-----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 submited 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, 3rd 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

1st paragraph, last sentence:
close-knit should be hyphenated (according to my dictionary)

3rd 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
1st (partial) par., 3rd line: County seat
Suggest no caps, or possibly both caps

2nd par:
Regarding comment bubble, I think "lenient development regulations" would be a suitable addition, but not "minimum development regulations"

3rd 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.)
4th 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"

1st regular par.:
Tho minor, I don't like the change on the 2nd 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."

2nd par., 1st 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…"

1st 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 2nd 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
2nd bullet: I agree with the bubble comment—delete climate
Likewise, "trail systems" are not natural resources (since they are manmade)—delete
3rd 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 1st & 2nd bullets on this page w/o changing the meaning.

Page 21/69
1st 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
1st line: change "our" to "the" to be consistent wth earlier changes?
6th line: "This side of the valley also includes foothills, wildlife habitat and crucial water resources." Add farming or active farms or similar
2nd 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"
3rd 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 2nd & 3rd 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." 4th sentence: Change "Our" to "The" (consistency)

Page 25/69
Industrial/Research/Live-Work
2nd 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:
4th 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"

6th/last bullet: change "limited" to "regulated"—limited is an inflammatory word and may not be accurate

Mixed Ag/Rural Neighborhood:
4th bullet—same objection to the word "enhancement" as above

Foothills:
4th bullet—same objection to the word "enhancement" as above
6th bullet—same objection to the use of "limited" as above

Page 27/69
Waterway Corridors
2nd 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 2nd 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.
3rd 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:
2nd 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
2nd 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, 3rd 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

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).

1st 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.

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

	Location	Action	Rationale
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, Foothills, 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, as-sumptions, 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 technolo-gies.	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 occurences" 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 unstainable, 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 presumptious 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 contingen- cy plans to accomodate transporta- tion-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 Frame- work Map" with "implied by zoning ordinances."	Zoning ordinances in accordance with Comp Plan Policies (not the Frame- work 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 eco- system 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 with- in 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, 3rd line:
Maximum densities in areas with an~~d~~ underlying zone

3rd 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 ,4th 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, 3rd line: Information obtained from Fall River in 2012 indicates
Elec. Power, 4th line: They have 220.3 miles of distribution lines which include~~s~~

Library, 2nd line: under estimated should be one word, underestimated

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

Page 35/43
2nd 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, 1st 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.

2nd 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!

3rd par.
Little League (capitalize)

Page 38/43
2nd par., 3rd line from bottom: **"**The valley is a resting place for sandhill cranes…"
(change to compound word)

A3.11
1st 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.

3rd 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 road~~s~~ 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

3rd line
Calculated ~~the~~ current daily trips

Page 42/43
Zone 10
3rd line
Calculated ~~the~~ current daily trips

Zone 11
3rd line
Calculated ~~the~~ current daily trips

Zone 12
3rd 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.

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 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 commitee 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

Holden Kidwell
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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
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 30th and 31st. We further understand there will be a joint BOCC/PZC/CC meeting at 5:30 p.m. on May 31st. To ensure that you have adequate time to consider our comments, we have provided these comments in advance of the May 30th 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 Tetonia 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.[1]
>
> *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.[2]

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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[1] 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.

[2] 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.[3] 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.

---

[3] "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 invalided 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 Tetonia. 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.[4] 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.

[4] 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.[5] 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.

[5] 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.

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.

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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NRCS NATURAL RESOURCES CONSERVATION SERVICE

Sage-Grouse Initiative in Idaho

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

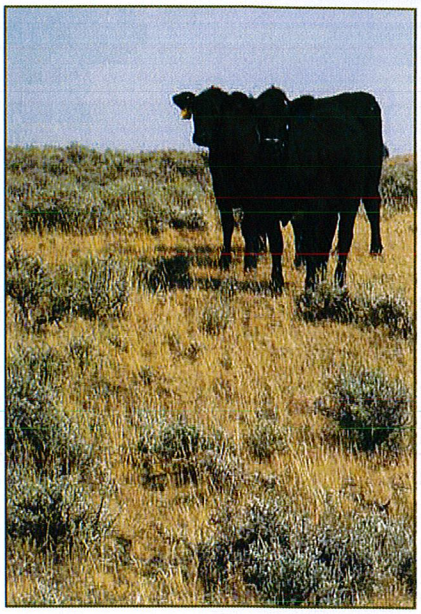
The greater sage-grouse (*Centrocercus urophasianus*) is a large ground-dwelling bird that depends on large tracts of sagebrush grasslands. Habitat loss is one of the main threats to this species and has contributed to its decline. However, voluntary conservation can play a key role in protecting and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

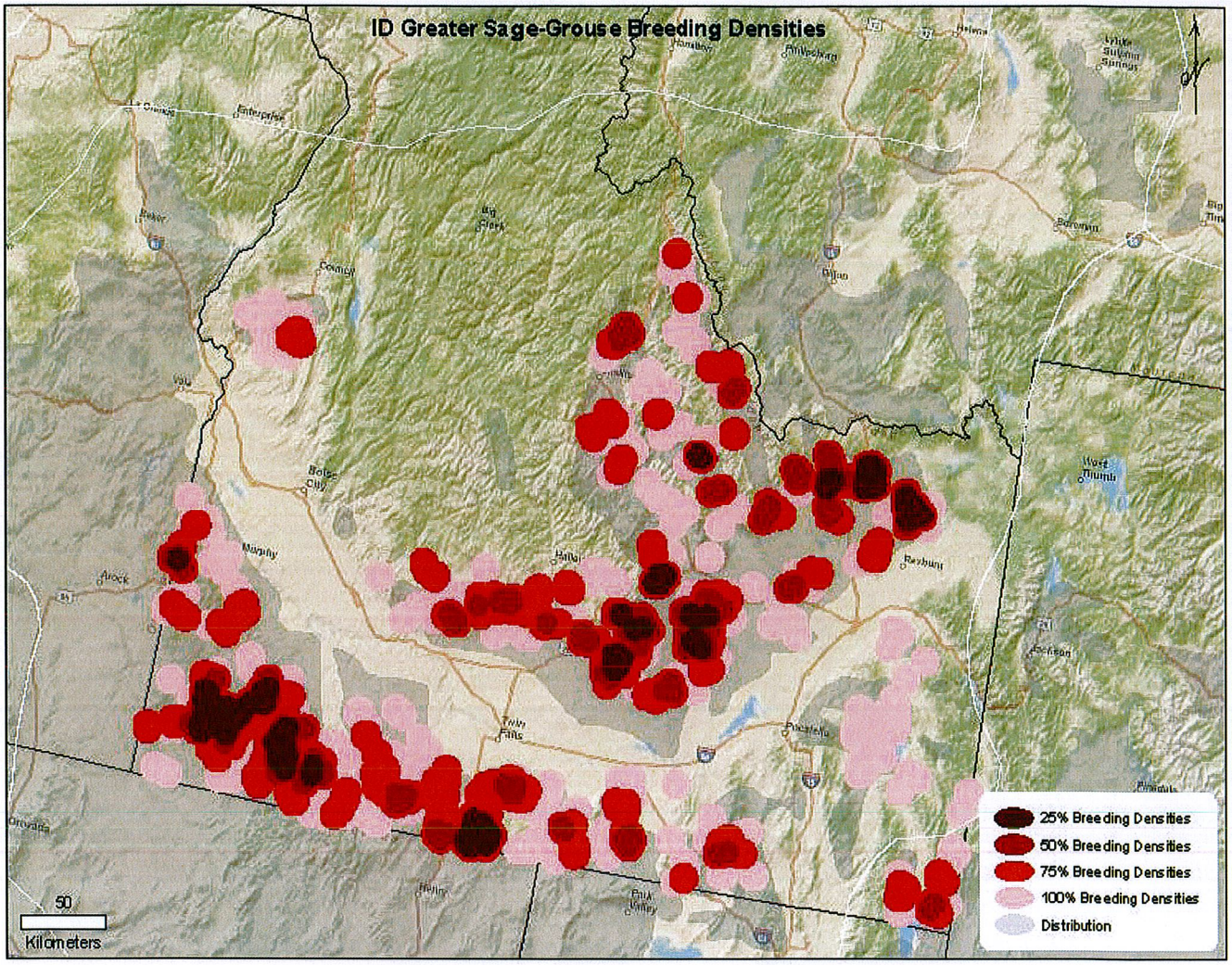
- Removing fences or obstructions to assist bird movement
- Marking fence wires to increase visibility
- Applying management strategies that treat invasive species
- Restoring altered hydrology in spring or moist areas
- Planting native shrubs
- Implementing grazing strategies that improve range health,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

A landowner owner 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. Or, visit the NRCS office near you.

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

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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 3rd 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 Balser, 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. Balser 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 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 spends 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 far to the side of no development.

Draft Plan 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 4,000 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 ram rod 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, 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~~ 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 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~~ students & also some students that are disrespectful & just want to be entertained. Good parents & families are key to good schools,

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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 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.

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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. ~~[illegible]~~

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

About You

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

Name: Marlene & Gary Robson

Address:

City/Town: Felt

State: ID

ZIP: 83424

Email Address:

Phone Number:

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

- (Felt)
- Tetonia
- 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)

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 Liebenthal
Katherine Shepard
Jim Douglass
Sandy Mason

Teton County Comprehensive Plan Core Committee
Cleve Booker – Chairperson
Dave Hensel
Kerry Buxton
Julie Stomper
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

Better Comments

Transportation Sub-Committee

Tim Adams - Chairperson
Allen Monroe
Anne Callison
Jack Haddox
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
Carrie Mowrey
Doug Self
Erica Linnell
Greg Casperson
Jack Revoyr
Jeff Potter
Jo Haddox
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 or 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; 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).