here to live. Amish? Mennonites? Artists?

*Alisha Rodrigues*

5015 North - 4500 West - Teton

\* Painters, sculptors, Musicians etc. should be encouraged to live here.

\* *Alisha Rodrigues*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: Please:

- 1) enforce height restrictions
- 2) no billboards
- 3) Limit light pollution with downcast lighting
- 4) Limit airport noise

Laura Soapayrac  
P.O. Box 132, D. Mass.

X

*[Handwritten signature]*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: Thank you for participating in such a thoughtful, public, transparent process on the new county plan for Jeton County. I hope you will find guidance there that will help you develop zoning and plans that will protect the core values of our community. It's a messy process, but it's the right way to go. Thank you!

X

*[Handwritten signature]*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

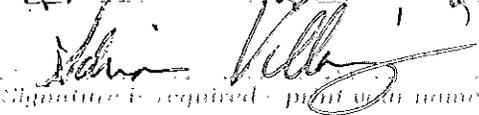
Continue with plans to minimize sprawl and undeveloped subdivisions. It can only help with commuting time, traffic load and raising land prices, while enhancing scenery and tourism. Overall making the valley worth more not less from all aspects and for all who love here.



Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I believe walking/biking paths are critical for maintaining aesthetics, property values, and quality of life. I would like to see development incorporate parks and green spaces with interconnected paths. I also think downtown Driggs would benefit from a large/long park with water features and walking paths

Adrian Villaruz, 600 Appaloosa Trl, Driggs



Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: My wife and I moved to Teton Valley for the beauty of the area and the semi rural lifestyle. We moved here from the Denver Metro area and as government employees for nearly 40 years have dealt extensively with planners and the ideas they propose. Planners are pushing a recreational, non large lot, non vehicle traffic, environmental lifestyle. While many may support this many also do not. In Teton Valley, individual property rights are of great import. Keep it that way,

Dana Olsen

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: We are in full support of a responsible comprehensive plan that will scrutinize and carefully evaluate future development in Teton Valley. We look forward to what the future will bring with a plan in mind!

Will + Eveta Fronlich 7798 Mountain Shadows Victor  
Julia Fronlich

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

5-12-2012

YOUR IDEA OF 1, 2, 3

IMPROVE COUNTY ROADS

SUPPORT RECREATION W/ COUNTY!

ENCOURGE ADDITIONAL FOOD SUPPLY!

PROMOTE FOOD MARKET COMPETITION

REMOVE UNFINISHED BLDG

X

Robert L. Young Sr.

Signature is required - print your name & address also to be sure that the county will recognize your comments.



Robert L. Young  
2816 E. Grandview Dr.  
Tetonla, ID 83452-4907

mts.

Dear Planning & Zoning Commission:

More support for our local no-kill animal shelter would help improve the health, safety, and welfare of our community. <sup>public</sup>

Also, economic incentives-stimulus to attract & support new businesses & create more jobs!

In a perfect world a recreation center w/ pool!

Rhonda M. Kjos, POB 411, Driggs, ID 83422

Community College - continuing ed.

X

Rhonda M. Kjos

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Teton County is not a wildlife preserve or zoo. "Measures to insure that we can enjoy abundant wildlife" is ridiculous. When we inherited the old homestead in 1974, you rarely saw a moose, elk or deer during the summer. If you wanted to see a bear, you went to Yellowstone Park. Now I see lots of wildlife, and the road to Bates is dangerous at night - the moose and deer are plentiful. What I am trying to say is we don't need the wildlife to be "policed". They cannot be controlled by the "desires" of any humans, they will eat what they desire, and walk where they desire. We as farmer/ranchers have already accepted that the wildlife are here to stay, we don't need anyone to "insure abundant wildlife". We already support the wildlife. They feast in our fields and I understand there have been numerous bear sightings in Darby. Why are there are no "Overlays" in Darby area or along the Bates road? There is more to "quality of life" than wildlife viewing, bicycle paths and a climbing wall. There is nothing wrong with those things, but if they come at the expense of property rights, an equal financial burden to all segments of the population, a lifestyle that prefers a family home on a 1 to 3 acre lot close to a town, its value is so diminished that it takes away our freedoms. We farmer/ranchers who have survived the "development boom" did so by our own choice. We don't need "Wildlife Overlays", or changes in the "density" on our land, if we wanted to create a subdivision, we would have already done it. Please don't restrict our freedom to be land owners. Teton Valley will always be home to me and my family.

Leora Wood, 2414 S 5635 W, Driggs, ID

X Leora Wood (Address is above)

Signature is required - print your name & address also to be certain that the courts will recognize your comments.

Dear Planning & Zoning Commission: If the choice is between no building and building out I would choose building out plus a sewer like this. I think all people who don't understand is it with how the Valley is or they don't think it is right to tell land owners what to do. There is too much on wildlife, and this now is a great place to raise a family. One thing I would like to know is did the P&Z authorize this and is it a ploy by Vard to get more restrictions.

David & Alene Breckenridge 5191 W 5750N Teton Idaho 83452

X David Breckenridge

Signature is required - print your name & address also to be certain that the courts will recognize your comments.

Dear Planning & Zoning Commission: Please leave The farmer alone, He/They have worked hard for what he has. No one should Tell him what to do with his Land, If he desires To sell some of it or all of it That is his buisness, He has worked hard To make a living and when times are rough He should be able to do with it what he wants with it. No one should encroach upon his living.

Thomas Dale MARCUM  
9306 S. State Hwy 31  
Victor, ID 83455



Signature is required - print your name & address; also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: WE ARE IN FULL SUPPORT OF PASSING THE PROPOSED COMP PLAN. PLEASE DO NOT GUT IT. IT REPRESENT A COMPROMISE THAT BALANCES INDIVIDUAL RIGHTS W/ THE LONG TERM SUCCESS OF THE VALLEY. (AND WE WOULD ARGUE THAT THOSE TWO CONCEPTS ARE NOT MUTUALLY EXCLUSIVE). WE WOULD IDEALLY SUPPORT EVEN MORE PROGRESSIVE REGULATIONS TO PREVENT REPEATING PAST MISTAKES, BUT WE RECOGNIZE THAT SOME OF OUR VALLEY NEIGHBARS ARE FEARFUL OF CHANGE - SO ~~THIS~~ COMPROMISE IS KEY

ERICA + A.J. LINNELL  
135 VICTOR CEMETERY RD. - VICTOR

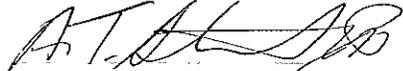


Signature is required - print your name & address; also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Allen Stewart

PO 555, Victor, ID 83455

X 

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I have only been living here in Victor for less than a month, but I immediately knew it was a special place. Teton Valley is absolutely beautiful, and I would hate to see housing developments take away from our farmlands and wildlife, both of which contribute to the unique culture of the valley!

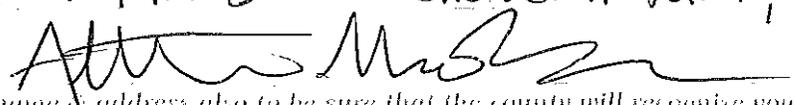
Samantha Bachert - Snowdrift Farm

X 

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I live because  
I value open spaces, local farms,  
& recreational access and wildlife. Without  
those key features I would not live  
here. I am 22 years old and love  
the Teton Valley, lets use smart  
planning to preserve our values!!

Althea Marks Snowdrift Farm, Victor



X

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:  
we love Teton valley because of its  
rural character + recreation facilities  
would love to see more bike trails  
and an ~~it~~ emergency system in place  
(ie helicopter system / trauma system)  
for the oldies of which we are 2

Dorley +  
Maureen McReynolds 4 Bagley circle  
Victor IDAHO 83455

X

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: The Teton Valley is a vital landscape for wildlife in the west. The costs of unwise development are far greater than the benefits especially in terms of preserving ecosystem services vital to local agriculture. The short-term financial benefits of suburban development are fleeting and rob future generations of the intangible qualities of the Teton Valley. I support wise development.

*James [unclear]* - 10250 S 1500 W War, ID, 83455  
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

DONT BE AFRAID TO DOWNZONE TO  
SUPPORT OUR RURAL CHARACTER

DAVID WITTOR - 2555 SORRENTO, UICOR

*David Wittor*  
Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: We have completed surveys.

We support (1) clear/consistent guidelines; (2) preserving overlays to protect wildlife, water, etc; (3) encouraging growth to be near cities; (4) incentives to support rural character (e.g., down zoning); and (5) recreation development to drive economy.

Felix Zajac / E. Joyce Zajac  
3190 Sorensen Creek Dr  
Victor, ID 83455

X

Felix Zajac 6/15/2012

E. Joyce Zajac 6/15/2012

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

IMPROVE PACISADDLE ROAD FOR ONE THING

ROAD MAINTAINENCE IS IMPORTANT ALL OVER

The Valley.

continue to support hospital

Encourage business development in downtown - hire economic development person

KAY + EMMETT MCCARTHY

X

3217 GRANDVIEW DR. TETONIA

Signature is required - print your name & address also to be sure that the county will recognize your comments.

The "Open Space" is up to the private property owners, "no restrictions should be placed on land" Scenic values, only a minority group wants a perfect storybook view. Visitors and basic landowners/homeowners enjoy the real living, agriculture community. There is no reason to take the property rights away from those that live on the scenic corridor.

Wildlife populations: We have always had deer, elk, geese and wildlife living next to us, agriculture has always "fed" and protected them throughout the seasons. Wildlife such as deer, elk has diminished because of the stupidity of the protection of the predators. Was there 40 bears videoed in one night above Alta? Yes it was in the paper. Has there been dogs killed by wolves in the yards of people living where they have been for a century? Yes ....predators has never been distinct ..only limited to manageable numbers. YES protect the wildlife by getting rid of the PREDATORS. Including the blue herons that kill all the fish that is in our streams and ponds.

Clean Water & healthy landscape : Has nothing to do with the farms and ranches with CATTLE, it has to do with DOGS being taken everywhere for bathroom duties. The pathways by all the creeks, fairgrounds and public parks, this is an unhealthy landscape.

There should be NO pathways around the foothills, by the river. This would be a #1 disaster to the wild nature of the valley.

Economic development should be supported with more options for building . If recreation is needed in the form Swimming pools, climbing walls and etc. it should be a commercial venture .

Quality of Life would be helped by putting good gravel on the roads and maintaining them.

Teton Valley is #1 worse roads in south eastern Idaho, as quoted by out of valley business's that deliver here.

We are for Personal property rights, a tax for only needed expense such as roads, school, fire district & law enforcement (which is to expensive), & ambulance service.

Thank you for the opportunity to comment.

Ronnie and Kay Fullmer... 5276 W 5750 N...Tetonia, Idaho...8233452

Ronnie Fullmer - Kay Fullmer

Dear Planning & Zoning Commission:

Sorry we had more comments than space so we are sending it in letter form.

Ronnie & Kay Fullmer - 5276 W 5750 N - Tetonia, ID <sup>83452</sup>

Ronnie Fullmer

Kay Fullmer

Signature is required - print your name & address above to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: One of the many things that draws people to this valley is a chance to own their own piece of land, to have space between them and their neighbor. My family personally has that space and would not want to rob anyone of that opportunity. My husband grew up in this valley. The piece of property our house sits on was a gift from his father and mother - a subdivided piece of their land. I don't believe the county should have that right to jurisdiction over someone's desire to subdivide. Land ownership is just that OWNERSHIP.

X Fletcher Jacoby  
 Signature is required: put your name & address, also to be sure that the county will recognize your comment.

PS. A Study on meadowlarks who nest in fields underground <sup>would be a good indicator of ag. chemicals</sup>  
 Dear Planning & Zoning Commission:

I think the most important thing is to protect our water/wildlife corridors along the major creeks - Teton, Leigh, Darcy, Moose Creek, Trail Creek - etc. - What's up with Redtail? This should have been protected (used) <sup>actually</sup>. Also - what exactly are the chemicals used in agriculture - (Simplot). Many of us have

X Kim Carlson  
 Signature is required: print your name or address, also to put your name & address, also to be sure that the county will recognize your comment.  
 KIM CARLSON CTARGEE RANCH SUBDIVISION II  
 166 acres <sup>behind</sup> <sup>at garage</sup> <sup>meat</sup> <sup>machinery</sup>

How many carcinogens in dairy?  
 What does he use?  
 How many carcinogens in dairy?

Dear Planning & Zoning Commission: 2 years of professional, collaborative  
Thoughtful work will be brought to you soon for your review  
and direction. Please put aside any biases and look to  
The future by supporting the new Teton County Comprehensive Plan  
That creates a vision + a foundation for community values  
as expressed in: cultural + scenic values, a healthy landscape, a  
vibrant downtown, fair predictable rules + effective development  
decisions. Our future quality of life depends on this.

Andy Steele

X

Andy Steele

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

Let's keep our open space!

Please no more subdivisions and no full build-out  
of already existing subdivisions.

Jennifer Hays

Jennifer Hays

Signature is required - print your name & address also to be sure that the county will recognize your comment.

Dear Planning & Zoning Commission:

I support clear guidelines, open space, and environmental protection while still allowing growth. I prefer density downtown and in areas which already have density. I'd love for the town, county or a non profit to reclaim a zombie subdivision or take advantage of current pricing to purchase land for future recreation center. Developers not taxpayers should pay for costs of new development.

X Allison Monroe

(Alta resident)

Signature is required - print your name & address also to  sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

My husband & I have worked hard to save and buy property here in Jeton Valley. We don't feel that it is P+Z's business to tell us how we can use our land. We love Jeton Valley too! But we don't think you have any right to dictate how we sell or divide our land.

Jim + Beth Ann Beard

X Jim and Beth Ann Beard

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: I support future growth in our valley and would like to see a strong guiding document that balances our history (maintaining a rural character) and offers incentives for concentrated city center growth through a fair and transparent process. Access to wilderness and recreation opportunities drew me to the area originally and I want to see them continually valued into the future.

X *J. Jones*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission: PLEASE CONSIDER THE FOLLOWING:  
NO MORE SUBDIVISIONS, OFFER INCENTIVES TO REPLANT EXISTING FAILING SUBDIVISIONS, MAINTAIN RURAL ENVIRONMENT & SUPPORT MIGRATORY PATHWAYS BY INCREASING THE DU TO ONE PER 5 ACRES & GREATER — USE EXISTING VACANT BUILDINGS & OFFICES FOR COUNTY EXPANSION INSTEAD OF BUILDING NEW! IE MAINTAIN THE SCENIC & RURAL CHARACTER OF OUR VALLEY.  
PATRICIA ESNAARD BOYD

X

*Patricia Esnaard Boyd*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission:

I would like to reiterate the following points in the county comprehensive plan:

- clear + consistent guidelines for meaningful open spaces
- keep the scenic corridor - scenic, provide wildlife corridors, encourage vibrant downtowns, keep the impact fees for new construction
- encourage more public transportation options, repave existing bike paths + finish path south of Driggs, work on path bet. Driggs + tetonic.
- support incentives to convert defunct subdivisions back to ag. land + have developers pay for infrastructure in new subdivisions with non-refundable bonds unless completed.

Beverly Palm

Signature (required) print your name & address on the back of the page to ensure that the county will recognize your comments.

Teton Properties LLC  
Box 727  
Wilson, WY 83014

TETON COUNTY  
PLANNING & ZONING  
JUN 12 2012  
RECEIVED

Planning and Zoning Commission  
Teton County, Idaho  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422

Attention: Angie Rutherford, Planner

Re: Teton County Framework Map

Ladies and Gentlemen:

I am writing to propose a change in the location of the Industrial/Research/Live-Work district currently situated on Baseline Road. As I and my family own property on Baseline, 7000 South, and Highway 33, I am not a disinterested party, but I believe my suggestions make sense from a community-wide perspective.

I concur there is a need for additional land in the county designated for light industrial, research, and live-work purposes. As you appreciate, this land should be part of an urban area, close to utilities, easily accessible, shielded from Highway 33, avoid the necessity of routing traffic through residential areas, and minimize the effect on existing properties. I would like to propose six different locations for this district, all of which are in the county and of approximately the same or greater size than that proposed, which I believe are better than the one proposed in terms of these criteria. These six alternates are shown on the attached drawing as A, B, C, D, E, and F:

Alternate "A" comprises (1) the three existing gravel pits on Highway 33 between 6000 and 7000 South owned by J T Trees (my brother), D. & S. Walter, and the State of Idaho plus (2) a tract of land south of the gravel pits and facing 7000 South owned by Teton Properties (of which I, my brother, and a family partnership are owners).

Alternate "B" comprises two parcels facing 7000 South, one undeveloped parcel owned by Teton Properties and a single family residence owned by Gary Paulson.

Alternate "C" comprises two parcels facing 7000 South, one owned by the Clarissa Kay Living Trust and the other owned by the Peter H. Wright-Clark Family Partnership. These two owners, incidentally, also own the land designated in the existing Framework Map.

Alternate "D" is a single parcel located southwest of the intersection of Highway 33 and 7000 South owned by Paul and Theone Evans.

Alternate "E" could be located anywhere within the large parcel northwest of the intersection of South 1000 West and Cedron Road owned by Kent and Pauline Bagley.

Alternate "F", located northwest of the intersection of Highway 33 and 7000 South, comprises a small residential parcel owned by Kevin Kirchner and two larger, undeveloped parcels owned by Blackfoot Farms, LLC.

Alternate "A", lying on both Highway 33 and 7000 South, offers excellent access to transportation and utilities. It is contiguous with a golf course development, three parcels of which on the north and east property lines of the proposed area already are planned as commercial developments; and a hotel is planned further north on Highway 33. This alternate causes no intrusion or influence on existing or planned residential neighborhoods. Although one of the gravel pits exists within the scenic corridor, any development almost certainly will be more attractive than the existing unsightly pit, and the area could be buffered by a berm and required vegetation.

Alternative "B", close to Highway 33 and on the collector road, 7000 South, also offers good access to traffic and utilities. It will be screened from the highway by existing trees and the residential development provided for in the framework map. As in Alternate "A", no specific residential development has been planned adjacent to the proposed area, making it possible for developers to take the neighboring industrial area into account in their planning.

Alternative "C" is farther from utilities and traffic access than the previous suggestions but is closer than the existing proposal. It is not contiguous with any developed or specifically planned residential development. And it would be screened from the highway by intervening residential developments.

Alternate "D" also is within the scenic corridor but is a deep lot running east-west and could be screened by a berm and required vegetation. It has excellent access to utilities and traffic, does not impinge on existing or specifically planned residential developments, and does not force traffic to pass through such neighborhoods.

Alternate "E" would provide space for the desired industrial area in several parts of the large site. It has good access to utilities and is well shielded from the Highway, but has the least desirable access to transportation. It does not conflict with any existing or planned developments, but, like the site proposed in the framework map, would force traffic to transit residential areas.

Alternate "F" has the same advantages and disadvantages of Alternate "D".

The current proposal would be well shielded from the scenic corridor but would have less desirable access to utilities and to the highway. It forces traffic to pass through a lot of residential area. And it would be especially detrimental to the property on the east side of Baseline Road which is already under residential development.

Please feel free to request additional data or amplification of these comments.

Sincerely,



Teton Properties, LLC  
Edwin K. Thulin, President

June 12, 2012

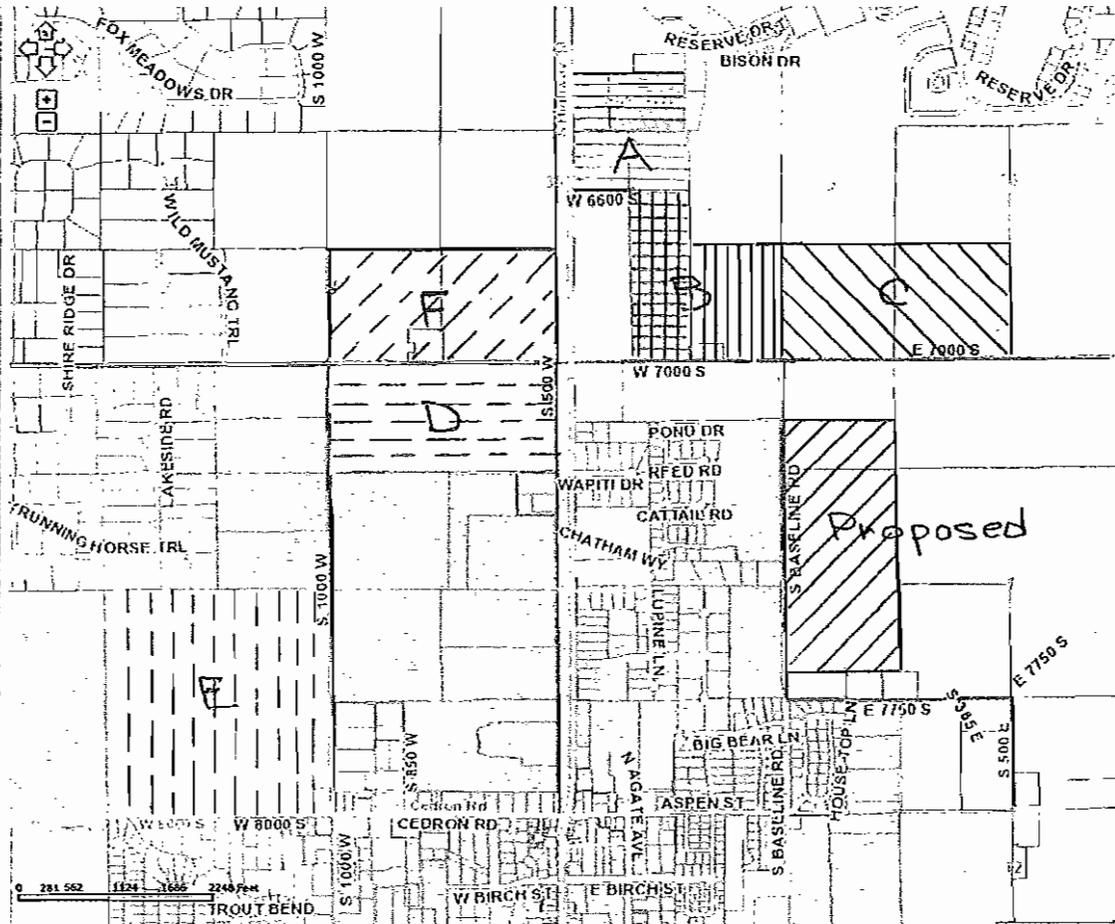
Print Search Address Search Parcel Number Search Owner Search Road Search Subdivision

Results

Map Contents

- UNC\_PUBLICMAP
  - Physical Address (All How Effect)
  - Old Address
  - Old Road
  - Sub Address
  - Transportation
  - Utilities
  - Parcels
  - Legal Boundaries
  - Natural Resource Overlay
  - PLSS (Township-Range/Section)
  - Public Lands
  - Preliminary Subdivisions
  - Recorded Subdivisions
  - Vacated Subdivisions
  - Water
  - Zoning
  - Imagery

0 281 562 1124 1686 2248 Feet





## Valley Advocates for Responsible Development

Teton County Planning & Zoning Commission  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422

June 25, 2012

### RE: Comments regarding Waterways Corridor

Dear Commissioners:

At the June 19<sup>th</sup> P&Z work meeting, there was significant discussion about how to best interpret and implement the Waterways Corridor as shown on the Draft Framework Map. There were three key issues in that discussion:

1. Should the Waterways Corridor be viewed as an overlay or as a potential zone?
2. Should the area contained within the Waterways Corridor be identified as "lowest-density," or "low-density?"
3. If the Waterways Corridor is defined as an overlay rather than a zone, should it be density-neutral with respect to the underlying zoning?

### **Landscape features and contours necessitate the Waterways Corridor being implemented as an overlay – not a zone.**

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285 E Little Ave, PO Box 1164, Driggs, Idaho 83422



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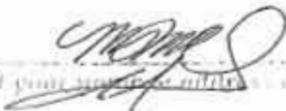
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we have to stick to our guns. we cant make  
changes for every one that comes along.  
If its agement farm land it should stay that  
way. we need to put some on the land we they  
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As long as I do not harm my neighbors in any way  
you should not have any say in what I do!

Private Property Rights!

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Julie Boissacq

Victor 83458

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Dear Planning & Zoning Commission: Please don't make us another Jackson or Teton Village!

I believe we can keep Teton Valley beautiful & increase our revenue from tourism if we grow responsibly!

Gloria J. Baird

X *Gloria Baird*

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Dear Planning & Zoning Commission: the Farmers & Ranchers

welcomed "you" with open arms. Now THAT "you"

ARE HERE AND HAVE YOUR LITTLE CHUNK OF LAND

YOU'RE GOING TO CHASE THE HORSE AND KEEP

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BETTER ~~NOT~~ TRY TO CHANGE WHAT YOU HAVE?

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DON'T CHANGE US!! BLAH - BLAH - BLAH

P&Z,

Please support the comp plan, so we can have smart growth and keep the Valley beautiful.

Tom & Suzanne Arden

Tetonia

\*\*\*\*\*

Dear Planning & Zoning Commission,

The Comprehensive Plan for Teton County should protect our "freedom" and "pursuit of happiness" by doing the following:

1. Protect our historic access across private lands to the public lands that surround us.
2. Protect private property owner rights by zoning all private property into quarter (.25) acre lots on a grid road system and allowing property owners the freedom to develop their property or maintain open space if they choose. Allow developers to develop larger lots with winding roads within that quarter (.25) acre lot grid system if they choose. Allow open space advocates to purchase property and maintain it as open space, pay the property tax and control the noxious weeds if they choose.
3. Do not allow non-property owners to dictate to tax paying property owners what they can and cannot do with their private property.

Please, protect our rights and freedoms!

Dr. Darin D. Kerr

Driggs, ID 83422

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These are factors that I fell must be considered in your planning process, especially when ordinances are written as guided by the comprehensive plan.

1. Agriculture is the very best provider and mantainer of asthetically pleasing open spaces.
2. Agriculture is a business, and in order to continue to operate, must be able to turn a profit to its operator.
3. Legislation and ordinances can't assure the continued existance and operation of agricultural units.
4. Because of many factors beyone local control, the potential profits in any agricultural operation are very limited, at best.
5. Our climate conditions are a factor in limiting the successful operation of agriculture in Teton Valley.
6. Many of our existing agricultural operations are only in operation today because the owners have sacrificed a portion of their properties in order to stay in business.
7. The only real tangible asset in agriculture that can be sacrificed to raise needed capital is land.
8. This potential need to be able to raise capital to survive difficult times is just as real in a scenic

corridor or in a wetlands area as it is in other areas of Teton Valley.

9. Settlement of family estates, unwise or untimely economic decisions, lawsuits, national and international economic factors, and other situations sometimes create a need to generate capital in order to stay in business as an agricultural operation.

In summary, for the common good, please make sure that agriculture has every advantage possible so it may continue in Teton Valley.

Respectfully,  
Doyle T. Allen

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From: Laura Piquet  
Sent: Friday, June 22, 2012 10:52 PM  
To: Angie Rutherford  
Subject: NYTimes.article on P & Z

Angie,

I thought you might be interested in seeing this article. I remember when we first met with you to discuss what we'd like to see in the comprehensive plan. You asked me then if I'd heard about Agenda 21. I had not at that point. Since then, I have seen some articles on it and I am beginning to wonder if there is something to it. If you will take the time to read this article, you will see the similarities of what these communities are dealing with and what people are resisting. It is almost identical to what the property owners of Teton Valley, Idaho have been resisting and opposing and what the proponents for the new comprehensive plan are lining out for the citizens of our valley. I have stated time and time again that it is stripping us of our freedoms and our property rights. I have said from the beginning, far before I read any of the Agenda 21 information, that it is a socialist, communistic movement.

Is this really what you want to see happen in the USA? in Teton Valley?

Laura Piquet

## **The New York Times**

Activists Fight Green Projects, Seeing U.N. Plot

At a Roanoke County, Va., meeting, dozens opposed the county's paying \$1,200 to a nonprofit.

By LESLIE KAUFMAN and KATE ZERNIKE

Across the country, activists with ties to the Tea Party are railing against all sorts of local and state efforts to control sprawl and conserve energy. They brand government action for things like They are showing up at planning meetings to denounce bike lanes on public streets and smart meters on home appliances — efforts they equate to a big-government blueprint against individual rights.

“Down the road, this data will be used against you,” warned one speaker at a recent Roanoke County, Va., Board of Supervisors meeting who turned out with dozens of people opposed to the county’s paying \$1,200 in dues to a nonprofit that consults on sustainability issues.

Local officials say they would dismiss such notions except that the growing and often heated protests are having an effect.

In Maine, the Tea Party-backed Republican governor canceled a project to ease congestion along the Route 1 corridor after protesters complained it was part of the United Nations plot. Similar opposition helped doom a high-speed train line in Florida. And more than a dozen cities, towns and counties, under new pressure, have cut off financing for a program that offers expertise on how to measure and cut carbon emissions.

“It sounds a little on the weird side, but we’ve found we ignore it at our own peril,” said George Homewood, a vice president of the American Planning Association’s chapter in Virginia.

The protests date to 1992 when the United Nations passed a sweeping, but nonbinding, 100-plus-page resolution called Agenda 21 that was designed to encourage nations to use fewer resources and conserve open land by steering development to already dense areas. They have gained momentum in the past two years because of the emergence of the Tea Party movement, harnessing its suspicion about government power and belief that man-made global warming is a hoax.

In January, the Republican Party adopted its own resolution against what it called “the destructive and insidious nature” of Agenda 21. And Newt Gingrich took aim at it during a Republican debate in November.

Tom DeWeese, the founder of the American Policy Center, a Warrenton, Va.-based foundation that advocates limited government, says he has been a leader in the opposition to Agenda 21 since 1992. Until a few years ago, he had few followers beyond a handful of farmers and ranchers in rural areas. Now, he is a regular speaker at Tea Party events.

Membership is rising, Mr. DeWeese said, because what he sees as tangible Agenda 21-inspired controls on water and energy use are intruding into everyday life. “People may be acting out at some of these meetings, and I do not condone that. But their elected representatives are not listening and they are frustrated.”

Fox News has also helped spread the message. In June, after President Obama signed an executive order creating a White House Rural Council to “enhance federal engagement with rural communities,” Fox programs linked the order to Agenda 21. A Fox commentator, Eric Bolling, said the council sounded “eerily similar to a U.N. plan called Agenda 21, where a centralized planning agency would be responsible for oversight into all areas of our lives. A one world order.”

The movement has been particularly effective in Tea Party strongholds like Virginia, Florida and Texas, but the police have been called in to contain protests in states including Maryland and California, where

opponents are fighting laws passed in recent years to encourage development around public transportation hubs and dense areas in an effort to save money and preserve rural communities.

One group has become a particular target. Iclei — Local Governments for Sustainability USA, an Oakland, Calif.-based nonprofit, sells software and offers advice to communities looking to reduce their carbon footprints. A City Council meeting in Missoula, Mont., in December got out of hand and required police intervention over \$1,200 in dues to Iclei.

At a Board of Supervisors meeting in Roanoke in late January, Cher McCoy, a Tea Party member from nearby Lexington, Va., generated sustained applause when she warned: “They get you hooked, and then Agenda 21 takes over. Your rights are stripped one by one.”

Echoing other protesters, Ms. McCoy identified smart meters, devices being installed by utility companies to collect information on energy use, as part of the conspiracy. “The real job of smart meters is to spy on you and control you — when you can and cannot use electrical appliances,” she said.

Ilana Preuss, vice president of Smart Growth America, a national coalition of nonprofits that supports economic development while conserving open spaces and farmland, said, “The real danger is not that they will get rid of some piece of software from Iclei” but that “people will be too scared to have a conversation about local development. And that is an important conversation to be having.”

In some cases, the protests have not been large, but they are powerful because officials are concerned about the Tea Party.

On the campaign trail, Mr. Gingrich has called Agenda 21 an important issue and has said, “I would explicitly repudiate what Obama has done on Agenda 21.”

The Republican National Committee resolution, passed without fanfare on Jan. 13, declared, “The United Nations Agenda 21 plan of radical so-called ‘sustainable development’ views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms; all as destructive to the environment.”

Other conservatives have welcomed the scrutiny of land-use issues, but they do not agree with the emphasis on Agenda 21.

Jeremy Rabkin, a professor of law at George Mason University specializing in sovereignty issues, said there were “entirely legitimate concerns about international standards that come into American law without formal ratification by the Senate.”

But some local officials argue that the programs that protesters see as part of the conspiracy are entirely created by local governments with the express intent of saving money — the central goal of the Tea Party movement.

Planning groups, several of which said they had never heard of Agenda 21 until protesters burst in, are counterorganizing.

Last year, the Board of Supervisors in Albemarle County, Va., ceased payment of dues to Iclei and withdrew its support from a national agreement on climate change in which counties can participate. Summer Frederick, the project manager for the Thomas Jefferson Planning District Commission in Charlottesville, Va., now conducts seminars on how to deal with Agenda 21 critics. (Among her tips: remove the podium and microphones, which can make it “very easy for a critic to hijack a meeting.”)

Roanoke’s Board of Supervisors voted 3 to 2 to renew its Iclei financing after many residents voiced their support.

“The Tea Party people say they want nonpolluted air and clean water and everything we promote and support, but they also say it’s a communist movement,” said Charlotte Moore, a supervisor who voted yes. “I really don’t understand what they want.”

*John A. Montgomery contributed reporting from Roanoke, Va.*

*This article has been revised to reflect the following correction:*

***Correction: February 8, 2012***

An article on Saturday about conservative activists who battle efforts to control sprawl and conserve energy misidentified an entity that ceased paying dues to Iclei, a nonprofit organization that offers advice on environmental sustainability, and withdrew from a national program related to dealing with climate change. It was Albemarle County in Virginia — not the Thomas Jefferson Planning District Commission in Charlottesville, Va. The article also described the planning commission incorrectly. It involves climate change efforts by counties, not by mayors.

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P & Z comments 6/25/12

Why did you move to Teton Valley?

I was 27, in grad school back east, doing geology work/ park service work summers out west, based out of Jackson Hole ( since 1965), and while working, mostly homeless-I lived in a tent for months at a time.

I needed a base for work out west. Even in 1973, a young person could not afford Jackson. I had been involved in their comp plan process in 1971 and 1972 and it rapidly became clear that Jackson was going to be an uppity-class place with no room for young folks starting out unless you had gobs of money, which I did not. In Teton Valley, I was able to buy land on a contract, low down, no building permits, codes, or much at all in the way of institutional barriers, and build a simple home right away. Unlike upstate NY, where our farm was, Teton Valley was NOT going bankrupt due to unwise development decisions, too much municipal debt, and so fourth. TV was undiscovered, and that was a good thing! It was hard to make a living here, but it was cheap to live here. Low taxes, low costs.

Alas, all this has been lost!

The comp plan here:

This really needs to be addressed as two parts.

The vision: the pre-plan process was good, and attempted to draw in the various community groups and get them to buy into some sort of consensus. The result, a lot of the "meat" in the plan presented is interesting and worthwhile, but reads like a Yuppie Wish list—it has little to do with actual on the ground zoning.

It sounds uplifting with high goals, but is extremely vague about what will happen where. This bothers people!

The Yuppie wish list seems to come with a time scale for "improvements" to create "amenities", which also seems to indicate the creation of new taxing districts, etc. when we can't afford to do the basics here right now. Amenities are the icing on the cake, the "extras" you hope for. The tax process should be reserved for the essentials.

Teton Valley continues to have some very basic structural problems which need to be dealt with first!

-No jobs!

-Improve Schools

-Improve roads-

\_Reduce municipal utility costs

-Make the dump work well and conveniently for the citizens

-greatly improve the recycling program so it is easier and more user-friendly

-Get the Fire district under control—no empire builders!

The plan mentions "marketing" and "branding" Teton Valley—marketers are salesman, and next of kin to liars and thieves. Marketing is a private-sector activity which will probably mostly fall to the Realtors. No public money should be spent here.

The plan is a little like the kid who buys an old pick up and does the body work and paint first before making sure the truck runs reliably—you get a result which is all show, no go. That's marketing! It is also Teton Valley—nice view, no jobs!

We need substance in our planning! We need to attend to our structural problems first.

Get the basics working well first; plan to run the place like a real community, where real working people can afford to live, not as a wanna-be tourist trap.

The plan mentions "affordable housing"- well, it is currently about as affordable as possible, since many places are on the market for less than replacement cost. Marketing will make affordability much harder to obtain moving forward.

What we need is a balance between good jobs ( which will allow local people to afford a house in the local market) and a stable real estate market which will make the area attractive to employers who might generate jobs here. A boom and bust cycle is bad for the residents.

Any promotional programs should not fail to mention the idea: "Bring a job with you!"

The result of the planning process: zoning and ordinances: this is where the current proposals are very vague. No one knows what will happen to their ground.

Zoning is a process by which some people who don't own the land try to control other people's ability to use and control their own land. No wonder it is so contentious! 35 years ago, land use was an open

playing field. Now all that has been lost, which is a significant loss of freedom, but not yet necessarily a loss of actual money. The large landowners are rightly concerned!

Remember for a moment the words of the old Woody Guthrie song, "Pretty Boy Floyd": Yes, as through this world I've wandered  
I've seen lots of funny men;  
Some will rob you with a six-gun,  
And some with a fountain pen.

Zoning determines who gets the goods, and who gets robbed!

EICPDA and the city governments determine who gets the benefits of improved utility systems- future developers—and who gets the bills- the local residents who have seen their bills skyrocket!

Yuppies want everyone else to pay for the "amenities" they desire—and can perhaps afford—while most residents just want to make a living and live here without going broke. The AG community wants to be able to sell the land they own and someday retire, and after decades of high net worth and no spending money, and enjoy a little of the life they have left after decades of toil with minimal income.

Figuring out how to craft zoning regulations which are FAIR and consistent and predictable and promote the public good while damaging as few people as possible is quite a challenge, and very little "meat" of this process was revealed in the comp plan so far.

I think the framework maps concentrating new, dense development near the cities is OK. There are still many existing lots available in the country for those who prefer to have elbow room.

Implementation—how you achieve the goals- is the challenge, we need a LOT more details before going forward!

That is what everyone is waiting for! .

You have your work cut out for you!

Charles Woodward  
Victor, ID 83455



## Valley Advocates for Responsible Development

Teton County Planning & Zoning Commission  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422

June 25, 2012

### RE: Comments regarding Waterways Corridor

Dear Commissioners:

At the June 19<sup>th</sup> P&Z work meeting, there was significant discussion about how to best interpret and implement the Waterways Corridor as shown on the Draft Framework Map. There were three key issues in that discussion:

1. Should the Waterways Corridor be viewed as an overlay or as a potential zone?
2. Should the area contained within the Waterways Corridor be identified as "lowest-density," or "low-density?"
3. If the Waterways Corridor is defined as an overlay rather than a zone, should it be density-neutral with respect to the underlying zoning?

### **Landscape features and contours necessitate the Waterways Corridor being implemented as an overlay – not a zone.**

The location of the Waterways Corridor<sup>1</sup> indicates that the intent of the Sub-Committees and the Core Committee was to create a distinct Waterways Corridor with different qualities than any of the adjacent land uses described in the Draft Plan. From an administrative perspective, implementing the Committees' vision of the Waterways Corridor as a distinct area with its own future character and land uses would be best achieved with an overlay. Zoning needs to follow parcel lines while overlays are well-suited to meandering natural boundaries. Implementing the Waterways Corridor as an overlay would be more appropriate and more fair to private landowners because an overlay can be tailored to follow the contours of the habitat and land areas that *actually need to be protected*, rather than burdening high and dry land areas just because they share a parcel ID# with the adjacent floodplain.

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Thank you once again for your hard work in the service of our community.

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P&Z,

Please support the comp plan, so we can have smart growth and keep the Valley beautiful.

Tom & Suzanne Arden

Tetonia

\*\*\*\*\*

Dear Planning & Zoning Commission,

The Comprehensive Plan for Teton County should protect our "freedom" and "pursuit of happiness" by doing the following:

1. Protect our historic access across private lands to the public lands that surround us.
2. Protect private property owner rights by zoning all private property into quarter (.25) acre lots on a grid road system and allowing property owners the freedom to develop their property or maintain open space if they choose. Allow developers to develop larger lots with winding roads within that quarter (.25) acre lot grid system if they choose. Allow open space advocates to purchase property and maintain it as open space, pay the property tax and control the noxious weeds if they choose.
3. Do not allow non-property owners to dictate to tax paying property owners what they can and cannot do with their private property.

Please, protect our rights and freedoms!

Dr. Darin D. Kerr

Driggs, ID 83422

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These are factors that I fell must be considered in your planning process, especially when ordinances are written as guided by the comprehensive plan.

1. Agriculture is the very best provider and mantainer of asthetically pleasing open spaces.
2. Agriculture is a business, and in order to continue to operate, must be able to turn a profit to its operator.
3. Legislation and ordinances can't assure the continued existance and operation of agricultural units.
4. Because of many factors beyone local control, the potential profits in any agricultural operation are very limited, at best.
5. Our climate conditions are a factor in limiting the successful operation of agriculture in Teton Valley.
6. Many of our existing agricultural operations are only in operation today because the owners have sacrificed a portion of their properties in order to stay in business.
7. The only real tangible asset in agriculture that can be sacrificed to raise needed capital is land.
8. This potential need to be able to raise capital to survive difficult times is just as real in a scenic

corridor or in a wetlands area as it is in other areas of Teton Valley.

9. Settlement of family estates, unwise or untimely economic decisions, lawsuits, national and international economic factors, and other situations sometimes create a need to generate capital in order to stay in business as an agricultural operation.

In summary, for the common good, please make sure that agriculture has every advantage possible so it may continue in Teton Valley.

Respectfully,  
Doyle T. Allen

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From: Laura Piquet  
Sent: Friday, June 22, 2012 10:52 PM  
To: Angie Rutherford  
Subject: NYTimes.article on P & Z

Angie,

I thought you might be interested in seeing this article. I remember when we first met with you to discuss what we'd like to see in the comprehensive plan. You asked me then if I'd heard about Agenda 21. I had not at that point. Since then, I have seen some articles on it and I am beginning to wonder if there is something to it. If you will take the time to read this article, you will see the similarities of what these communities are dealing with and what people are resisting. It is almost identical to what the property owners of Teton Valley, Idaho have been resisting and opposing and what the proponents for the new comprehensive plan are lining out for the citizens of our valley. I have stated time and time again that it is stripping us of our freedoms and our property rights. I have said from the beginning, far before I read any of the Agenda 21 information, that it is a socialist, communistic movement.

Is this really what you want to see happen in the USA? in Teton Valley?

Laura Piquet

## **The New York Times**

Activists Fight Green Projects, Seeing U.N. Plot

At a Roanoke County, Va., meeting, dozens opposed the county's paying \$1,200 to a nonprofit.

By LESLIE KAUFMAN and KATE ZERNIKE

Across the country, activists with ties to the Tea Party are railing against all sorts of local and state efforts to control sprawl and conserve energy. They brand government action for things like They are showing up at planning meetings to denounce bike lanes on public streets and smart meters on home appliances — efforts they equate to a big-government blueprint against individual rights.

“Down the road, this data will be used against you,” warned one speaker at a recent Roanoke County, Va., Board of Supervisors meeting who turned out with dozens of people opposed to the county’s paying \$1,200 in dues to a nonprofit that consults on sustainability issues.

Local officials say they would dismiss such notions except that the growing and often heated protests are having an effect.

In Maine, the Tea Party-backed Republican governor canceled a project to ease congestion along the Route 1 corridor after protesters complained it was part of the United Nations plot. Similar opposition helped doom a high-speed train line in Florida. And more than a dozen cities, towns and counties, under new pressure, have cut off financing for a program that offers expertise on how to measure and cut carbon emissions.

“It sounds a little on the weird side, but we’ve found we ignore it at our own peril,” said George Homewood, a vice president of the American Planning Association’s chapter in Virginia.

The protests date to 1992 when the United Nations passed a sweeping, but nonbinding, 100-plus-page resolution called Agenda 21 that was designed to encourage nations to use fewer resources and conserve open land by steering development to already dense areas. They have gained momentum in the past two years because of the emergence of the Tea Party movement, harnessing its suspicion about government power and belief that man-made global warming is a hoax.

In January, the Republican Party adopted its own resolution against what it called “the destructive and insidious nature” of Agenda 21. And Newt Gingrich took aim at it during a Republican debate in November.

Tom DeWeese, the founder of the American Policy Center, a Warrenton, Va.-based foundation that advocates limited government, says he has been a leader in the opposition to Agenda 21 since 1992. Until a few years ago, he had few followers beyond a handful of farmers and ranchers in rural areas. Now, he is a regular speaker at Tea Party events.

Membership is rising, Mr. DeWeese said, because what he sees as tangible Agenda 21-inspired controls on water and energy use are intruding into everyday life. “People may be acting out at some of these meetings, and I do not condone that. But their elected representatives are not listening and they are frustrated.”

Fox News has also helped spread the message. In June, after President Obama signed an executive order creating a White House Rural Council to “enhance federal engagement with rural communities,” Fox programs linked the order to Agenda 21. A Fox commentator, Eric Bolling, said the council sounded “eerily similar to a U.N. plan called Agenda 21, where a centralized planning agency would be responsible for oversight into all areas of our lives. A one world order.”

The movement has been particularly effective in Tea Party strongholds like Virginia, Florida and Texas, but the police have been called in to contain protests in states including Maryland and California, where

opponents are fighting laws passed in recent years to encourage development around public transportation hubs and dense areas in an effort to save money and preserve rural communities.

One group has become a particular target. Iclei — Local Governments for Sustainability USA, an Oakland, Calif.-based nonprofit, sells software and offers advice to communities looking to reduce their carbon footprints. A City Council meeting in Missoula, Mont., in December got out of hand and required police intervention over \$1,200 in dues to Iclei.

At a Board of Supervisors meeting in Roanoke in late January, Cher McCoy, a Tea Party member from nearby Lexington, Va., generated sustained applause when she warned: “They get you hooked, and then Agenda 21 takes over. Your rights are stripped one by one.”

Echoing other protesters, Ms. McCoy identified smart meters, devices being installed by utility companies to collect information on energy use, as part of the conspiracy. “The real job of smart meters is to spy on you and control you — when you can and cannot use electrical appliances,” she said.

Ilana Preuss, vice president of Smart Growth America, a national coalition of nonprofits that supports economic development while conserving open spaces and farmland, said, “The real danger is not that they will get rid of some piece of software from Iclei” but that “people will be too scared to have a conversation about local development. And that is an important conversation to be having.”

In some cases, the protests have not been large, but they are powerful because officials are concerned about the Tea Party.

On the campaign trail, Mr. Gingrich has called Agenda 21 an important issue and has said, “I would explicitly repudiate what Obama has done on Agenda 21.”

The Republican National Committee resolution, passed without fanfare on Jan. 13, declared, “The United Nations Agenda 21 plan of radical so-called ‘sustainable development’ views the American way of life of private property ownership, single family homes, private car ownership and individual travel choices, and privately owned farms; all as destructive to the environment.”

Other conservatives have welcomed the scrutiny of land-use issues, but they do not agree with the emphasis on Agenda 21.

Jeremy Rabkin, a professor of law at George Mason University specializing in sovereignty issues, said there were “entirely legitimate concerns about international standards that come into American law without formal ratification by the Senate.”

But some local officials argue that the programs that protesters see as part of the conspiracy are entirely created by local governments with the express intent of saving money — the central goal of the Tea Party movement.

Planning groups, several of which said they had never heard of Agenda 21 until protesters burst in, are counterorganizing.

Last year, the Board of Supervisors in Albemarle County, Va., ceased payment of dues to Iclei and withdrew its support from a national agreement on climate change in which counties can participate. Summer Frederick, the project manager for the Thomas Jefferson Planning District Commission in Charlottesville, Va., now conducts seminars on how to deal with Agenda 21 critics. (Among her tips: remove the podium and microphones, which can make it “very easy for a critic to hijack a meeting.”)

Roanoke’s Board of Supervisors voted 3 to 2 to renew its Iclei financing after many residents voiced their support.

“The Tea Party people say they want nonpolluted air and clean water and everything we promote and support, but they also say it’s a communist movement,” said Charlotte Moore, a supervisor who voted yes. “I really don’t understand what they want.”

*John A. Montgomery contributed reporting from Roanoke, Va.*

*This article has been revised to reflect the following correction:*

***Correction: February 8, 2012***

An article on Saturday about conservative activists who battle efforts to control sprawl and conserve energy misidentified an entity that ceased paying dues to Iclei, a nonprofit organization that offers advice on environmental sustainability, and withdrew from a national program related to dealing with climate change. It was Albemarle County in Virginia — not the Thomas Jefferson Planning District Commission in Charlottesville, Va. The article also described the planning commission incorrectly. It involves climate change efforts by counties, not by mayors.

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P & Z comments 6/25/12

Why did you move to Teton Valley?

I was 27, in grad school back east, doing geology work/ park service work summers out west, based out of Jackson Hole ( since 1965), and while working, mostly homeless-I lived in a tent for months at a time.

I needed a base for work out west. Even in 1973, a young person could not afford Jackson. I had been involved in their comp plan process in 1971 and 1972 and it rapidly became clear that Jackson was going to be an uppity-class place with no room for young folks starting out unless you had gobs of money, which I did not. In Teton Valley, I was able to buy land on a contract, low down, no building permits, codes, or much at all in the way of institutional barriers, and build a simple home right away. Unlike upstate NY, where our farm was, Teton Valley was NOT going bankrupt due to unwise development decisions, too much municipal debt, and so fourth. TV was undiscovered, and that was a good thing! It was hard to make a living here, but it was cheap to live here. Low taxes, low costs.

Alas, all this has been lost!

The comp plan here:

This really needs to be addressed as two parts.

The vision: the pre-plan process was good, and attempted to draw in the various community groups and get them to buy into some sort of consensus. The result, a lot of the "meat" in the plan presented is interesting and worthwhile, but reads like a Yuppie Wish list—it has little to do with actual on the ground zoning.

It sounds uplifting with high goals, but is extremely vague about what will happen where. This bothers people!

The Yuppie wish list seems to come with a time scale for "improvements" to create "amenities", which also seems to indicate the creation of new taxing districts, etc. when we can't afford to do the basics here right now. Amenities are the icing on the cake, the "extras" you hope for. The tax process should be reserved for the essentials.

Teton Valley continues to have some very basic structural problems which need to be dealt with first!

-No jobs!

-Improve Schools

-Improve roads-

\_Reduce municipal utility costs

-Make the dump work well and conveniently for the citizens

-greatly improve the recycling program so it is easier and more user-friendly

-Get the Fire district under control—no empire builders!

The plan mentions "marketing" and "branding" Teton Valley—marketers are salesman, and next of kin to liars and thieves. Marketing is a private-sector activity which will probably mostly fall to the Realtors. No public money should be spent here.

The plan is a little like the kid who buys an old pick up and does the body work and paint first before making sure the truck runs reliably—you get a result which is all show, no go. That's marketing! It is also Teton Valley—nice view, no jobs!

We need substance in our planning! We need to attend to our structural problems first.

Get the basics working well first; plan to run the place like a real community, where real working people can afford to live, not as a wanna-be tourist trap.

The plan mentions "affordable housing"- well, it is currently about as affordable as possible, since many places are on the market for less than replacement cost. Marketing will make affordability much harder to obtain moving forward.

What we need is a balance between good jobs ( which will allow local people to afford a house in the local market) and a stable real estate market which will make the area attractive to employers who might generate jobs here. A boom and bust cycle is bad for the residents.

Any promotional programs should not fail to mention the idea: "Bring a job with you!"

The result of the planning process: zoning and ordinances: this is where the current proposals are very vague. No one knows what will happen to their ground.

Zoning is a process by which some people who don't own the land try to control other people's ability to use and control their own land. No wonder it is so contentious! 35 years ago, land use was an open

playing field. Now all that has been lost, which is a significant loss of freedom, but not yet necessarily a loss of actual money. The large landowners are rightly concerned!

Remember for a moment the words of the old Woody Guthrie song, "Pretty Boy Floyd": Yes, as through this world I've wandered  
I've seen lots of funny men;  
Some will rob you with a six-gun,  
And some with a fountain pen.

**Zoning determines who gets the goods, and who gets robbed!**

**EICPDA and the city governments determine who gets the benefits of improved utility systems- future developers—and who gets the bills- the local residents who have seen their bills skyrocket!**

**Yuppies want everyone else to pay for the "amenities" they desire—and can perhaps afford—while most residents just want to make a living and live here without going broke. The AG community wants to be able to sell the land they own and someday retire, and after decades of high net worth and no spending money, and enjoy a little of the life they have left after decades of toil with minimal income.**

**Figuring out how to craft zoning regulations which are FAIR and consistent and predictable and promote the public good while damaging as few people as possible is quite a challenge, and very little "meat" of this process was revealed in the comp plan so far.**

**I think the framework maps concentrating new, dense development near the cities is OK. There are still many existing lots available in the country for those who prefer to have elbow room.**

**Implementation—how you achieve the goals- is the challenge, we need a LOT more details before going forward!**

**That is what everyone is waiting for! .**

**You have your work cut out for you!**

**Charles Woodward  
Victor, ID 83455**

I would like to publicly apologize for the comments that I turned into the P & Z in reference to the VARD mailer on 6-28-2012. I was frustrated and angry and struck out at others and should not have said the hurtful things that I said. I hope you can find it in your hearts to forgive me. I realize that the people who are in favor of the comprehensive plan feel that they are correct in what they want but the landowners feel that they are the ones who stand to lose the most with the proposed comp plan. It seems we should be able to come up with a plan that causes less division in our valley.

Sincerely,

Received By BOCC  
07-11-2012 10:39PM

Laura Piquet

**What does meaningful open space mean?** Is it taking the rights of the landowners away? Is taking from them and giving it to the public? What right does the community have forcing the landowners to maintain open space so they can promote Teton Valley to the tourists? Teton Valley is not a National Park. It is not public ground. It is owned by private property owners. The proposed comp plan is just a way to inflict Marxist communistic values and controls on the people, such as open space requirements, forced clustering, prevention of building churches, lighting controls & curfews, controlling soundscape, forcing us to provide bike paths and trails for them and the tourists. Is that maintaining our culture?

**Maintain cultural and scenic values?** The culture that the newcomers are bringing to our valley has no resemblance to our past culture. It is like telling the American Indian that we have preserved their culture. Ha! The culture they are trying to maintain is a recreation-play-and-run-and-bike-every-waking-moment culture. A feel-good culture that only serves themselves. The culture in Teton Valley before they came was about working hard to make an honest living. Obviously these "people" don't even have to work. Instead they are out on their bikes all day and gathering at Tony's to drink beer at night, secretly plotting a way to destroy the local culture and standards, all on the pretense that they are preserving our culture! Our culture was of church-going, God-fearing family-oriented residents who respected the Sabbath and worshipped God. Our word was our bond. Our contracts were made with a handshake. We were honest and neighborly. We didn't have businesses open on Sunday. We didn't even mow our lawns on Sunday. We honored the sabbath day by going to church, spending quality time with our children, and visiting and doing good things with or for our neighbors. Our culture was about freedom and sacrificing your life for freedom. Your idea of maintaining that culture is by denying the building of our churches while approving a Vodka distillery in the scenic corridor. Having marijuana-smoking, drug-infested music concerts at "Ghee?" Having wine and cheese tasting events, encouraging the consumption of alcohol? Having dogs instead of children? Living with your significant other instead of marriage? How is that maintaining our culture or scenic values? The main reason you want to maintain open spaces because you want to sell your less desirable properties at the expense of those who have desirable property.

**Enjoy an abundant wildlife population?** You say you want to protect the wildlife only so you can put a wildlife overlay over the entire valley and further limit development. You aren't really interested in wildlife or protecting the river or you wouldn't be advertising the Teton River to everyone and encouraging them to come to it. It can't handle all that traffic. The wildlife who currently happily co-exist with the landowners' livestock will not tolerate all of your excessive utilization of it with canoes, paddle boards, floating, and fishing intrusion of the stream. Then you propose trails and bike paths along it! Obviously you don't have a clue what you are doing to the wildlife and your methods of protecting it won't work. Herds of people walking through their habitat will destroy them. Stay away from it and you will be doing wildlife a favor. Besides that the property is mostly private. You can't have access unless you get permission or do an eminent domain.

**Your guidance for future growth and a vibrant downtown** is a no growth plan. I don't see how you think we can have a vibrant business climate when you don't want development or growth. People who move here need two things: 1) a place to work 2)

a place to live in a non-city-like atmosphere. If they wanted to live in clusters and crowded neighborhoods, they would stay where they came from. Teton Valley is beautiful, but beauty doesn't put food on your table. If there isn't a vibrant economic culture in this valley, the only people who will be able to afford to live here will be the trust-fund babies who are reliant on their daddy's pocketbook or the already wealthy people who will use this area as their vacation/second home areas. Perhaps that's your goal all along. You say you want to maintain the rural heritage but you are basically running off the very people who can maintain it for you. Do you think our children will be able to afford to run farms in Teton Valley once you limit development, strangle the economy of the valley and tax them to death with additional taxing districts, ie., recreational tax, capital improvement districts for the already over paid fire department, and open space tax on the very land they are forced to hold open.

**Fair, predictable, and cost-effective development:** First of all do you really think that taking away the property-owners development rights is **FAIR**? How do you think that is fair? Would it be fair if the farmers came to your property (your home, your car, your bike, your skis) and said, "We decided that everyone should be able to live in a home like yours, drive a nice car like yours, bike on a nice bike like yours, or ski with such great ski equipment as you have. We are going to make an ordinance that states that you can no longer control how you use these things. You need to make them available for everyone to use. Also, you can't sell any of it either, because you need to have it available for the community to use because that is what the community desires." You are doing that to the landowners when you tell us what we can do with our land all on the guise that it is what the community wants. **Predictable?** How is that possible? How are you going to control when, how, who, what people want to purchase in this valley? If you think you can control that by only allowing the current 7000+ units to sell before anything else can be developed, then you are making a serious mistake. In a free market society, the market (what people want to purchase) determines development. I guess you can say it is predictable because you are going to stifle all development, unless it serves your lifestyle of biking, hiking, and paddleboarding or it sells your property that you have for sale before the rest of us can sell any of ours.

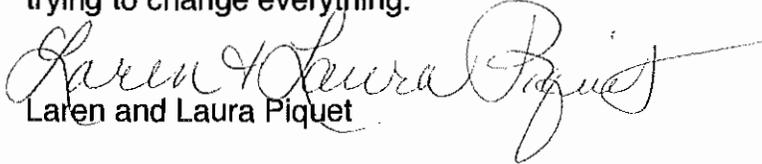
**Cost effective?** I suppose you are pretending that means cost-effective to the county's tax base? I know that many of you think that by allowing development out of town, you will cost the county more money. That is the biggest misnomer you are forcing on everyone so far. When a person builds out of town, he pays for his septic tank, his well, his road and maintenance of his road, running electrical to his property, and running telephone to his property. You claim that EMS, Fire and Sheriff will have more expense if people live out of town. First of all, there is NO guarantee that the city dweller will only utilize those services in the city limits. There is no guarantee that the biker will not get hurt on the road between Bates and Cedron, that the city dweller won't have a wreck on Highway 33 near the county boundaries by Madison County, or that someone who lives in the city, won't commit a crime, such as killing his wife, outside the city limits. The county has to provide these services on all four corners of the valley, whether people live in town or out of town. That is an irrational and very debatable argument.

**Incentives that support rural character?** What would that be? A tax on the landowners who will be forced to keep open space for the community's desire? I would

totally be in favor of incentives if it comes from the ones who are proposing this new comp plan.

**Support for recreation.** No, and hell no! If you want recreation, then pay for it out of your own pocket. Why should other people have to pay for your playtime?

**Quality of Life?** Our quality of life was a lot better before you all came in here and tried to make Teton Valley look and smell like Sun Valley, Vale, Steamboat Springs, or Jackson Hole, Wyoming. We are Teton Valley and we were a whole better place to live before you all moved in here. If you really wanted to preserve our lifestyle, then quit trying to change everything.

  
Laren and Laura Piquet

Driggs, ID 83422

Dear Planning and Zoning:

The scenic corridor is another example of taking the property owner's development rights. We own 20 acres of ground along the scenic corridor. Every bit of our property is in the corridor. The regulations for the scenic corridor is totally unreasonable. It basically give our property to the public, while we pay the taxes. How is that fair? If they don't like what they see along the corridor, then the tourists can just go elsewhere!

We also disagree that the landowners should be forced to maintain open space for the liberal bike riders who are doing nothing to give back to the community. They don't have to work. They ride bikes all day long. They sit and dream up the ideas that only benefit them on a constant basis. They pretend it is to preserve the rural heritage but this comp plan does not do that. Instead it is forcing the minority to be subject to the majority, if it is really true that the majority wants what you say they want. We don't believe that your surveys were a true representation of the valley people's desires. Most of the people who live here didn't take the survey because they weren't involved with it or didn't know about it. A lot of your older generations don't own a computer or how to get to your website.

We are against additional taxes, such as a recreation district, capital improvement tax for Fire, or open space. If you want recreation, pay for it yourselves. You are going to tax the rural citizens right out of the valley. TV will only be for the rich and the trust fund babies.

We don't want Teton Valley to be another Jackson Hole or Sun Valley. If that's where you want to live, move there! If you want it to be like where you are from, go back!

We also didn't like the church being denied but the vodka distillery was allowed to be built right on the scenic corridor just outside of Driggs. Isn't that great? What an eyesore! It even has a tower on it! It's going to be ugly! At least a church is a beautiful building.

We think the dark skies movement is ridiculous. Look up, the stars are there! Turning on a light didn't make them go away. You claim we are trespassing on other's property with our light? That is stupid. You know what else is stupid? Tripping and falling because you can't see where you are going because the lights are so dim. Getting robbed because the night light has been taken away for protection.

We also think your idea of rural heritage is a joke. Do you even know what rural heritage means? It means having families and farming and working hard for a living. It means a house on every 20 acres because that was how TV was settled. It means going without when the crops don't yield and the weather doesn't cooperate. It's being a friend to your neighbor and doing his farming or taking him a meal because he is sick. It means living in a little farm house where the snow blows in on your blankets in the winter and your cup of water freezes solid on your headboard by morning. It's going out and milking the cows or getting in wood even when it isn't convenient or fun for you. It's

raising a garden so you can feed your 8 kids. It's having chickens for eggs and chicken noodle soup, not because it is organic. It's having a horse because you need to use it on a farm or to go hunting for your winter's food. It's about freedom to make your own living without others' interfering. It's about defending your property from invasions from outside marauders. It's about watching a calf being born and helping it suck it's mother for the first time. It's usually hand-to-mouth and now you want to take away our ability to sell out when we retire for what our property should be worth, before you came along and devalued our property with the scenic corridor and comp plan, or deny us the right to give our legacy, our property, to our children.

*Jani Rasmussen*

Jani and Buzz Rasmussen

Victor, ID 83455



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July 2, 2012

**VIA REGULAR MAIL AND EMAIL**

Teton County Board of County Commissioners  
Teton County Planning & Zoning Commission  
c/o Angie Rutherford  
150 Courthouse Dr., Room 107  
Driggs, ID 83422

Email: [CompPlan@co.teton.id.us](mailto:CompPlan@co.teton.id.us)  
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**RE: *Comments From the Teton County Group for Property Rights ("TCGPR")  
Regarding Draft Comprehensive Plan (downloaded June 29, 2012) for Teton  
County, Idaho.***

Dear Ms. Rutherford:

As you know, our firm represents a group of individuals concerned with the property rights of individuals located in Teton County (the "County"), who call themselves the Teton County Group for Property Rights, or "TCGPR".<sup>1</sup> TCGPR consists of a number of large and small landowners located in Teton County.

On May 24, 2012, TCGPR submitted a letter describing its public comments regarding the then-current draft of the *Draft Comprehensive Plan for Teton County, Idaho* (the "Comprehensive Plan"). We understand that other comments were also received, and once received, the comments were considered and either incorporated, partially incorporated, or not incorporated into the latest version of the Comprehensive Plan, which is now scheduled for review and public hearing on July 10<sup>th</sup> and 11<sup>th</sup>. We appreciate the County's consideration of our comments relative to distressed subdivisions, and the removal of the prior draft language on this topic as we suggested.

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<sup>1</sup> The VARD letter incorrectly refers to this group as the "TVGPR" rather than its correct name, "TCGPR."

We have now downloaded the latest version of the Comprehensive Plan on June 29, 2012, which we understand will be presented for the public hearing on July 10<sup>th</sup> and 11<sup>th</sup>. We wish to submit the following comments to the Planning and Zoning Commission, and trust that you will provide them to the Commission.

Additionally, we have reviewed a letter submitted on June 15, 2012 to the Teton County Planning & Zoning Commission and the Teton County Board of County Commissioners by an entity known as the "Valley Advocates for Responsible Development," or "VARD." (hereinafter "VARD Letter"). The letter was signed and therefore presumably written by five lawyers affiliated with VARD, and claims to "clarify and ultimately rebut" some of the contents of TCGPR's letter. *VARD Letter* at 1. In our review of some of the submitted comments, we are unaware of any direct rebuttal to any other person or entity's submission of public comments. Our understanding is that all interested parties were requested entitled to submit comments regarding the draft Comprehensive Plan. VARD's view of the solicited comments is that they were written on a law firm's letterhead with "the implied threat of a lawsuit in the event the stated wishes are not granted." *VARD Letter* at 6. This is certainly not the case. Adoption of a Comprehensive Plan is a significant issue, and one where public comments have been welcomed. The comments were submitted at the request of TCGPR in an effort to participate in this process, not to intimidate anyone. While VARD's legal firepower in response may be impressive, for TCGPR, this process has never been about the number of lawyers affiliated with any particular position. It is about the finalization of a Comprehensive Plan that represents the needs and interests of all of Teton County's residents, and that it does so in a lawful manner.

Prior to our comments below, we should initially address VARD's claims that TCGPR has confused comprehensive planning with zoning, but our prior letter demonstrates this is not the case. We explained this very principle, and cited to two Idaho Supreme Court cases in our letter which state that a comprehensive plan is not legally controlling zoning law:

We understand the vision contained in any comprehensive plan is eventually given real meaning when such vision is implemented through county ordinances, and the final version of those ordinances will ultimately determine whether or not private property rights have been infringed upon in an unlawful manner.<sup>2</sup> However, because zoning ordinances must be in accordance with the

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<sup>2</sup>"This Court has held that a comprehensive plan does not operate as legally controlling zoning law, but rather serves to guide and advise the governmental agencies responsible for making zoning decisions. The Board may, therefore, refer to the comprehensive plan as a general guide in instances involving zoning decisions such as revising or adopting a zoning ordinance. A zoning ordinance, by contrast, reflects the permitted uses allowed for various parcels with the jurisdiction." *Urrutia v. Blaine County*, 134 Idaho 353, 357-58, 2 P.3d 738, 742-43 (2000); "A comprehensive plan is not a legally controlling zoning law, . . ." *Evans v. Teton County*, 139 Idaho 71, 76, 73 P.3d 84, 89 (2003).

Comprehensive Plan (Idaho Code §§ 67-6511 and 67-6535(a)), we want to be on the record with our concerns regarding language in the Comprehensive Plan because of how this language may be interpreted in the preparation and adoption of amended zoning ordinances.

*TCGPR Letter* at 3.

Oddly enough, while making the claim that TCGPR does not understand comprehensive planning, they included the same quote from the *Urrutia* case which we quoted in our letter. To be clear, we recognize that any potential legal challenges to Teton County's actions would likely occur in the potential subsequent zoning actions that may take place after the Comprehensive Plan is adopted.<sup>3</sup> Idaho Code § 67-6519, which was recently amended, outlines that certain applications are subject to processing and potential judicial review under the Local Land Use Planning Act, ("LLUPA"). The applications subject to review are "zoning changes, subdivisions, variances, special use permits and such other similar applications required or authorized pursuant to this chapter . . ." It does not appear that adoption of a Comprehensive Plan, which is more of a legislative-type action, is subject to direct judicial review under the LLUPA, although it is subject to review under a separate arbitrary and capricious legal standard.<sup>4</sup> Nevertheless, despite the legislative-type action of the Comprehensive Plan and its limited direct judicial review, it remains a critical document because zoning must be done in accordance with the Comprehensive Plan. *See, e.g.*, Idaho Code §§ 67-6511 and 67-6535(a).

As described in more detail below, we remain concerned that the density descriptions that remain in the latest iteration of the Comprehensive Plan function as zoning laws which, in and of itself, appear to now effectively rezone land. As VARD notes, this is something that the

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<sup>3</sup> Indeed, it appears that this is likely based on p. 69 of the Comprehensive Plan, which states that "[t]he Zoning Code should be revised to reflect the Comprehensive Plan, including all its goals, policies and the Framework Map."

<sup>4</sup> *See Burt v. City of Idaho Falls*, 105 Idaho 65, 70-71, 665 P.2d 1075, 1080-81 (1983):

"Promulgation or enactment of general zoning plans and ordinances is legislative action."

"Legislative activity by a zoning entity is differentiated from quasi-judicial activity by the result—legislative activity produces a rule or policy which has application to an open class whereas quasi-judicial activity impacts specific individuals, interests or situations. Legislative action is shielded from direct judicial review by 'its high visibility and widely felt impact, on the theory that appropriate remedy can be had at the polls.'"

"Direct judicial review in this case means an appellate process by which land use decisions by local authorities are appealed to a judicial forum. While we hold that legislative action is not subject to direct judicial review, it nonetheless may be scrutinized by means of collateral actions such as declaratory actions. In such instances the decision will not be disturbed absent a clear showing that it is confiscatory, arbitrary, unreasonable or capricious."

Comprehensive Plan cannot do (“It is well established in Idaho that the comprehensive plan cannot be elevated to the level of zoning law.” *VARD Letter* at 2 (citing to *Urrutia v. Blaine County*, 134 Idaho 353, 357, 2 P.3d 738, 742 (2000)).

More critically, through another seemingly insignificant change, it is now apparent that the Comprehensive Plan’s main goal is to reduce residential development and effectively eliminate the possibility for future development. A key action item under the economic development component of the plan used to call for actions to “[r]educe potential supply of lots by 75%.” As described below, this should be removed.

Therefore, as further explained below, we request that the following changes be made to the latest iteration of the Comprehensive Plan:

1. Remove the key action of “Reduce potential supply of residential lots by 75%.”
2. As we have requested previously, the Comprehensive Plan should be revised to simply include “residential” in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., “very low density,” “low density,” “medium-low density,” etc.) should be removed.
3. As we have requested previously, provisions should be added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County’s current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
4. That a recommendation from the Planning and Zoning Commission of the Comprehensive Plan be delayed for 6 months to receive comments on the recent significant changes to the Comprehensive Plan, as well as review and comment on the Idaho Department of Fish and Game publication *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*.

**Removal of Key Action to “Reduce Potential Supply of Residential Lots by 75%.”**

An express goal of reducing three (3) out of four (4) residential lots in the County is an affront to the property rights of County residents. It is unclear how this key action crept into the

Comprehensive Plan process so late in this process (which has taken place for over two years), and now is in the draft Comprehensive Plan just prior to submission to the Planning and Zoning Commission. The April 20<sup>th</sup> version of the Comprehensive Plan did not contain this item. See *Exhibit 1* attached hereto. A prior iteration of this item first appeared in the May 16<sup>th</sup> version of the Comprehensive Plan. See *Exhibit 2* attached hereto. No matter its source, it represents bad policy and is contradictory to the Comprehensive Plan's stated goals of balancing the property rights of County residents with the zoning ability of the County. It will effectively eliminate future residential developments, and further depress the County's economy by removing the jobs associated with future developments, which is also contradictory to the County's stated goal of establishing a "vibrant, diverse, and stable economy." *Comprehensive Plan* at 18.

The May 16<sup>th</sup> version of the Comprehensive Plan states that the action item is to "[r]educe *future* potential supply of residential lots by 75%." (italics added). We would interpret this provision consistent with other provisions of the Comprehensive Plan to refer to reduction of *currently* platted but undeveloped subdivisions by incentivizing vacation of non-viable subdivisions in undesirable locations. For example on Page 62 of the Comprehensive Plan, it calls for an action item to "[i]ncentivize vacation of non-viable subdivisions in or near migration corridors or sensitive habitats." We believe addressing non-viable subdivisions is a good thing because we have always felt, as described in our May 24<sup>th</sup> letter, that the ability to market and sell real state is obviously dependent on location, and the majority of existing distressed subdivisions, in our opinion, are located in less than ideal locations. You cannot encourage economic development by saying that potential lot purchasers cannot have something better. But an overall reduction of 75% of the residential lots in the County is a major change in the vision of the Comprehensive Plan. And to do so at this stage of finalizing the Comprehensive Plan is a significant of enough change to warrant additional time for comments and consideration. As described below, the Planning and Zoning Commission should delay recommendation of the Comprehensive Plan for six (6) months to further consider and understand this game changer.

#### **Removal of Vague Residential Density Terms**

As you are aware, Chapter 5 of the Comprehensive Plan describes "The Framework Plan." A prior draft of the Comprehensive Plan described different "Land Uses," including "Rural Agriculture," "Mixed Agriculture/Wetland," "Mixed Agriculture B," "Foothills," and "Waterway Corridors." The Comprehensive Plan still contains terms such as "medium density", "low-density residential, with provisions for clustering/conservation developments to protect natural resources," "medium to low density residential," "low residential," and "Low to lowest residential in the County."

As explained above, our concern is that these density descriptions function as zoning law, which the Comprehensive Plan cannot do. The zoning process is the process that should define

density. What has happened through the Comprehensive Plan drafts is a slow but sure migration to further restrict densities and significantly limit development. It backdoors in a zoning limitation. The density description is an adjective that moves the land use type into a zoning classification, and is unnecessary and unlawful. There are no other land use descriptions that are described so narrowly. For example, the Comprehensive Plan uses phrases such as "Agriculture" and "Ranching." The Comprehensive Plan further acknowledges that Teton County "has a very short growing seas and crops are currently limited to barley, seed potatoes, and several forms of grains." *Comprehensive Plan* at 53. Describing residential density is akin to categorizing land uses of agriculture as "Barley Agriculture," or "Seed Potato Agriculture." These descriptors go beyond the planning function of the Comprehensive Plan, and go right down to the specific land use associated with the property, which is a function of zoning. To avoid any potential dispute over the residential density descriptors, they should simply be removed.

VARD alleges that removal of these terms will make matters more vague, and the land use designations in the comprehensive plan do not and will not match the current zoning ordinances. While it is true that the comprehensive plan descriptions and zoning descriptions do not have to be categorized verbatim, this argument ignores the fact that zoning must be in accordance with the Comprehensive Plan, and therefore, subsequent zoning/rezoning will surely be limited by the density descriptors contained the Comprehensive Plan. This highlights the concern of TCGPR that the Comprehensive Plan density descriptors are too narrow and function as zoning law. Density should be addressed in the zoning/rezoning process, and references to density in the Comprehensive Plan land use descriptions should be removed.

To the extent the density descriptors are used, they should at least be defined. It is unclear whether they are more or less restrictive densities than are currently used in the County. Land use regulations should be sufficiently explicit so that a reasonable landowner can understand what is required to comply with the regulations and plan his or her land use accordingly. Local regulations should use clear and concise language, and should define terms so that the reader is left with little doubt as to what is required or intended. As we have stated before, the current Teton County zoning designations are A2.5 and A20. Are the new categories of density contained in the draft Comprehensive Plan A2.5 and A20? Or does the County intend to reduce or change these densities? Is A20 considered "very low" density? Or does "very low" density mean something else? Does the County intend to move to rezone the entire county if this Comprehensive Plan is adopted? These are the types of questions that all landowners will be asking. The lack of definition for these terms will lead to confusion because the density categories are patently vague and ambiguous.

Given the lack of definitions, the Comprehensive Plan should be revised to simply include "residential" in the desired future character land uses described in the Comprehensive Plan, and the other density descriptions contained therein (i.e., "very low density," "low density," "medium-low density," etc.) should be removed. At a minimum, they should be defined.

### Wildlife Overlay

In a similar vein, we remain concerned with the application of the County's adopted wildlife overlay, which TCGPR believes infringes upon landowners' property rights because regulation of wildlife is likely outside of a county's police powers to regulate property for the health, safety, and morals of its citizens. The actions of local governing boards must be reasonable, and cannot be arbitrary, capricious, or discriminatory, and must bear a substantial relationship to the public health, safety, morals, and general welfare of its citizens.

Wildlife overlays and their lawfulness, in and of themselves, have not been addressed before the Idaho Supreme Court. VARD cites to the Idaho case of *Cowan v. Fremont County*, 143 Idaho 501, and 148 P.3d 1247 (2006) in support of the use of wildlife overlays in Teton County.<sup>5</sup> However, in *Cowan*, the overlay itself was not challenged, but the County's discretion of awarding a score of zero for wildlife habitat was challenged. See *Cowan*, 143 Idaho 519 ("Cowan argues that the score of zero for wildlife habitat was error."). The issue of whether or not a wildlife overlay is a proper exercise of the County's power remains an open question because it was not challenged by the appellant in *Cowan*. We should note further that Fremont County's ordinance and Teton County's ordinance on this issue are different and are applied differently. In Fremont County, wildlife is one component of a development's overall score. Teton County's ordinance is much more broad, and could prevent development on the wildlife issue alone.

TCGPR's concern is perhaps best demonstrated with the comments from a newspaper article published by the Teton Valley News in September of 2009, which is attached at Exhibit 3. The article summarizes the advocacy of an Idaho Department of Fish and Game Wildlife Biologist, who determined that the habitat assessment relative to that development was "grossly incomplete." As we have explained before, IDFG should not take a position either for or against a project, which was apparently done in the instance described in the article (prior to the adoption of IDFG's new policy) where IDFG felt that the developer should have performed studies on the wintering habitat of mule deer and sharp-tailed grouse. This is not technical information that advises the process, rather, it is commentary from IDFG's on the work performed. Injecting these issues into zoning decisions only further diminishes property rights.

We do not dispute the fact that the County should plan for natural resources because it is one of the categories they are to plan for, but it is limited to an analysis of uses of these resources. See Idaho Code § 67-6508(f) ("An analysis of the uses of rivers and other water, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, water sheds,

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<sup>5</sup> VARD also cites to a district court case of *Cove Springs Development, Inc. v. Blaine County* in support of this contention, but the opinion is not available online, and we are not able to review it. We note, however, that the decision was not appealed to the Idaho Supreme Court.

and shorelines.”). But this does not grant the County a blanket authorization to assume the role of wildlife managers. The individuals comprising TCGPR are conservation-minded landholders, who care for and are concerned about wildlife. The concern of TCGPR is that the Comprehensive Plan and its associated wildlife overlay go too far and diminish property rights. The wildlife overlay allows the urban residents of Teton County to benefit at the expense of a rural few who happen to own property away from the cities of Driggs, Victor, and Teton. By limiting development in this manner, the County will remove the incentive for County landholders to enter into conservation easement agreements with entities such as the Teton Regional Land Trust (“TRLT”). The Comprehensive Plan expressly supports “the preservation of open space, farmland, natural beauty, and critical environmental areas,” Comprehensive Plan at 46, as well as acknowledging that there are voluntary options to preserve such lands on page 71 of the Comprehensive Plan through conservation easements, purchase or donation of development rights, and open space purchases.

If the County wants to conserve and encourage the preservation of agriculture and habitat, there must be an economic incentive for the landowner to participate. By reducing development density, which the Comprehensive Plan clearly now attempts to do under its land use description and wildlife overlay provisions, the value of the baseline appraisal necessary for a conservation easement decreases, and the process is no longer economically viable. In a no-win situation for farmers—who have historically struggled to make farming work in the County, as acknowledged by the Comprehensive Plan<sup>6</sup>—not only are they supposed to continue to make agriculture work in an area with a short growing season and increased fertilizer and fuel costs, but the expectation now is to have them do it without the possibility of a conservation easement to fund that work into the future. The more wealthy urban citizens benefit, at no cost to them, while the farming and ranching continues to struggle on. This does not promote a sense of community.

As we have explained before, the County should move away from a top-down regulation scheme to protect open space and habitat, and opt for a bottom-up voluntary process to protect these lands. This is what the NRCS and TRLT have done, and they have been effective in doing so. This is the model that Teton County should adopt—a voluntary approach to wildlife conservation that balances the rights of property owners with those that live in Teton Valley and enjoy its wildlife and open spaces. Current homeowners should not be entitled to enjoy open space and habitat protection entirely at the expense of those landowners who own open space and habitat and who may elect to subdivide their property in the future.

In short, the most recent version of the Comprehensive Plan states expressly that with different land types the overlays should be used to limit development. For example, under the

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<sup>6</sup> “Teton County has traditionally relied on agriculture as its economic base, although this was never an easy way to make a living. At an elevation of over 6,000 feet, the area has a very short growing season and crops are currently limited to barely, seed potatoes, and several forms of grains.” *Comprehensive Plan* at 53.

Foothills designation, it states: "Development limited by overlays and development guidelines to protect natural resources." This language should be removed from the most recent version. In its place, the Comprehensive Plan should adopt and encourage private partnerships with landowners to mitigate impacts to wildlife in the development process.<sup>7</sup>

**That a recommendation from the Planning and Zoning Commission of the Comprehensive Plan be delayed for 6 months to receive comments on the recent significant changes to the Comprehensive Plan, as well as review and comment on the Idaho Department of Fish and Game publication *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho.***

Finally, given the significant changes that are in the latest version of the Comprehensive Plan, it would be well to allow time for further comment and discussion on this new direction. The Comprehensive Planning process has been ongoing for two years, and yet we are seeing significant changes at the last minute. More time should be allowed for review and comment from the public, and TCGPR suggests a period of six (6) months.

Additionally, we have seen for the first time the IDFG document entitled *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*. Yet, we cannot find any reference to this document in the Comprehensive Plan itself, and it is unclear what this document's relevance is to the Comprehensive Plan. Whatever it is, this is obviously a document that will support the County's actions, and no time has been allotted to review and comment on it. A time period of an additional six (6) months would be appropriate to review it and provide technical comments to IDFG.

We appreciate your consideration of the above comments, and the associated attached documents. In summary, we request the following:

1. Remove the key action of "Reduce potential supply of residential lots by 75%."
2. As we have requested previously, the Comprehensive Plan should be revised to simply include "residential" in the desired future character land uses for Rural Agriculture, Mixed Agriculture/Wetland, Mixed Agricultural/Rural Neighborhood, and Foothills, and the other density descriptions contained therein (i.e., "very low density," "low density," "medium-low density," etc.) should be removed.

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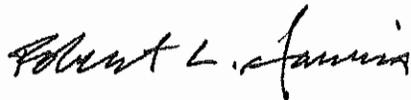
<sup>7</sup> This is mentioned in the Comprehensive Plan, which lists as a goal a desire to develop means to compensate private property owners for large parcels of open space. However, greater emphasis should be placed on this goal throughout the Comprehensive Plan, and should replace discussion of the wildlife overlay.

3. As we have requested previously, provisions should be added to the Comprehensive Plan stating that wildlife are only to be regulated by the Idaho Department of Fish & Game, and not by Teton County and its wildlife overlay. This would support the eventual removal of the wildlife overlay from the County's current zoning ordinance. The Comprehensive Plan should adopt and encourage partnerships with landowners to mitigate impacts to wildlife in the development process, and not penalize landowners who did not develop their land in the 1990s and 2000s.
  
4. That a recommendation from the Planning and Zoning Commission of the Comprehensive Plan be delayed for 6 months to receive comments on the recent significant changes to the Comprehensive Plan, as well as review and comment on the Idaho Department of Fish and Game publication *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*.

As we have explained above, we presume the real impact of the Comprehensive Plan will be delineated with the promulgation of zoning ordinances associated with it, which is why we believe the comments we are providing must be taken into account now. Please do not forget about the property rights that landowners have.

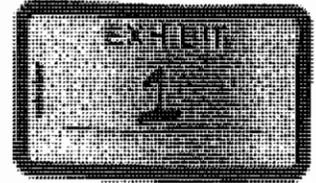
Should you have any questions regarding these comments, please have a member of your planning and zoning department give me a call at 523-0620.

Best Regards,



Robert L. Harris  
Holden, Kidwell, Hahn & Crapo, PLLC

Enclosures



# economic development

| <i>Key Actions</i>  | <i>Participants</i>   | <i>Timing</i> |
|---|---|---------------|
| <ul style="list-style-type: none"> <li>• Develop new marketing, branding and signage materials. Design and install gateway signage and landscape treatments; wayfinding master plan; wayfinding sign installation.</li> </ul>         | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center</li> </ul>                                     | 3             |
| <ul style="list-style-type: none"> <li>• Mitigate the economic impact of non-viable subdivisions.</li> </ul>  | <ul style="list-style-type: none"> <li>• County; property owners</li> </ul>   | 3             |
| <ul style="list-style-type: none"> <li>• Zone changes to reflect the Framework Map and encourage development of quality growth neighborhoods adjacent to existing communities and reduce density in sensitive rural areas.</li> </ul> | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 1             |
| <ul style="list-style-type: none"> <li>• Strengthen zoning ordinances to allow live-work and home based businesses.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 2             |
| <ul style="list-style-type: none"> <li>• Require development proposals to be accompanied by relevant market research and due diligence that justify viability of the project and consider off-site impacts.</li> </ul>                | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 1             |
| <ul style="list-style-type: none"> <li>• Incentivize utilization of existing business park locations.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 3             |
| <ul style="list-style-type: none"> <li>• Promote official "Buy Local" campaign for the Teton Valley.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center</li> </ul>                                     | 2             |
| <ul style="list-style-type: none"> <li>• Unify the Marketing, Job Retention, and Recruitment Programs.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center; Cities of Driggs, Victor and Teton</li> </ul> | 2             |
| <ul style="list-style-type: none"> <li>• Create effective economic development entities.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center</li> </ul>                                     | 3             |
| <ul style="list-style-type: none"> <li>• Work with the City of Driggs airport for business-related opportunities.</li> </ul>  | <ul style="list-style-type: none"> <li>• Teton Aviation Center; Chamber of Commerce; Teton Valley Business Development Center</li> </ul>              | 3             |
| <ul style="list-style-type: none"> <li>• Coordinate with the City of Driggs airport for business-related opportunities, local landowners and businesses.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center</li> </ul>                                     | 3             |

Timing: O=Ongoing; I=Immediate; 2 = Within 2 Years; 3 = Within 3 Years; 5 = 5 or More Years



# economic development

| <i>Key Actions</i>  | <i>Participants</i>   | <i>Timing</i> |
|---|---|---------------|
| <ul style="list-style-type: none"> <li>• Develop new marketing, branding and signage materials. Design and install gateway signage and landscape treatments; wayfinding master plan; wayfinding sign installation.</li> </ul>         | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center, Teton Valley Marketing Alliance</li> </ul>        | 3             |
| <ul style="list-style-type: none"> <li>• Preserve and enhance recreational opportunities</li> </ul>   | <ul style="list-style-type: none"> <li>• County Planning; Non-profit organizations</li> </ul>   | O             |
| <ul style="list-style-type: none"> <li>• Mitigate the economic impact of non-viable subdivisions.</li> </ul>  | <ul style="list-style-type: none"> <li>• County; property owners</li> </ul>   | 3             |
| <ul style="list-style-type: none"> <li>• Zone changes to reflect the Framework Map and encourage development of quality growth neighborhoods adjacent to existing communities and reduce density in sensitive rural areas.</li> </ul> | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | I             |
| <ul style="list-style-type: none"> <li>• Reduce future potential supply of residential lots by 75%.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | I             |
| <ul style="list-style-type: none"> <li>• Prioritize existing commercial and manufacturing land to reach a goal of 60/40% commercial/residential tax base.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning ; City of Driggs; City of Victor; City of Tetonia</li> </ul>                                     | 3             |
| <ul style="list-style-type: none"> <li>• Require development proposals to be accompanied by relevant market research and due diligence that justify viability of the project and consider off-site impacts.</li> </ul>                | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | I             |
| <ul style="list-style-type: none"> <li>• Incentivize utilization of existing business park locations.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 3             |
| <ul style="list-style-type: none"> <li>• Promote official "Buy Local" campaign for the Teton Valley.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center, Teton Valley Marketing Alliance</li> </ul>        | 2             |
| <ul style="list-style-type: none"> <li>• Provide technical assistance to local businesses.</li> </ul>   | <ul style="list-style-type: none"> <li>• Teton Valley Business Development Center</li> </ul>  | I             |
| <ul style="list-style-type: none"> <li>• Unify the Marketing, Job Retention, and Recruitment Programs.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center; Cities of Driggs, Victor and Tetonia</li> </ul>   | 2             |
| <ul style="list-style-type: none"> <li>• Strengthen zoning ordinances to allow live-work and home-based businesses.</li> </ul>  | <ul style="list-style-type: none"> <li>• County Planning</li> </ul>   | 2             |
| <ul style="list-style-type: none"> <li>• Create effective economic development entities.</li> </ul>   | <ul style="list-style-type: none"> <li>• Chamber of Commerce; Teton Valley Business Development Center</li> </ul>   | 3             |
| <ul style="list-style-type: none"> <li>• Hire an economic development coordinator.</li> </ul>   | <ul style="list-style-type: none"> <li>• Teton Valley Business Development Center; County; Chamber of Commerce; Fremont County; Madison County</li> </ul> | I             |

Timing: O=Ongoing; I=Immediate; 2 = Within 2 Years; 3 = Within 3 Years; 5 = Within 5 Years; 5+ = 5 or More Years

P&Z tackles wildlife  
September 09, 2009  
By Hope Strong



New ordinance has county considering initial precedent

One of the largest proposed developments on the north end of Teton County came back to the county Planning and Zoning Commission with a fraction of units and challenging a newly adopted wildlife ordinance that may need further rehashing.

J Lazy H was the original development on the bench west of Felt that consisted of 5,432 acres with 842 units. Jeff Russell, who represented Hoopes Green LLC in the project, has attempted to keep the project alive through a new proposal, Canyon Farms. Canyon Farms, however, created a stir Tuesday evening as debate ensued over its location in and around Teton County's Wildlife Overlay.

"We didn't predict the market very well the first time around," Russell told the P&Z Commission Tuesday night regarding J Lazy H. "It's hard to say what's coming next."

Representing investors, Jeff Klausmann, one of the architects of the Wildlife Overlay Map, spoke on behalf of Canyon Farms, a 15-lot subdivision on 348 acres located directly north of the first phase of the River Rim subdivision. The developer sought preliminary approval for a standard subdivision on ground zoned A-20, but the P&Z Commission continued the matter after struggling to interpret its Wildlife Overlay.

Rob Cavallaro, Wildlife Biologist for Idaho Fish and Game and another who helped draft the Wildlife Map, was adamant that the county acknowledge the spirit of the Wildlife Overlay, suggesting that the decision with Canyon Farms could likely set a precedent for future interpretation of the ordinance.

"Our goal is not to stop or slow down this project," Cavallaro said. "We are concerned with the bigger picture."

Interpretation here is paramount. We can all agree that Hoopes Green has done a lot of good work, but the question is not whether this is a good subdivision. If this doesn't meet the criteria, I don't know what will."

The criteria Cavallaro referred to was the point in question for the P&Z Commission and ultimately for this and any other developer attempting to navigate wildlife considerations in the future. Codicils in the Wildlife Overlay that took the burden of further analysis off a developer include language suggesting that land previously disturbed would fall into a different category. Whether or not traditional farm ground was considered "disturbed" was ambiguous. Likewise, clarification seemed necessary as to the scope of the Wildlife Overlay. The P&Z Commission struggled with the question of whether or not land "immediately adjacent" needed to be taken into consideration.

Russell had written in favor of the Wildlife Overlay on June 11, 2008 during a P&Z hearing with regard to the county's proposed PUD ordinance.

"Why will people buy lots in my project? Why will they come to Teton County? Why will they come here and not elsewhere?"

Russell's letter asked. "For him," Matt Landis answered, "The one thing that sets Teton Valley apart

from other small mountain towns in the west is the wealth of wildlife found in here, and urged the P&Z to continue with their efforts to protect this aspect of the valley.”

“It seems these guys are bending over backwards,” P&Z Commissioner Kent Wagener said on Tuesday night. “They’re going out of their way to make a good subdivision.”

“It doesn’t matter if it’s a good subdivision or a bad subdivision,” P&Z Commissioner Jeff Carter responded. “The standard is the ordinance.”

While Russell told the Commission that he has tried diligently to follow the county’s ordinance with regard to wildlife, Cavallaro held fast to the belief that the habitat assessment done on the property by Intermountain Aquatics while accurate, was grossly incomplete by not considering critical transitional wintering habitat of mule deer and sharp-tail grouse in the canyon of the Teton River located in proximity to the proposed development.

“The assessment is incomplete because it doesn’t consider indirect impact,” Cavallaro said with regard to language in the Wildlife Overlay suggesting the need to identify indicator species and indicator habitat on property surrounding a development.

As the rubber hit the road with Teton County’s new ordinance, P&Z Commissioners were concerned that a wildlife habitat assessment needed to be further fleshed out with a more extensive natural resource analysis on areas surrounding the proposed Canyon Farms Subdivision. To that end, the P&Z Commission voted to continue the matter in order that the developer work with Idaho Fish and Game to conduct a further review of the wildlife on the bench. Commissioner Wagener voted against the continuance with the belief that the developer had fully complied with the county’s new ordinance.

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208 354 3871  
www.tetonwater.org

111 North Main Street, Suite 310  
PO Box 168  
Driggs, Idaho 83422

June 27, 2012

**To: Teton County Planning and Zoning Commission**

**Re: Teton County Comprehensive Plan Draft**

Please accept the following comments on the proposed draft of the Teton County Comprehensive Plan, on the behalf of Friends of the Teton River (FTR). FTR is a nonprofit organization dedicated to understanding and improving ground and surface water and fisheries resources in the Teton Basin, including the Teton River, its tributaries and wetlands. FTR furthers this mission by conducting scientific research about the Teton Watershed, using this research to enhance and protect local water resources, and communicating this information to the public.

Our comments below address the following specific concerns: 1) protection of riparian (stream) corridors and habitat; 2) protection of ground (drinking) and surface (stream) water quality; 3) protection of ground and surface water quantity; 4) recreational use of water.

**1) Protection of waterway corridors and habitat**

Protection of Teton Valley's waterway corridors (including the riparian areas, floodplains, and wetlands bordering the Teton River and its tributaries) is of vital importance to Teton County's economic vitality and long-term sustainability. Protection of waterway corridors reduces the potential for costly property damage and property loss due to flooding and stream erosion, enhances property values, promotes tourism, and protects Teton Valley's valuable wildlife and fishery.

Additionally, protection of waterway corridors may help to reduce impacts to Teton County businesses if Yellowstone cutthroat trout (YCT) are listed under the Federal Endangered Species Act. YCT populations continue to decline throughout their native range in the Yellowstone region, and are listed as Species of Concern in Idaho, Montana, and Wyoming. Should YCT be placed under federal regulation, significant restrictions may be applied to agricultural and residential water use, recreational fishing, and/or stream corridor development, which could have detrimental effects on the local economy. Protection of Teton County's waterway corridors, which provide critical YCT habitat, may help to delay or even prevent Federal listing, and/or to reduce negative impacts to the community should YCT be listed. To that end, it is in the County's best interest to provide voluntary, community-supported protection for riparian areas via the Comprehensive Plan.

- **FTR recommends that the Planning and Zoning Commission provide highly rigorous protection for sensitive waterway corridors. FTR believes this protection can be achieved either through a water resource overlay or through zoning, provided that the end result is riparian buffers, low density development in riparian areas, retention of riparian vegetation, and restriction of development within floodplains.**

## **2) Protection of Water Quality**

Maintaining safe, high quality *drinking* water in Teton County is an area of strong concern to residents, visitors, natural resource experts, and governmental agencies. Data collected by the Idaho Department of Environmental Quality, Friends of the Teton River, and others indicate that ground water in portions of Teton County is close to or already in exceedance of acceptable thresholds for water quality, especially for nitrates. FTR believes it is necessary to implement protective measures to ensure clean drinking water for current and future generations.

Additionally, threats to *surface* water quality in the upper Teton River and its tributaries have been documented over the past several decades. These surface water quality impairments can affect human safety and recreation as well as fish and wildlife. In 1998, the U.S. Environmental Protection Agency designated the upper Teton River and many of its tributaries as not meeting water quality standards due to excessive nutrients, temperature and sedimentation under section 303(d) of the Federal Clean Water Act. Water quality testing by Friends of the Teton River (ongoing since 2001) and the Idaho Department of Environmental Quality (IDEQ) has continued to show high levels of water quality.

- **We recommend that the Planning and Zoning Commission approve, without change, those portions of the Comprehensive Plan that provide protection for ground water quality and adequate treatment of wastewater.**
- **We recommend that the Planning and Zoning Commission approve, without change, those portions of the Comprehensive Plan that provide protection for surface water quality and adequate treatment of storm water.**

## **3) Protection of Water Quantity**

Research conducted by Dr. Rob Van Kirk (formerly of Idaho State University and now at Humboldt State University) under a US Department of Agriculture-funded study indicates that flowing water in irrigation canals in spring and early summer, combined with water flowing in natural streams during late summer, serves an important role in recharging the groundwater aquifer. This increased groundwater input provides water for domestic and public water system wells, as well as providing additional supplies of late-season irrigation water for agricultural producers. This increased groundwater input has also enhanced fish, wildlife, and wetland resources throughout the valley. Additionally, water flowing in streams is important for maintaining Teton County's economically valuable fishing tourism industry, and has been shown to increase property values while also reducing the detrimental effects of Endangered Species listing.

- We recommend that the Planning and Zoning Commission approve, without change, those portions of the Comprehensive Plan that support and facilitate voluntary water transactions, water conservation strategies, and groundwater recharge strategies for the benefit of native trout, agricultural users, residential and public water supply wells, and future development needs.

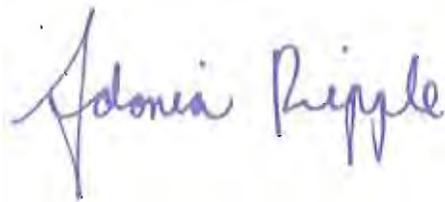
#### 4) Recreational use of water

Public comment throughout the Comprehensive Plan process indicates that recreation on and around the Teton River and its tributaries is an important part of the economy and lifestyle for Teton County residents. At the same time, there is a strong recognition of the need to balance recreational use with the protection of sensitive wildlife habitat in and around these same streams.

- We recommend that the Planning and Zoning Commission approve, without change, those portions of the Comprehensive Plan that support maintaining and improving existing public river access, and that support the creation of new access when it's consistent with natural resource conservation goals.

In conclusion, FTR believes that the highly participatory public process through which the draft Comprehensive Plan was created recognizes that Teton County's water resources are some of our greatest assets. We strongly encourage the Teton County Planning and Zoning Commission to follow the community's lead in protecting our valley's valuable water resources by approving the Comprehensive Plan draft. Please do not hesitate to contact us if you have any additional questions or need clarification on any of the above recommendations.

Sincerely,



Adonia Ripple, Executive Director  
Friends of the Teton River



## Valley Advocates for Responsible Development

July 2, 2012

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

### RE: Comments on the Final Draft of the Comprehensive Plan

Dear Commissioners:

Out of respect for the intense and sustained public effort that has gone into creating the Draft Plan over the past 25 months, this letter is limited to the top five most critical changes that were recently made by the Planning & Zoning Commission to the draft of the Comprehensive Plan that is up for public hearing.

- **Page 55 - Please maintain the Economic Development Sub-Committee's unanimous recommendation to reduce the future potential supply of residential lots by 75%.** As a member of the Economic Development Sub-committee, we crafted that unanimous recommendation based on the GIS department's recent population projections for the valley and realistic assumptions about growth in the county over the next ten years. There is an existing supply of just under 8,000 platted vacant lots in Teton County, but the undeveloped land in the unincorporated county is currently zoned to still create an additional 26,000 lots.<sup>1</sup> Since 1990, Teton County has experienced a growth rate of over 5%, but even if growth continues at this accelerated rate, the existing and future supply of real estate inventory still exceeds demand. Reducing future supply is the most significant step that local government can take to protect private property rights. One of the biggest weaknesses in the old Comp Plan was that it lacked any concrete goals that linked the supply of lots to realistic demand. According to GIS mapping, the 75% reduction in supply (ie: 6,500 future potential lots) can be achieved many ways, such as uniform zoning that does not exceed 20-acres in size, or tiered zoning. This goal is specific, it is bold, and it is precisely what the new Plan needs to succeed.
- **Page 61 - "Density" is a much more transparent, accurate descriptor than "impacts".** In the Draft Plan, the Planning & Zoning Commission recently altered the Waterways Corridor language that was recommended by the Natural Resources Sub-Committee to say that development "impacts" rather than "density" should be reduced for lands that fall within that overlay. If there is one thing that the old Comp Plan taught us all, a good Plan says what it means.

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<sup>1</sup> See, Economic Development Sub-Committee minutes, May 3, 2012. See also, Teton County GIS Map "Potential Additional A-20 and A-2.5 lots" map, created April, 2012, and Teton County Subdivision Report, February 2012.



## Valley Advocates for Responsible Development

Changing the word “density” and replacing it with “impacts” does not necessarily change the meaning of the Plan, but it more vague. Perhaps both words can be utilized.

- **Page 61 - Please uphold the Natural Resources Committee’s original recommendation regarding strengthening the wildlife overlay.** As stated above, a good Comp Plan says what it means, and means what it says.
- **Page 27 - “Heavy” industrial could be eliminated or changed to “Medium” industrial.** The very recent addition of “Heavy” industrial to the land use categories was not envisioned by any of the Sub-Committees, but was a very late addition to the Draft Plan through the most recent series of open house meetings. According to the American Planning Association, “Heavy industrial” is typically defined as:

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

The lack of support from both Victor and Driggs for allowing those uses within their impact areas may be a good reason to strike “Heavy Industrial” from the Plan altogether and replace that language with a more appropriate designation such as “Medium Industrial” that would cover a range of activities like asphalt plants and other similar uses which produce moderate external impacts.

- **Page 27 – Seek guidance from the Cities on the inclusion of the limited neighborhood commercial in the “town neighborhoods”.** This is a major issue that the cities should have significant input into. There is no reason to encourage further residential development and commercial expansion within the areas of impact until the cities have experienced significant infill and can no longer serve those needs within the city limits.

The old Comp Plan failed because it did not set goals or provide concrete guidance for achieving those goals. Making these changes will add specificity and benchmarks needed to translate this Comp Plan into action. Thank you once again for all of your hard work in the service of our community.

Anna Trentadue  
VARD Program Director, Staff Attorney

Dear Teton County P&Z Commission,

Thank you for all your hard work so far in drafting our community's comprehensive plan. I have a few comments on the plan that I would like to share with you and the County Commissioners.

I applaud the level of detail that each of the committees have put into the plan. I understand that the maps are an overview. I have seen that there are some comments to remove the distressed subdivision maps in the plan, but I disagree. As a community, we need to know what is platted and on the ground now, learn from the past, and plan for a more sustainable future for the Valley. This means that we need to accept "the good, the bad, and the ugly" and learn from what has worked well and not so well in our own community, as well as other similar communities. Please keep the map(s) and the level of detail that took months to achieve.

I disagree that the word "preserve" needs to be taken out of the agricultural heritage vision statement in Chapter 5. The committee worked for months to develop their ideas and goals, as well as the language for the plan. To "nurture" doesn't really make sense to me and this is overly captious criticism.

I believe that the industrial areas (shown on the Framework map) need to be clarified. While it makes sense to have light industrial areas near Victor and Driggs, the heavy industrial uses should be limited to the area north of Driggs by the airport (where other "heavy" uses are currently designated).

I also believe that the Plan needs to address the oversupply of residential lots. The oversupply creates an economic burden on our economy and are unmarketable. It could potentially take decades to develop as currently platted (there is well-researched data supporting this). This hurts land owners the most and drives down the value of land. As a community, we should strive to level supply and demand, and direct future growth in city limits, NOT in the county, which should be designated rural. This would have many economic benefits to local businesses, decrease the costs of goods and services, and would help to encourage vibrant downtown areas.

Last, wildlife and open space are incredibly important for our area (these qualities were outlined as important by the community at the start of the Comprehensive Planning process in 2010). This is a huge reason why people decide to live and visit the West, so we should be proud of our natural and wildlife resources and encourage protection and conservation of these resources. Thus, the wildlife overlay is of utmost importance to ensure wildlife resources remain and are healthy for future generations. The wildlife, scenic views, open space, and recreational opportunities bring tremendous economic value to our area. We need to ensure that we can enjoy abundant wildlife populations, and clean air and water not only for the economic benefits, but also for the cultural, health, and ecological benefits. Likewise, enforcing the State noxious weed laws should be encouraged, as well as reclamation of "distressed" subdivisions. The distressed subdivisions with piles of debris and disturbed land are clearly exacerbating the spread of noxious weeds and are harmful to native vegetation and farmland, not to mention an eyesore.

Thank you again for all your hard work and your willingness to hear from the public, and thank you for considering my comments.

Sincerely,  
Jennifer Werlin  
Victor, ID

\*\*\*\*\*

#### Comments on the Proposed Comp Plan from Laura Piquet:

- 1) The failing economy of the valley is NOT because there are too many subdivisions available. Think about it, in 2009, the prices of property were at their height. There was availability of property every where you looked. The economy went flat because the stock market went into the toilet. The big money people pulled back and quit investing. If the buyer wants a piece of property bad enough, he will pay almost anything to get it. Some of you are upset that the excessive subdivisions are reducing your ability to sell at a good price, but you want to steal our development rights and devalue our property. Why are your needs greater than ours? Let the market determine what is selling and what is not. Set a few limitations on what can be developed but don't strangle us. Don't force anything larger than A20.
- 2) You say you want to protect the pristine wetlands yet we have a next door neighbor who is planning on ripping off all the top soil on his wetland property and plant some type of feed for "wildlife." It seems like to me the topsoil that God put on that wetland property has been there since the beginning of time and He knew what would grow there and what wildlife it will support. This neighbor said he is doing it to attract the ruffled grouse. Really? Well Ruffled Grouse live in the mountains, not in the wetlands and what he is doing should be illegal. I bet if any of us locals tried that we'd go to jail. He said he plans to feed the moose. Really? The moose are already feeding on that property and ours during certain times of the year. Why does he have to change the top soil and the vegetation to accomplish what God has already provided? He says he has a grant. Really, You mean the taxpayer are paying this rich landowner to destroy wetlands. Egads! I guess you can do anything if you have money, right?
- 3) One size doesn't fit all! It depends on what and where you are trying to develop. I hope that there are going to be options to sell a few small lots, if desired to keep the farmer going in a serious financial situation, but it would not require him to sell off huge parcels of his farm ground.
- 4) Clustering is good but is it the only way? Can development be spaced out? Some people don't want to live in clusters. They want to live in rural areas, on small parcels, in less populated areas, in solitude. Some of us don't want close neighbors.
- 5) What if the farmer choses not to farm anymore, is he going to have sell his property to another farmer? What if the purchaser doesn't want to farm, and he wants to allow the property to go back to nature? How will that support your rural heritage program?
- 6) Weed management is important but if there are going to be large parcels, or viewsheds of property that are not going to be farmed but are allowed to go back to nature, there could be serious fire hazards. Tall grasses or weeds are a tinder box

and they won't stay green by themselves. Who will irrigate them if the farmer goes away?

- 7) Beauty is in the eyes of the beholder. Who gets to decide what the architectural design of an area should look like? Maybe my idea is different than yours. Who should get to decide which one is best?
- 8) Why does the private landowner have to furnish your view? You aren't furnishing mine. Yet you are planning to force landowners to have viewsheds of open space so that you can have corridors of open space to be able to see what you want to see. How is this fair. You want a view, buy it. You want open space, buy it.
- 9) Family Lot Splits. You can't just split ground to give to your kids if they are planning to farm. Most of us do not have farms that big that each of them can farm or that all of them could farm it together. The idea was to give our kids some of our ground as their legacy. Some of them might farm. Most of them won't. So does that mean you can't give your kids some of your belongings when you die, or your business, unless they are going to do what you do for living?
- 10) The Teton River is a small, fragile river that you are planning on soliciting tourists to come to. By September of this year, unless we get some good rains, the river will look like a pee stream. Having all of that use on the river will destroy it. The wildlife and the fisheries won't hold up to the demand. The constant influx of people floating it will be damaging. You talk about protecting dark skies. How about protecting the Teton River from too many people?
- 11) 75% reduction of subdivided properties? Sounds like a no growth plan. That isn't fair to the property owners who didn't subdivide in 2008. You are going to prevent additional subdivisions until you sell, is that it? This plan is all one-sided. It is all about you. What about the people who own the ground?
- 11) Open space tax was taken out of the Rural Heritage committee. You added it back in tonight yet you won't let anyone change the other committees' decisions. Landowners shouldn't be expected to pay tax on their ground to maintain open space.

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We have participated in the meetings and the surveys during the development of the 2020 Comp Plan and believe that the current version is good. Any further attempts by those seeking to eliminate major protections e.g. wildlife overlays etc. would seriously weaken the plan. We strongly encourage the board to reject any further attempts to water down the plan. Thank you for your efforts on behalf of Teton County.

Jim and Ellen Rein

Victor

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My name is Kim Carlson. I live in Targhee Ranch close to Teton Creek. Please, please protect the wildlife corridors and wetlands of this valley. I often walk down to what is now "Red Tail" subdivision, ironic name.... There are bear, moose, red tail hawks and deer that I have seen down there. When I moved here this area was protected all along the Teton Creek corridor, Vinnie Scott, who represented our subdivision in the 80's was instrumental in protecting this corridor. When I was on the board of Targhee Ranch, my friend and neighbor, Leon Lederman and I approached the town on this as Targhee Ridge

development was being platted, look at the minutes for this transaction, they had been deleted when we approached the town on this when Jack Webb was planning his development right along the road. We were in the process of getting a lawyer when the new board decided against it... so, what happened? How can we ever be sure anything is protected in this valley? The rivers and creeks need total protection, total! IF this means the county needs to purchase these corridors then do it . Thank you, Kim Carlson, Driggs , Idaho

I have often thought a wildlife park all along Teton Creek from Driggs to State Line Road would be a wonderful benefit to the community, a path perhaps, away from the game trails ,for winter and summer use for the public and the animals, no motors....a lottery wish of mine.

\*\*\*\*\*

Dear P&Z:

Faith, Family and Freedom are very important to Teton County. It is our heritage and it is one of the things that makes this a special place to live.

Our forefathers sacrificed greatly to live here and care for the land so that they could pass it on to their children. I feel the only way that we have

been able to keep farming is through the blessings of a God in Heaven that has tempered the elements at times so that we could harvest a

crop, to be able to pay the bills. Families have been taught hard work and also values. Let this document show how important Faith, Family

and Freedom are to this Valley. I don't see any plan for churches in this plan. Let is be known that churches are important to the fabric

of this community.

Also, on Page 55 of this Plan it says: Reduce future potential supply of residential lots by 75%.

What does this mean? I thought, and it has been talked about reducing the current supply of lots. This is a very serious

statement. You are saying you are going to Reduce Future Potential Supply. Does this mean in the next 5 years,

the next 10 years, the next 15 years. This is a very broad and scary statement. You are saying NO development and

I would like to know for how many years? This statement needs to be stricken from the plan.

Marlene Robson,

Felt, ID 83424

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Planning and Zoning Commission,

In the final hours that you can receive comments, I thought I should submit mine. First, THANK YOU for the work you have put into this. People are wary of regulations, but we need guidelines to protect our natural resources, character, and property values. I also appreciate the open process with which you

have created the plan. I am sure that you hear more comments from those who are disgruntled. For the most part, I approve of the plan and support its implementation wholeheartedly.

The aspects of the plan that are most important to me are: conservation of natural resources, including clean water and wildlife, protection of open space (and returning of platted lands to agriculture when possible), support for trails and recreation, and development of transportation infrastructure that values and supports pedestrians, cyclists and public transportation. I believe in protecting and supporting these values, even when it restricts property rights. Let's not create our own "Tragedy of the Commons" in the name of property rights and freedoms. That model has already failed in communities around the world.

My concerns lie with the plan bending too far for economic development and property owners. Our waters are too precious for heavy industry, and sites designated as such should be farther from streams. Development should be encouraged in towns, and restricted (even more than is already outlined in the plan) outside of towns. Anything else will lead our county to look like the corridor between Denver and Boulder, Colorado, an eyesore to all who travel it. Transportation should keep pedestrians and cyclists in mind first, public transportation second, and finally, motorists.

Thanks for all that you do, and good luck with the completion of the plan. It will surely be an improvement, and an important step in preserving the things our community values.

Sincerely,

Tanya Anderson

Victor

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P & Z comments 7/2/12

Chapter 5: 1. why have live/work units been removed from town neighborhoods? They seem to be appropriate to me.

ED 4.8 You apparently want to promote both high and low density development neighborhoods near the cities- which one is it? Or both?

NROR 3.5.1 recreation district: NO NEW DISTRICTS OR TAXES! This is an amenity, an extra, the icing on the cake. The tax method should be reserved for county ESSENTIALS! We already have too many districts, we need to let some of the levys expire, kill the mosquito district, etc.

Depend on the NATURAL RESOURCES we already have. Avoid the built environment and projects which create new money-pits for the taxpayers. Also, avoid even grant-funded projects which consume lots of money without producing any public benefit- the local operators are not sufficiently sophisticated to run the programs without wasting a lot of the money. -ie the highly contested project in Driggs which has apparently already pissed away \$300K!

"Amenities" should be funded by those who want them, use them, and can afford to pay for them.

We have too many essential public needs to fund already! And roads, schools, etc need to come first.  
TAXES are for ESSENTIALS!  
DONATIONS promote AMENITIES.

#### Ch6 –Implementation

Intro: You talk about “quality of life” a lot, and increasing it to attract new people.

For the local resident, being able to earn an adequate living locally is very important in the quality of life equation, and new costs piled on top of lack of local work, and high fuel costs to commute to places where there is work will be a killer. You want us to “invest” in more “amenities” when we first need to get our own house in order: control municipal utility costs; reduce waste in government spending; improve schools; fix the roads right, so you don’t need to patch them every year; and so on. FIRST: we need to improve the local economy; amenities come much later, when excess funds are available.

Branding and marketing: this is a private sector activity, not the job of a county government!

Economic Development: good thing you have changed the “participants” list a lot to show that these jobs are done by non-profit outfits, not county government!

Recreation: planning for the future is good, even a recreation master plan, but implementation needs to wait until the economy is much, much better and local incomes have risen a LOT! A Rec center is NOT affordable for such a small population. A few small, well-planned facilities located in the cities, and built with grants and donations, and not requiring a lot of yearly maintenance may be a good way to start. Ie- the new Victor band shell, and the ice rink.

OVERALL: THINK SMALL, THINK FRUGAL! Think about planning for the needs of the present citizens ( jobs, affordable cost of living, low taxes) first, plan for growth that does NOT burden the local residents more!

The dreamers get to pay their own way.....

Charles Woodward Victor, ID 83455

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Angie,

I am writing to ask two different questions. First of all, on page 55 of the new version of the comprehensive plan, it says that the lots in the valley will be reduced by 75%. This was never part of the process. I would like to ask that this be removed. This document that we worked so long and hard at putting together keeps changing. Who put this in and when, and why was it allowed? How were they allowed to change the document without going through the public process?

This is very alarming to me, and I would like to get to the bottom of this.

Thanks,  
Kerry Buxton

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Angie,

Some comments on the new draft for Economic Development:

Pg. 34, 4.5

I don't like demands, the comp plan is a recommendation not demands. The change to "Prohibit" was not what the sub committee stated. Leave as stated by sub-committee

Pg.34, 4.8

Don't like the change, leave as sub committee stated

Pg. 55

"Where are we now" Reduce land values do to over supply-leave as sub committee stated, didn't the P&Z like the low acreages! We as a committee did!

"Participants" was changed to non-profits, not all non profits work for economic development, leave as sub committee stated

"Key actions" Reduce potential supply of residential lots (this was Anna's presentation to sub committee) but no vote on adding this statement to Key actions, take out

I'm very disappointed on the changes, why did, we as a sub-committee, spend almost a year to write our document and then have someone else change it! (this has been going on since the onset of meetings) We wanted to be positive and encouraging, not demanding. The comp plan is a plan, not law.

Lynda Skujins

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I would like to clarify that as reflected in our May 3rd minutes, which we unanimously adopted on June 18th, reduction in future supply was a recommendation crafted by our subcommittee at the behest of the core committee. We were asked by the core committee to make specific density recommendations, and that particular language was what our committee came up with. It was not just a presentation by me, but rather, a discussion within the subcommittee in order to determine what specific language we wanted included in our recommendation. One detail that the minutes do not reflect is that this specific recommendation was read out loud several times as we revised the language before it was approved and then submitted to the core committee.

Anna Trentadue

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In regards to the comprehensive plan

It is important to let property owners decide what to do with their land. Our land has been in the family for 100 years. It is not right for goverment to tell any one what to do with their land. We want our cxhildren to be able to build on OUR land and their children to enjoy the same pleasure with the land.

We has land owners pay our taxes and maintance fees onour land. Please leave big land owners alone and let the land owners decide what is best for their land and what they are doing with THEIR land

Cory and Katie Murdock

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To whom it May concern,

I am writing to support the Comprehensive Plan that encourages quality growth and meaningful open space in the Valley.

To have a Valley that attracts people and maintains the quality of life and the value of property we need to focus on a few key areas. If we try and do everything for everybody we will ultimately lose the quality of what we have.

Here I am thinking of the idea of allowing heavy industrial developments near our population centers. This is not an area that would benefit by heavy industrial activity. There are plenty of light industries that will be attracted to the area as long as it maintains its quality.

To this end all efforts to strengthen the wildlife habitat and natural hazard overlays and to reduce development density in our very sensitive river corridors is very important. Efforts should be made to keep the west side of the Valley with an agricultural focus. Development and density should be in and near the town centers on the east side of the Valley.

Also to truly recover from the real estate crash of 2008 all subdivisions that have not been developed within two years should be repealed. If the developers want to continue they need to reapply under what ever new regulations exist at the time of their new application.

Thank you for all the work and time you have put into this process.

Sincerely,

Marilyn Couch

Victor, ID. 83455

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Comments for the July 10 Public Hearing for Teton Valley 2020 (aka Comp Plan)  
Submitted by Alice Stevenson

Honorable Planning and Zoning Commissioners,

I have a lot of respect for your commitment to adhere to the intents of the sub- and core committees as you discussed the Comp Plan during your three long work meetings in June. I also thank you for allowing public comments at those meetings, and the fact that you discussed those comments before adjourning, sometimes tweaking the draft from week to week to reflect those comments.

I am deeply saddened by many of the very negative comments I have read on the online surveys (as part of our sub-committee work), as well as comments being submitted during these final stages of the process--comments that are often negative about a large segment of our community, the so-called "newcomers." Newcomers have helped raise the value of real estate and bolstered the local economy. Even though they may have been drawn to Teton Valley by the outstanding natural resources and recreational opportunities, that doesn't mean they don't work hard and add to our community in many ways, including retirees. I think my husband and I are typical--we moved here in 1978 as young adults, with our infant son, because it is a wonderful place to live, work, raise a family, recreate, and eventually retire and live out one's life in the place we love and call home.

Although the animosity against “newcomers” is disheartening, I sincerely believe that the Teton Valley 2020 process has been fair, has represented different viewpoints within our community, and has resulted in a draft that was created by compromise and consensus. I strongly support this Comp Plan, although I do have some specific suggestions and concerns, which are listed below in the order of appearance in the draft.

Thank you for considering the following comments as you work through the draft one last time.

Sincerely,  
Alice Stevenson

p. 27 Town Neighborhoods  
in the tracked change section near the end of the paragraph:

“...less dense residential uses near the cities would be more desirable than in the far reaches of the County.”

I don’t think this conveys the intended message! Less dense in the far reaches of the County is certainly desirable, and the far reaches should be less dense than residential uses near the cities. From listening to the PZC’s discussions, I know the intent is that town neighborhoods will have a density less than the Cities, but that is not what this says.

Industrial/Research (with live-work now stricken):

Per the definition in the glossary, I think cottage industries would be compatible with live-work. If cottage industries are allowed, then live-work should not be stricken.

p. 29  
Foothills, last bullet:

“Development limited by overlays and development guidelines to protect natural resources”

Change **limited** to regulated, as was done on last bullet for Mixed Ag/Wetland on p. 28

p. 40  
policy 4.1

since viewsheds are now included in the list of natural resources in two places earlier in the Comp Plan, it does not need to be listed separately (as it would already be included in “natural resources protection”)

p. 50  
Transit: the TRPTA acronym is explained here, but not START

p. 52  
last par. under Rec. Access  
Why is the following sentence needed? People here generally don’t like to have Teton Valley compared to Aspen, Sun Valley (aka Ketchum), etc.  
“Other areas that have used a place identifier in their branding strategies include Aspen, Steamboat, Vail, Ketchum, Park City and Missoula.”

p. 54  
Could the following par. be eliminated? It may offend some people and seems unnecessary:  
“In general, research has demonstrated that travelers who participate in cultural and heritage -related activities are well-educated and have above-average levels of income. Research also indicates that over half of these types of travelers have postsecondary degrees. This is in comparison to roughly 39 percent of all traveling households.”

p. 55, 3<sup>rd</sup> Key Action in the 2<sup>nd</sup> Section  
Reduce future potential supply of residential lots by 75%.

I encourage you to carefully study a map of the current supply of undeveloped land and figure out what kind of zoning would be required in the different areas (designated in Chapter 5) to accomplish this. Without doing that, I am not sure whether or not I would support this action. This might or might not fit with the density levels suggested for each area (potential zone) in Chapter 5. If it fits with those parts of the Plan, then this statement probably isn’t needed. If it is more restrictive than those parts of the Plan, then I would be opposed to this. We don’t want a Comp Plan that contains contradictions. Furthermore, we have so many

platted lots already available, that I think market forces combined with the zoning that adheres to the densities envisioned for the different areas on the Framework Map are the best approach.

p. 62

Do we want maintenance and improvement of public land and river access and identification of potential new access locations **only** in the winter? All of this seems to be referring to a Winter Travel Plan:

**Create a motorized and non-motorized Winter Travel Plan that includes maintenance and improvement of public land and river access and identifies potential new access locations.**

p. 67

2<sup>nd</sup> section, key action: Will clustering be incentivized, or required? On p. 28, the description of Rural Neighborhoods sounds like clustering will be required, as it also seemed when the PZC discussed protecting viewsheds during your work meetings. The next three areas described on pages 28/29 (Rural Ag, Mixed Ag/Wetlands, Mixed Ag/Rural Neighborhood) call for **"provisions for clustering,"** which does not sound like a requirement. **Please be clear about intent!** I am NOT in favor of clustering if it results in density bonuses! Without density bonuses, I am not sure how clustering would be incentivized. Also, clustering negates some of the benefits of living in the countryside for many people. I think design review that carefully considers where buildings will be placed on a lot can, at least in many cases, give the desired result without clustering. The building envelope allowed on each lot should be chosen (and recorded on the plat) with consideration of viewsheds, topography, vegetation, waterways, wildlife habitat, etc., without necessarily forcing people to live in close proximity to others. For example, if I built a house on 20 acres, I would not want to be forced to build in a corner right next to houses on 3 adjoining 20-acre parcels. But if a subdivision is created with smaller lots (10 acres? 5?), then some clustering would probably be needed to provide meaningful open space in the subdivision, and connect that open space with surrounding platted open spaces.

p. 69, 2<sup>nd</sup> par.

Shouldn't it say County impact fee regulations, rather than **State**?

p. 72

In the section on clustering, there is a reference to the current PUD. I would like to see it made very clear somewhere in this Comp Plan that **the current PUD ordinance needs to be thoroughly revamped or eliminated!** Some parts will still be applicable to this Comp Plan, but many will not. Seems like this should be an action item in the implementation charts. Something like: "Review PUD ordinance for compliance with this Comp Plan, and amend or eliminate, as necessary."

p. 72 large lot subdivisions (and related zoning considerations)

**I strongly encourage you to keep this option!** Personally, I think zoning that tops out at 1 DU per 20 acres (WITH NO DENSITY BONUSES) might be a workable community compromise, even though many western counties require less dense development in their rural areas, such as 1 DU per 35 acres. Much as I personally support that kind of rural density for some areas of our county, I urge you to give strong consideration to the comments made by several Teton Valley farmers/large landowners who have said that they could "live with" 20-acre zoning. I think we have a strong need for additional zones between our current 20-acre and 2.5-acre (and perhaps smaller, near the cities), and I think all of those variations could be accommodated by the area descriptions in chapter 5 (and on the Framework map). That would require some down-zoning, but not as much as if a zone is created that is less dense than 1 DU per 20 acres. Adding an incentive for larger lots would be a wonderful complement to that zoning scenario.

p. 72/73 Family Lot Splits and Short Plats

**I strongly urge you to drop Family Lot Splits as an option!** The Short Plat option satisfies the need that I have heard expressed by the farmers and can be applied equitably to any landowner in any area or zone. Family Lot Splits have been tried and abandoned in other counties. Do we really want to get into the predicament of quibbling over who is Family? In the Survey Monkey about Land Use Tools, Short Plat was not an option. Many of us who are sympathetic to the plight of the farmers were in favor of Family Lot Splits (or checked "it depends"), but I, for

one, would have opted for Short Plat instead, if that had been an option. We don't need the future conflict that Family Lot Splits will engender. (If you take it out here, also take it out of the Ag Policy section in Chapter 5.)

If you remove Family Lot Splits, you can move much of the rationale for Family Lot Splits into the Short Plat section. The Short Plat can be used to meet the same goals as discussed in the Family Lot Split section, without giving preferential treatment to one group of landowners or opening the door to misuse and/or add'l community conflict.

**Glossary**

p. 5

Nurture—there are other definitions that I think better fit the use in the Comp Plan, such as “to support and encourage” (from Random House Unabridged Dictionary). Nurture is used in this context in the Comp Plan:

*Maintain, nurture and enhance the rural character and heritage of Teton Valley.*

p. 6

Pathway

Bicycles, snowmobiles and dirt bikes are all vehicles

\*\*\*\*\*

Dear County,

I strongly object to the premise that this comp plan was put together by the people of Teton County. This plan was written by Harmony Design. In talking with Jennifer, it was clear that they got their information from a bigger plan, I believe it was AE Com or A Com out of Colorado. This is not a plan put forth by the people. Could you tell me the name of the book that they kept looking at at the Core-Committe Meeting? It seemed to have all of the meaning of their language in this book.

I would like an answer to that question and who wrote it.

We strongly object to the sentence that reads "Reduce future potential supply of residential lots by 75%. This should be stricken from the plan.

Also, I listened to Shawn Hill go on for an awful long time about this View Scape. This sounds like total control over the people living in all of Teton County. It is ridiculous. Is he suggesting that we bull doze everything that happens to get in his line of vision. There is nothing that is taking away from the beauty of the mountains. I find this plan to get more offensive as time goes on. Also, people on the committee could go on forever picking at one work and then when it was time for comments, we were limited on time. Property owners and business owners are the ones that this is going to affect the most. You are not listening to us.

Marlene Robson

\*\*\*\*\*

Dear P&Z Commission,

I am submitting the following comments regarding issues arising out of the current Comp Plan draft. It appears that the P&ZC is getting side-tracked from the task of developing a future-looking Plan to political conflicts over potential future zoning and other micro decisions. The two should be kept

separate and the P&ZC should exercise expertise to complete a consistent Plan that will address the real issues faced by the County.

Two factors affect Teton County's economic malaise that arise directly out of prior county planning errors and dissuade anyone from investment in the Valley. Both relate directly to the need for predictable future planning that supports quality development.

First, any future land development in the County is threatened by the vast number of platted but never-to-be-developed "lots" or "subdivisions" booked during the 2.5-acre free-for-all earlier this century. Land values in Teton Valley depend on uniqueness and quality; foreign (i.e., outside the Valley) money and business will not want to invest with quality funds where that investment cannot be protected against neighboring ill-considered and underfunded projects. Thus it is critical to re-establishing some investment credibility for the Valley that the huge glut of "approved" (but never really even examined) zombie and unimproved subdivisions be vacated and future development conditioned upon meeting current planning standards.

Second, compatibility of uses is critical to encouraging foreign (again, outside the Valley) investment, particularly in businesses that might be attracted to the Valley for its quality of life amenities. Driggs seeks to plan for a compatible "industrial" park geared to today's clean, high paying Internet and intellectual property-based businesses in both potential service and product sectors. The Comp Plan should support these efforts. Yet the creation of a future "heavy industry" zone for dangerous business activities having significant negative externalities on the community directly conflicts with Driggs' intelligent goal. No business owner would consider investing in a green, high-tech or nomadic (i.e., can be performed anywhere on the planet that has communications access) business anywhere near an area where the local planners have expressly provided for businesses throwing off harmful chemicals, toxins, or risks of damage or injury to external properties. The P&ZC needs to use some common sense and make some commitments backed by consistent decisions if the Valley is to get on track.

In both of these respects the current draft Plan falls short of providing necessary leadership and a consistent vision. It doesn't help anyone to send to the BOCC a product that is inconsistent and seeks only to satisfy specific demands from vocal minority interests who really want only higher land values but have no clue how planning creates and supports such values.

In two respects, these vocal minority groups shoot themselves in the foot by proposals that undercut their primary goal (increased land values). Such values are not improved in the Valley by high density (relatively) projects or "freedom" to exploit the landowner's chosen uses. That is a prescription for a slum. Planning, predictability, protection of the Valley's recreational resources, a communication infrastructure and an objective, uncorrupted property tax system are the keys to increasing land values and attracting foreign investment. Without outside money, there will be no increased land values and no new jobs. In the first respect, as originally proposed, development should be encouraged on the east side of the Valley, directly adjacent and east of Hwy 33; this is where infrastructure can be efficiently provided. The west side needs to plan for lower densities (but not necessarily lower values)

and the Comp Plan should recognize that fact of life by specifying those lower densities directly or relative to the east side. In the second respect, planning has to plan for and support the wildlife and natural resources that are the principal recreational amenity for the Valley and hence the prime attraction for outside investment. This necessitates for planning to protect the Teton River and wildlife corridors through planning overlays that have reasonable teeth for future guidance.

The P&ZC needs to make decisions based on the principles that will hold true for the Valley as a whole over the next two decades. The personal motivations of a few landowners who are not familiar with and do not appreciate how important to economic development these basic planning decisions will be should not be a material factor in P&ZC deliberations over the finalization of the Comp Plan. Thank you.

David Axelrod

Victor

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Dear Planning & Zoning Commission: To provide for the children and young people of the valley, school properties need to be built into neighborhoods going in. We need also a trade school for the young people graduating and for the people working in trades and professions to keep up. Young people are leaving because there are no opportunities for training here in this valley. If they don't leave, they just "drift" or work low paying jobs, or get in trouble.

SARAH E. GIBSON

X Sarah E. Gibson

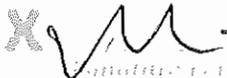
ID 83455 208-709-5357

Signature is required - print your name & address also to insure that the county will recognize your comments

MOST Important For our Recreation based Community -  
Protect the Canyons and Streams of the Teton Canyon System - These Canyons are a National Treasure!

Dear Planning & Zoning Commission:

- (1) Preserve the Rural character of our Valley
- (2) protect scenic views and wildlife habitat and migration corridors.
- (3) Development Centers only around already existing towns.
- (4) Teton Valley's environment is a magnificent gift - protect for Eternity!

X 

ERIC SOYLAND

11/14/98

Signature is required - print your name & address also to insure that the county will recognize your comments

Dear Planning & Zoning Commission: MARY + I support the Comprehensive plan effort and believe that it is an important document for the future of Teton County. As such we feel that it is vital to listen carefully to the majority of comments made by the participants. Support the goals + values that have been identified through hours + hours of hard work by a cross section of our community. Sandy Mason Mary Mason

X Signature is required - print your name & address also to be sure that the County will recognize your comments.

Dear Planning & Zoning Commission: This Comp Plan is simply the condensed version of Agenda 21. Teton Valley residents have cared for & protected their land for generations & do not need their rights taken away by those who oppose the rights of private property. This plan is not written for private property but rather for public property. It will be opposed in the strongest manner possible. Linda Robson

X Teton, Id

Signature is required - print your name & address also to be sure that the County will recognize your comments.

Dear Planning & Zoning Commission: I have been here from the beginning and I think this plan has been nothing but a design to accommodate the Vard group. The plan wants the property owners to provide their pleasures such as trails or paths and open space. You don't realize we have to make a living here and the infrastructure is not even address like roads. Our roads you can't even stay on because they are not maintained. <sup>we don't need</sup> Another tax for recreation

X Bonnie Reece, ... Felt, Id. 83424  
Signature is required - print your name & address also to be sure that the county will recognize your comments

Dear Planning & Zoning Commission: Please abolish the PUD ordinance. It makes zoning pointless. Also, please continue vacating subdivisions that don't perform according to the terms of their development agreement.

Matt Hail Driggs  
Matt Hail

X Signature is required - print your name & address also to be sure that the county will recognize your comments

Dear Planning & Zoning Commission: Please keep in mind as you plan for the future: If you lock up the land so no further development can take place beyond the presently platted developments, the ~~landowner~~ <sup>Farmer</sup> providing the open space now has ~~no~~ <sup>increase capacity</sup> value to his property. He can't get a loan to grow his farming operation because his land is locked into ag. & essentially can't be worth much. You'll need to <sup>somehow</sup> compensate him. Also, as a farming family, the empty lot, uncared for acreages are ~~not~~ <sup>NOT</sup> so beautiful if you realize you're looking @ noxious weeds. (Did you notice that noxious thistle field next to the farmer's hay field in VARD's postcard?) Healthy Landscape includes control of weeds. IF you plan to acquire property for paths includes eminent domain, ~~and~~ I consider that unethical -- it's really just theft.

*Susan Allen* Susan Allen

Signature is required - print your name & address also to be sure that the county will recognize your comments. Victor ID 83455

Dear Planning & Zoning Commission:

Developers & Committees in charge of approving new developments should have in place a weed management & revegetation plan for their unsold lots, open spaces, & roadsides.

Philip Davis

Victor

X

*Philip Davis*

Signature is required - print your name & address also to be sure that the county will recognize your comments.

Dear Planning & Zoning Commission,

I am against The Comp. plan as it is written and especially against The Maps & designations referred to there.

Teton Valley is special. IT became that way by people being good stewards of their land and looking out for their neighbors. That—that made Teton Valley what it is. ~~It~~ IS exactly opposite of Agenda 21. We own our property, have cared for it for generations and will continue to care for and protect it, including our water rights, wildlife and recreational opportunities. We will defend these rights with truth and honor through the strongest means possible.

Teton Valley residents and residents of the state of Idaho will not tolerate this type of regulation.

Brent Robson

Tetonia, Id. 83452

Brent Robson

We are against this New Zoning Plan. 2 1/2 acres are bad enough to be able to sell some property, 20 acres is a weed patch for most!!

Dear Planning & Zoning Commission: You want to know why do we live here... we were born here and we liked it the way it was before everyone moved here because they liked it that way too, but <sup>now</sup> wants it like where they come from. Before we didn't have a ~~Cement~~ <sup>Cement</sup> plant in the scenic corridor, we made them other one move off the road & put a barrier around it. We could sell our property how we wanted but not ~~now~~ <sup>now</sup> and you want to make it harder on us after we have struggled 40 yrs. to pay for it, so we would have something to retire on. Who's ever going to buy 40 acres for X1 house? Gerald & Norma Hansen Teton, Id

get real Signature is required print your name & address. (It can be seen how the county will recognize your concern.)  
Gerald & Norma Hansen

Dear Planning & Zoning Commission: I live in Teton Valley largely because of its preserved natural state, and current balance of residential, agricultural, ecological and commercial spaces. I am extremely saddened when I travel to places like Jackson where pristine agricultural space has been "subdivided." Please

support the COMP plan; maintain our rural character + ensure responsible future residential + commercial development. Charge land plots with limited # of housing/buildings, no diversion of natural waterway to allow Teton Valley to continue to be an ecological and recreational paradise for locals + visitors alike. Too much development, or unwise development, would turn us into a place/town that none of us moved here to be in. Thank you.

X Kelly Sadovras  
Signature is required print your name & address. (It can be seen how the county will recognize your concern.)  
Kelly Sadovras, Driggs, ID 83422

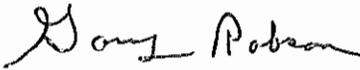
Just past Wilson rwy 27 across from Walker Ranch.

Dear Planning & Zoning Commission: ID State Statutes: 67-6508. Planning duties. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan.

**This plan does a lot more than review and update a plan. This is a huge broad overhaul and complete change to the current plan.**

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

This Plan is a taking of Private Property. You have planned this county as if it is a State Park or National Park. Public Property belongs to all of us as citizens of America. We are supposed to be free to use it. Private Property belongs to the deeded owner to take care of and make decisions regarding that property. It is not our County Government's Job to take over the land and place restrictions on it that will adversely impact our property value which is exactly what this PLAN sets out to do. It is all about CONTROL by the Government.

X 

Gary Robson

FEIT, ID 83424

Signature is required - print your name & address below to ensure that the county will recognize your comments

Dear Planning & Zoning Commission: \_\_\_\_\_

I farm with my family and we are also owners of a business in Teton County. The cornerstones of our freedom are: Property rights, limited Govt., individual unalienable rights, and the free market. They are not granted or reconciled through Govt. All 4 of these rights are decimated with this plan. This is Oppressive. We can protect our natural resources without losing all of our rights in the process. This plan will give broad and over reaching control to our County Government with no respect to private property rights or rights of the citizens of the community. The Comp Plan should be guide lines not mandates. We do not want to be taxed more to fund recreation centers. More people crowded together produce a lot of CO2. Have you studied this in your plan? Has the State of Idaho mandated that we put a plan into place that decimates and devalues private property rights? Please tell us the answer to that.

X 

Brandon Robson

83448  
Sugar, ID 8

Signature is required - print your name & address below to ensure that the county will recognize your comments

Dear Planning & Zoning Commission:

This Comp. Plan is not a plan that started with nothing and all of these core committees came up with all of this wonderful language and planning. This plan comes from the top down. Agenda 21 is a comprehensive plan of action adopted by the United Nations System, and apparently our Government. This plan of action is to be taken globally, nationally and locally to affect every area in which humans impact the environment.

1. "Agenda 21, the Rio Declaration on Environment and Development, and the Statement of principles for the Sustainable Management of Forests were adopted by more than 178 Governments at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992" 1. from UN Department of Economic and Social Affairs Division for Sustainable Development. Sustainable Development, now doesn't that sound familiar. I just watched a meeting that was held in CA and imagine my amazement when that same meeting could have been in Driggs, ID at the Courthouse, which I attended. Different people, but the exact language was used. This plan is in the works and is meant to be taken to every community in the land. I would like to go on the record as saying it is unconstitutional. This is Police Power to zone property. We need more people standing up for the country and against this type of nanny Government. You want to push people into living in one of the three cities. You are treating people as if they are robots. People should be able to choose where they live. I want to know where it says that this plan has to be redone every 10 years. Answer that question for us please. Do not rezone agricultural property to any larger acreage than it is at the current time. Land owners should be able to sell an acre of land if someone is interested in buying and the land owner is interested in selling.

Marlene Robson Marlene Robson

FEIT ID 83424

Dear Planning & Zoning Commission

I received your most recent request for public comment on the Teton County Comprehensive plan and am bitterly disappointed by it and your choosing to totally ignore the issues brought up in the last public comment meetings. This life is a time of testing and choosing and it is so sad you have chosen to do what you have. No wonder at the post office the box is so full of the questions you sent out. It is abundantly clear you have heard nothing of what has been said or written, "don't bother us with the facts, we made up our minds before we began, and only put on the show to satisfy the law we have to." The big reason this is so sad is that when people choose to do the things you have chosen, going against the God given right to choose, and choosing for other people when they have made the attempt to be heard as you requested. Then that kind of action can have dire consequences for those "IN THE KNOW". Things have a way of coming back and biting the very people who figured they were smarter than anyone else. So I wish you good luck and am sorry you wasted so many evenings and afternoons. I really did have better things to do than listen to all the pretend about interest.

Most sincerely and sadly. Julia H. Hibbert

Julia H. Hibbert  
Dear Planning & Zoning Commission:

**From:** Marilyn Couch  
**Sent:** Wednesday, July 04, 2012 6:03 PM  
**To:** Angie Rutherford  
**Subject:** Thank you

I just wanted to express my appreciation for all that you have done and are doing.  
I realize how difficult this process has been.  
In many ways I feel that most people want a lot of the same things in the end.  
Unfortunately Teton Valley seems to be mimicking our nation and people seem to be at each others' throats rather than working together to come to a resolution.

I appreciate all the work the committees have done and I hope with time we will be able to move beyond the acrimony and work to keep Teton Valley a wonderful place to live, visit and raise a family.

Again Thank You for your Service and hard Work.  
Sincerely,  
Marilyn Couch  
Victor, ID

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**From:** Bell, Brent C.  
**Sent:** Monday, July 09, 2012 7:14 AM  
**To:** Angie Rutherford  
**Cc:** 'Scott Griffith'  
**Subject:**

We must reduce future density to preserve the beauty and property values of the Valley. Please move forward with the unanimous decision and recommendation of the subcommittee to reduce future volume of new lots by 75 %. This is essential to smart growth.

Brent C. Bell PA-C, Ph.D  
Physician Assistant Coordinator  
E. Brian Butler M.D. Chairman  
Department of Radiation Oncology

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**From:** Scott Griffith [<mailto:sgriffith@zieglercooper.com>]  
**Sent:** Monday, July 09, 2012 10:24 AM  
**To:** Angie Rutherford  
**Cc:** Bell, Brent C. ([BCBell@tmhs.org](mailto:BCBell@tmhs.org))  
**Subject:** FW: Teton Valley development

Dear [Angie](#),

I am also an owner of property at Snow Crest off of Stateline. I also am in agreement with Brent Bell about the need to control development density and to enhance smart growth planning. I am in agreement to with the recommendation of the subcommittee to reduce future volume on new lots by 75%. Thank you for working to ensure the betterment of the Valley.

Sincerely,  
  
Scott Griffith

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**From:** Jack & Jo Haddox [  
**Sent:** Monday, July 09, 2012 4:29 PM  
**To:** Angie Rutherford; 'Stevenson Alice'; 'Diane Temple'  
**Subject:** RE: Comp Plan Review

Angie,  
Hope this isn't too late – oiling the house & needed a shade break! I like these changes.

Jo

**From:** Angie Rutherford  
**Sent:** Monday, July 09, 2012 1:41 PM  
**To:** Jack & Jo Haddox; 'Stevenson Alice'; 'Diane Temple'  
**Subject:** RE: Comp Plan Review

Thanks Jo,

What if we take “schools” out of p. 44 Policy 1.6. I think it is the only mention of an entity that is not under County control. **yes**

If we change Policy 2.1 to “Work with SD 401, private schools and non-profit organizations to encourage expansion and development of the pre-K through post secondary education system.” **Sounds better**

On Page 53 under Education Facilities, “... the education of their children. Good communities support good schools and good schools support good communities. Schools in Teton County should continue to aspire to a high standard of excellence. The establishment...” **Much better**

From “.. Public schools in Teton County should aspire to a standard of excellence that goes beyond what is required by the state of Idaho and strive to meet international standards.”

On page 64- the reference is to “underfunded public school system with limited opportunities”. Should be leave it at “underfunded public school system?” **yes**

Are there places that I have missed?

Is it appropriate to add Monte's areas of excess (exceeding expectations) to p. 28 of the appendix? I hesitate to do that without listing all of the standards by which a school is judged. **I'm not sure what Monte will think but I feel that the standards our schools are judged are fluid and ever-changing. I think it is OK to leave out the areas of exceeding expectations & think he was just giving you some additional info.**

Let me know if you think this will work.

Thanks,  
Angie

**Angie Rutherford**  
**Planning Administrator**

**From:** Jack & Jo Haddox  
**Sent:** Monday, July 09, 2012 1:26 PM  
**To:** Angie Rutherford; 'Stevenson Alice'; 'Diane Temple'  
**Subject:** RE: Comp Plan Review

Angie,

I totally agree with Monte's comments. I know we've wrestled w/ the language over and over & I've voiced objections to what was written. He is right – the school district tries to work w/ the communities and the county but ultimately the SDE has control of the school district. As I've said many times in our meetings, despite the opinions of some in our

community, our schools do a terrific job and are current on curriculum, technology and many other important aspects of public education. I would like to see you try to address his concerns but I know time is not on your side.

Thanks,  
Jo

**From:** Angie Rutherford [<mailto:arutherford@co.teton.id.us>]  
**Sent:** Monday, July 09, 2012 10:04 AM  
**To:** Stevenson Alice; Diane Temple; Jack & Jo Haddox  
**Subject:** FW: Comp Plan Review

Hi Alice, Diane and Jo,  
See Monte's comments below. Any reactions to this? Otherwise, I will try to address his concerns.  
Let me know if I should send this to your entire committee, it's just that we are short of time and I'm trying to act fast.  
Angie

**Angie Rutherford**  
Planning Administrator

**From:** Monte Woolstenhulme  
**Sent:** Saturday, July 07, 2012 9:01 PM  
**To:** Angie Rutherford  
**Subject:** Re: Comp Plan Review

Angie,

Thank you for the invitation to review the comp plan and share my comments, sorry it has taken so long for me to get to this, lots of stuff with work & family, but I've finally gotten to this.

Most of it is good, I appreciate the effort to take in so many views from the community, and come to a consensus of what is best for the most, not for each individual, something we face daily in our schools.

Regarding the educational areas of the comp plan:

1. I have major concerns about what a local LOS for the schools would mean, we are accountable to the community for how we utilize public funds, education children, meet standards, etc, but legally we fall under the State of Idaho, specifically the Office of the State Board of Education, and the State Department of Education, for all of our specific programing accountability, not the local county. That effort to comply with all of their audits and reports is honestly overwhelming, and we are not in a position to add another governmental entity to report to. All of our school data is posted to our website, and much of it is posted at the Idaho State Department of Education website as well, so anyone with the time & interest can find nearly anything they want about their local public schools, and if it isn't there, contact the school officials to get it.

2. On page 44, it would be reasonable to note/recognize Teton School District 401 as a separate legal entity, as in other sections where the Idaho Fish & Game or Driggs-Reed Memorial Airport are noted, where the comp plan deals with an issue falling under their jurisdiction.

3. On page 54, discussing education facilities, improving, siting near cities/neighborhoods makes sense, but then to make the leap to dictate to the schools what standards we should adopt/strive for, and accept international standards (what does that mean, and who determines what that means), makes no sense, and plays into the misconception that public schools are not meeting or exceeding established standards. Again, noting the jurisdiction for education falls to Teton School District 401, not the county or the cities, would help readers of the comp plan understand where that responsibility lies. I am not stating the county or cities don't have a direct

relationship with the school district and vice-verse, much of the current research we are reviewing ties good communities to good schools and vice-verse, so we respect and know how reliant we are upon the local community for support and for accountability. I think this section should stay on topic, and focus on facilities, be they buildings, playgrounds, athletic, performance, etc, many of which are provided by the school district to the community for a myriad of needs, programs and events, again out of the respect of being an intimate part of the community. Just an fyi (this doesn't need to be in the comp plan, but for your review, our district meets and exceeds many of the state standards: higher staffing than is provided by the state, higher cost per pupil funding, we've adopted the Common Core State Standards, which have been adopted by 48 states, we have 3 years to make the transition, and according to some of the State Department of Education staff, we are 1-2 years ahead of many other districts in raising our standards, curriculum and instruction to those standards), we exceed the state in graduation rates, scholarships per students, and many other areas.

In general, I see the school district falling under the section of: Inter-Jurisdictional Coordination, where we can articulate our efforts, respect our role as part of this amazing community, and strive to share resources and improve all of our efforts.

Thanks again, hope my comments make sense, if not let me know.

I have 3 days of Common Core State Standards Implementation training in Idaho Falls Mon-Tue-Wed, so I'll try to get to the meetings if I can, I've been working with Dawn & Wendy to get the THS Auditorium set up and ready, hope it all goes well.

Monte

On Fri, Jun 22, 2012 at 12:33 PM, Angie Rutherford <[arutherford@co.teton.id.us](mailto:arutherford@co.teton.id.us)> wrote:

Hi Monte,

Because schools are an important asset in any community, Idaho State code requires that we solicit your comments on the Comp Plan before it is adopted.

As you probably know, this comp plan has been drafted with much input from the public over the past 18 months. Schools were originally identified as one of the most important factors in our community and so we created a subcommittee entitled Community Events and Facilities that would include schools in its focus. Of course the County will not control what happens in the walls of the school buildings, but it is very apparent that our community would like to support the school system in any way we can.

To that end, I have attached the draft comp plan (it still has track changes, but I wanted to give you a little more time with it rather than have a perfectly clean copy).

If you have time to review it, we would appreciate any comments you might have. I think the Community Events and Facilities would be an area for you to focus on, especially if you do not have time to pour over the entire document (most people don't). I know this is quick, but ideally, we would like comments by Monday 7/2 so the Planning and Zoning Commission can consider those comments before their public hearing on the 10<sup>th</sup> (at the High School- thank you!). However, I realize this is a quick turn-around time and we will take any comments whenever you can give them to us.

Thanks Monte. I appreciate all the help.

Angie

**From:** Molly Barfuss

**Sent:** Monday, July 09, 2012 3:00 PM

**To:** Angie Rutherford; Angie Rutherford; Dawn Felchle

**Cc:** Rob Harris

**Subject:** Comments of Grand Teton Canal Company regarding Draft Comprehensive Plan for Teton County, Idaho.

Please see attached correspondence.

Thank You!

Molly Barfuss

Secretary for Robert L. Harris

Holden, Kidwell, Hahn & Crapo, PLLC

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Please turn to the following page for the letter submitted.



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July 9, 2012

**VIA REGULAR MAIL AND EMAIL**

Teton County Board of County Commissioners  
Teton County Planning & Zoning Commission  
c/o Angie Rutherford  
150 Courthouse Dr. Room 107  
Driggs, ID 83422

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**RE: *Comments of Grand Teton Canal Company Regarding Draft Comprehensive Plan for Teton County, Idaho.***

Dear Ms. Rutherford:

Our firm has long represented Grand Teton Canal Company ("GTCC"). Grand Teton Canal Company services approximately 6,911 acres of irrigated lands in Teton County, Idaho, with diversions on Teton Creek and Dry Creek. GTCC wishes to submit the following comments with regards to the recent *Draft Comprehensive Plan*, and a new document apparently associated with that plan entitled *A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho*, which was submitted by the Idaho Department of Fish and Game (hereinafter "IDFG Report").

As you know GTCC is not a land developer, but is solely in the business of maintaining and operating infrastructure for the delivery of irrigation water to its stockholders. The importance of the agricultural products generated from this irrigation is stated repeatedly in the Draft Comprehensive Plan. We appreciate the acknowledgements in the Comprehensive Plan of the benefits agriculture provides to the local community, and the support this document provides to the industry we service.

GTCC was only recently made aware of the IDFG Report, and while GTCC has not followed the comprehensive planning process closely, because GTCC is not a developer or landowner, we were unaware of any alleged reference to this technical document submitted by

*Established in 1896*

the Idaho Department of Fish and Game. In our review of this document, it appears that its purpose is to inventory wildlife species in Teton County in order to actually provide context to what species the Comprehensive Plan is referring to when it states, repeatedly, to preserve and protect "wildlife." However, it appears that this document goes further than providing the Comprehensive Plan with a wildlife list, and instead includes commentary about certain species and their status based on previously-submitted studies.

Ultimately are uncertain as what legal effect the IDFG Report has in relation to the Comprehensive Plan. It is included in the Comprehensive Plan appendices, but is not referenced in the actual Comprehensive Plan itself. In light of that uncertainty, we request the following:

1. That only Section 6 of the IDFG Report (the *Summary of Fish and Wildlife Occurrence in Teton County, Idaho*) is incorporated into the Draft Comprehensive Plan, and that the remaining sections (Sections 1 through 5, and Section 7) be removed.
2. In the alternative, that an additional time period of six (6) months be provided in order for comments and/or other information to be submitted on the IDFG Report to either the County or to IDFG to better refine the Report.

It should come as no surprise that scientists may disagree with one another's conclusions and/or methodologies. While Sections 1-5 and 7 may be entirely appropriate for an IDFG review of studies it deems relevant or important, a document that could significantly inform County decisions should be fully vetted and reviewed before simply attaching it to the back of the Comprehensive Plan as an appendix. For example, under Section 5 of the IDFG Report, there is some extensive discussion on trout, and particularly Yellowstone Cutthroat Trout. On page 20 (within Section 5) of the IDFG Report, it states "Teton and Fox Creeks currently provide the most important spawning and rearing habitat for fluvial YCT in the Upper Valley." The citation for this conclusion is a study from Koenig from 2006, but in looking at the references contained in Section 7 of the report, the only reference to any work from Koenig is a document that is currently in press and has no publication date. We are unsure if this is the correct document that is cited to in the IDFG Report. The IDFG Report is deficient in this respect, but in either event, we disagree with a portion of this statement and believe the IDFG Report should be revised.

While we probably agree that the portion of Teton Creek which maintains flows during the entire year may meet IDFG's description (generally speaking, this would be Teton Creek located from Highway 33 west to its confluence with the Teton River), we do not agree that the entire creek is properly categorized as this "most important spawning and rearing habitat". East of Highway 33 to the Idaho line, Teton Creek "breaks" (i.e., the flows are intermittent during the summer months) due to a combination of natural processes based on the geology associated with this area, as well as irrigation diversions. It remains unclear whether this portion of Teton Creek is appropriately categorized as spawning and rearing habitat for fluvial YCT. We think there is sufficient information we could provide to IDFG to add to their summary description of these

Teton County Board of County Commissioners  
July 9, 2012  
Page 3 of 3

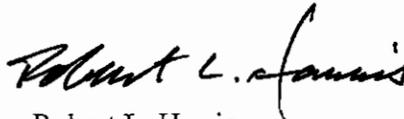
documents that would demonstrate that the portion located east of Highway 33 to the Idaho line likely does not fit this description. The IDFG Report therefore appears to be incomplete, and yet even with this defect, we fail to see the need to include this in the Comprehensive Plan appendices. We suggest retaining only Section 6 of the IDFG Report.

Alternatively, because IDFG has chosen to engage in more than simply providing an inventoried list of species in Teton Valley, additional time should be allotted to provide comments, rebuttal, or additional studies not cited to by IDFG in their report prior to its incorporation into appendices of the Draft Comprehensive Plan.

We appreciate consideration of these comments, and hope that our intent is not mistaken. By submitting these comments, GTCC is not taking the position that appropriate measures should not be undertaken in the future to address wildlife issues. GTCC has been involved in and promotes measures that collaboratively address fisheries issues, including those on Teton Creek. However, those measures must be done such that they will have no adverse impact on the GTCC irrigation system and the irrigators that comprise GTCC's stockholders. Our intent in submitting these comments is to ensure that we understand, and that the Comprehensive Plan makes clear, the purpose of IDFG's Report.

Should you have any questions regarding them, please do not hesitate to contact me at 523-0620. We recognize the importance of these issues, and hope that the County recognizes the importance that GTCC plays for irrigators and other water users in the Teton Valley.

Best Regards,



Robert L. Harris  
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

**From:** Molly Barfuss

**Sent:** Monday, July 09, 2012 4:52 PM

**To:** Angie Rutherford; Angie Rutherford; Courtney Liddiard

**Cc:** Rob Harris

**Subject:** Additional Comment from the Teton County Group for Property Rights (TCGPR)

See attached correspondence.

Thank You!

Molly Barfuss

Secretary for Robert L. Harris

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Please turn to the following page for the letter submitted.



Holden Kidwell  
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July 9, 2012

**VIA REGULAR MAIL AND EMAIL**

Teton County Board of County Commissioners  
Teton County Planning & Zoning Commission  
c/o Angie Rutherford  
150 Courthouse Dr., Room 107  
Driggs, ID 83422

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**RE: *Additional Comment from the Teton County Group for Property Rights (TCGPR) Regarding Additional Change to the Key Action of "Reducing Potential Supply of Residential Lots by 75%"***

Dear Ms. Rutherford:

This letter is in addition to our letter dated July 2, 2012 from the Teton County Group for Property Rights ("TCGPR") regarding the Draft Comprehensive Plan for Teton County, Idaho. In that letter, we urged the Planning and Zoning Commission to remove the key action item to "reduce potential supply of residential lots by 75%." This action item was amended from a prior iteration. We just became aware that an updated version has now been posted with some additional clarifications to this key action item. We apologize for the lateness of these comments, but I am sure you can appreciate that with the changes that are coming together at the last minute, it is hard to keep up with all of the proposed changes. We remain concerned that these changes are significant, and time should be allotted to fully explore and understand these important issues.

Our understanding is that the version of the Comprehensive Plan you will submit to the Planning and Zoning commission will have as a key action item to "reduce future potential supply of residential lots by 75%." Associated with this change, you have included the following comment:

The language of this statement has been confusing to some. The intent of this is to limit the number of lots that could POTENTIALLY be created. The lots that

are already created would not be affected by this process. This would only affect the potential for future splits. Perhaps this needs to read reduce future potential supply of residential lots by 75% (not including current inventory), or perhaps future and/or potential need to be italicized.

This clarification confirms our fears. As we explained in our prior letter, the April 20<sup>th</sup> version of the Comprehensive Plan did not contain this item. From a policy standpoint, this key action item presumes that better developments cannot be constructed in the future, and significantly inhibits the ability for such developments to occur. This is contradictory to other provisions of the Comprehensive Plan, and is simply bad policy.

This key action item is also in direct conflict with the property rights of landowners in the County. It is nothing more than an overt and direct attack on anyone's ability to provide a place for individuals to live and enjoy Teton County. In a July 2, 2012 comment letter submitted by Valley Advocates for Responsible Development, or VARD, they urge the Planning and Zoning Commission to keep this provision in the Comprehensive Plan. They categorize the key action item as "bold" and state that according to GIS mapping, the 75% reduction would result in the reduction of 6,500 future potential lots. VARD goes further and states that this could be achieved through many ways, "such as uniform zoning that does not exceed 20 acres inside or tiered zoning." VARD's comments also make it clear that they were the member of the Economic Development Subcommittee that crafted that recommendation. We urge the Planning and Zoning Commission not to ignore the property rights of those that continue to own larger tracts of land within the County.

Furthermore, there is insufficient information in either VARD's letter or the Draft Comprehensive Plan that describes where the 75% amount came from. Is it based on a scientific number? Was it recommended by anyone in particular? Why was this number not included in the first iteration of the Comprehensive Plan? These are all questions that we think must be answered before they are included in the Draft Comprehensive Plan.

Additionally, it is entirely unclear how this key action item could be implemented in the future. For example, based on VARD's letter, there are 8,000 platted vacant lots in Teton County, but there could be an additional 26,000 lots. Of these 26,000 lots, the key action item proposes to reduce that amount from 26,000 lots down to 6,500 future potential lots. Does this mean that the 6,500 future potential lots will be platted on a first come first serve basis? Are the 6,500 lots in addition to the 8,000 lots already existing? How does the County intend to keep track of this 75% reduction? There are numerous other questions as to how this type of a key action item could even be implemented. For these reasons, this portion of the Comprehensive Plan must be removed. This key action item should be removed because it represents bad policy, significantly and disproportionately impacts large property owners in the Valley, and infringes upon the property rights of landowners in Teton Valley. Inclusion of this key action item is also directly contradictory to numerous provisions in the Comprehensive Plan that state that the Plan

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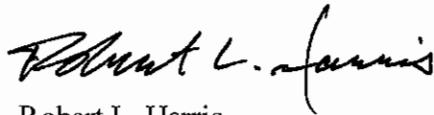
July 9, 2012

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needs to balance property rights and rural character. For example, Goal ARH2 promotes a policy to “develop a means to compensate private property owners for large parcels of open space that benefit the community.” The key action item that seeks to reduce future lots by 75% is an attempt to avoid payment to existing landowners for conservation easements and open space, and will be a divisive issue for the community moving forward if it is included. This divisive key action item should therefore be removed.

We appreciate your attention to these comments, and apologize for the lateness of them. Nevertheless, given the recent incorporation and explanation of this provision, we felt that we needed to again state our position clearly.

Best Regards,



Robert L. Harris

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

**From:** Angie Rutherford

**Sent:** Tuesday, July 10, 2012 10:41 AM

**To:** 'Bruce Arnold'; 'Chris Larson'; 'Darryl Johnson'; 'Dave Hensel'; 'Jennifer Dustin'; 'Ryan Colyer'; 'Shawn Hill'

**Subject:** FW: FW: Comp Plan Review

Hi PZC,

I think we can talk about this on Wed. night, but I will make some recommendations to address Superintendent Woolstenhulme's comments.

Take "schools" out of p. 44 Policy 1.6. I think it is the only mention of an entity that is not under County control.

Change Policy 2.1 to "Work with SD 401, private schools and non-profit organizations to encourage expansion and development of the pre-K through post secondary education system."

On Page 53 under Education Facilities, change, "... the education of their children. Good communities support good schools and good schools support good communities. Schools in Teton County should continue to aspire to a high standard of excellence. The establishment..."

From "... Public schools in Teton County should aspire to a standard of excellence that goes beyond what is required by the state of Idaho and strive to meet international standards."

On page 64- the reference is to "underfunded public school system with limited opportunities". Strike "with limited opportunities" to read, "Little opportunity for post-secondary education and an underfunded public school system"

Thanks,

**Angie Rutherford**  
Planning Administrator

Attorneys

Stevan H. Thompson  
Curtis R. Smith  
Aaron J. Woolf  
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Barton J. Birch \*  
Dennis P. Wilkinson

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July 10, 2012

Teton County Planning Department  
ATTN: Planning Administrator

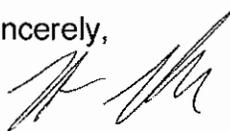
**Via Hand Delivery**

Re: City of Tetonia Annexation

Dear Planning Administrator,

This letter is to advise you that certain City of Tetonia property (the Egbert annexation parcel) appears within maps of the proposed Teton County Comprehensive Plan as property lying within the County's jurisdiction. We understand your intention to plan for the future as if the property is part of the County's jurisdiction. However, this is to affirm the City's position that the subject parcel is being treated as City property while a judicial decision regarding the status is being awaited. The City and County have agreed that the City is responsible for maintenance during the interim, and should the judicial decision uphold the annexation, then the City will continue to have jurisdiction over the Egbert property.

Sincerely,



Barton J. Birch

cc: Client

TETON COUNTY  
PLANNING & ZONING  
JUL 10 2012  
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