



# Valley Advocates for Responsible Development

## Teton County, Idaho, Amends Zoning Ordinance

### Three perspectives on the implications of new PUD subdivision zoning laws

In VARD's last newsletter (July, 2005), several local valley residents were interviewed regarding why they chose to keep their large parcels of land zoned Ag-20 rather than rezone their land Ag-2.5 as many large landowners in the valley were doing. Now there is no longer an option to rezone land in Teton Valley to Ag-2.5. With the passage of the new Teton County Subdivision Ordinance that introduced a new density-based PUD (Planned Unit Development), the old Ag-20 and Ag/RR-2.5 zones are frozen. Landowners may still develop according to the zoning they had at the time the new subdivision ordinance was adopted, but it is the hope of the county that landowners will choose the new density based PUD instead.

Is important for all of Teton County's residents, as well as potential developers, to understand how the new ordinance works. There is much to commend over the previous ways of developing (i.e., Ag-2.5). Initially, VARD planned to provide an overview of the new ordinance, but it is best to let the ordinance speak for itself—so it is presented here in its entirety (*below*).

In this special zoning ordinance edition, VARD presents the topic from three different aspects. Sandy Mason, assistant program director, provides VARD's opinion of the new ordinance and suggests how it could be improved. To represent the county's vision, VARD interviewed Larry Boothe, Teton County Planning Administrator. The views of Bill Collins, a long-time planning administrator and consultant, illustrate yet one more perspective.

I hope you will take the time to read the ordinance and editorials. How developers choose to use this new tool will greatly affect the look and feel of Teton Valley for many years to come.

VARD continues to look for and offer solutions to the many challenges facing our local governments. Another article in this newsletter, on the back page, deals with the jail, a critical issue presently facing our county.

Please let us hear from you on these and other issues. We will print respectful letters from all sides in upcoming newsletters. —Jeff Carter, Executive Director

## Chapter 7: Planned Unit Developments —passed June 2005

### 7-1: TYPES OF PUDs

Three (3) types of PUDs are available under this title:

1. RCI PUD: Property located within an R-1, R-2, C and M zone may be developed pursuant to an approved residential, commercial or industrial PUD.
2. Small PUD: Property located within an A-5, A-1.0, A/RR-2.5, A-20 zone may be developed pursuant to the process outlined in Chapter 3 of this ordinance for a small subdivision (amd. 06-05).
3. Density Based PUD: A form of planned residential development that concentrates buildings on one or more parts of the site to allow the remaining land to be used for recreation, open space or preservation of environmentally sensitive areas. The open space may be held or managed in common by all project residents, or may be held or managed in common by all project residents, or may be platted as one or more large privately held lot(s) with a building envelope (amd. 06-05).

9-7-2 PURPOSE: The purposes of the PUD process are:

- A. To encourage careful consideration and coordinated planning of commercial, industrial and residential developments consistent with the policies and objectives of the comprehensive plan.
- B. To encourage innovative designs and the application of sound design principles.
- C. To preserve quality open space in meaningful amounts and in desirable locations.
- D. To permit clustering and similar design solutions which encourage protection of scenic areas, wildlife habitats and migration routes, skylines, and riparian areas (amd. 06-05).
- E. To permit developments to be planned so as to cause the least possible disruption of farming, ranching or other established and ongoing land use activities.
- F. To encourage compact rather than scattered developments.
- G. To provide opportunity for development where site constraints or other similar factors make the PUD approach more reasonable and desirable than the standard subdivision design.
- H. To permit developments that protect and comply with generally accepted standards of public health, public safety and the general welfare of the county.
- I. To encourage open space development along the scenic corridors or in the most aesthetically pleasing areas of the land where development is most shielded from the view of the scenic corridors (Ord. 9 as amd. Through 9-25-2000; amd. 06-05).

9-7-6: OPEN SPACE REQUIREMENTS: The protection of open space is a central feature of all PUDs.

#### A. Density Based PUD

1. Urban Service Area: This area is defined within one-half mile of the impact areas of the city limits and a minimum of 20% of the land within the gross acreages of the PUD shall be dedicated to open space.  
Allowed Density:  
A target density of up to 80 to 100\* acres may be allowed if the development as a whole includes a central water system or connects to the city water system.  
Development in this area shall be required to have central water systems unless they are combined with a city or other central water system (amd. 06-05)
2. Urban Reserve Area: This area is defined within one-half mile of the urban service area and the areas between Driggs city south to Victor City from one-half mile west of State Highway 33 East to the Wyoming state line and also includes the area south of State Highway 31 west of Victor. A minimum of 40% of the land within the gross acreage of the PUD shall be dedicated to open space.

#### Allowed Density:

A target of up to 50 to 80\* unit per 100 acres may be allowed taking in to consideration the limitations of individual culinary wells and septic systems however, up to 80 units per 100 acres may be allowed if the development as a whole includes a central water system and/or sewer system (amd. 06-05).

3. Rural Reserve Area: Includes the remainder of the unincorporated area of the county and a minimum of 50% of the land within the gross acreage of the PUD shall be dedicated to open space.

#### Allowed Density:

A target density of up to 40 to 60\* units per 100 acres may be allowed taking to consideration the limitations of individual culinary wells and septic systems however, up to 60 units per 100 acres may be allowed if the development as a whole includes a central water system and/or sewer system.

*\*The smaller density numbers outlined above are based on the limitation of one unit per one acre which allows for individual culinary wells and septic systems. The high numbers shall not be obtained without a central water and/or sewer system. The open space formula shall not be violated regardless of density (except as outlined in subsection D 2 of this section (amd. 06-05).*

#### B. RCI PUD

1. A minimum of twenty percent (20%) of the land within the gross acreage of the PUD shall be dedicated to open space and are required to include an approved central water and sewer system.

#### C. Types of Open Space Allowed

1. Open space are significant tracts of land not under residential, commercial or industrial use. It may include productive uses including agriculture or low-impact recreational amenities such as greenbelt areas, pathways, ball fields, and golf courses. Or, it may include sensitive environmental areas such as wetlands, riparian areas, structures for habitation and the like shall not be included. Lawns, yards, gardens, or similar outdoor features associated with homes, condominiums, apartments or business can only be included if such features are held or managed in common by all project residents (amd. 06-05)
2. The Commission may determine and the Board may approve or disapprove a particular type of open space. In exercising their discretion in determining what open space to allow, they will be guided by the generally accepted standards of public health, safety, and general welfare of the community as contained in the comprehensive plan.

#### D. Deeding or Dedication of Open Spaces:

1. The land designated as open space within a PUD must be committed to space by one or more recorded instruments. This will require deeding, i.e. the seller may retain the deed with a deed restriction to maintain open space, a formal dedication of conservation easement (or a fee interest) to an appropriate governmental entity, charitable organization or homeowner's association. Open space may also be platted as one or more large privately held lots with specified building envelopes. County officials must be satisfied that the preservation of open space is viable and the entity to which the open space is deeded is a sound, independent and legitimate organization whose primary purpose is to protect and maintain open space (amd. 06-05).
2. The Commission in consultation with the developer and the project engineer shall determine the number, size and locations of building sites above one (1) allowed to be platted as privately owned lots in the open space of the PUD so as to protect the integrity of the open space and protect health, safety and general welfare of the county (amd. 06-05).

**There is a simple formula to figure out how many units are allowed on a piece of ground. For example, you have a 15-acre parcel located in the Urban Service Area. You are going to have a central water system, so you receive 10 extra units and are now allowed up to 90 units per 100 acres. To find out how many would be allowed on 15 acres:  $9/10 = x/15$  or 13.5 units.**

**In the Urban Reserve Area, 50 to 80 units are allowed depending on whether there is a community water/sewer system. Assuming there is a water system in place, you receive 15 extra units and are now allowed 65 units on 100 acres. On 15 acres, the units allowed would be  $6.5/10 = x/15 = 9.75$ .**

**In the Rural Reserve Area, 40 to 60 units are allowed on 100 acres. On 35 acres at the 40 unit density:  $4/10 = x/35 = 14$  units.**

H. Management of Existing and Created Natural Lands  
Natural areas such as forestland, wetlands, riparian areas, hillside areas, wildlife corridors, desert land and skylines within a PUD are ideal candidates for open space. Created natural areas may be acceptable so long as such are determined by the Commission and approved by the Board to be viable, beneficial, and aesthetically pleasing ecological unit (Ord. 9 as amd. Through 9-25-2000; amd 01-16-2002; amd. 06-05).

9-7-7: CONTIGUOUS LANDS: Ordinarily, all projected land within the PUD must be contiguous and sensibly related as a single unit. Thus, the PUD applicant ordinarily may not set aside land as open space from the area to be developed, nor may the applicant gerrymander the project with thin strips of land connecting geographically remote areas. However, an exception to this requirement may be made if the Commission determines and the Board approves the adequate evidence and a finding that the land committed to open space is exceptionally well suited to the use and the proposed development is adequately buffered so as to protect surrounding property uses. Further, open space is encouraged to adjoin protected open space on adjacent parcels (Ord. 9 as amd. Through 9-25-2000; amd. 06-05).

9-7-8: COMPLIANCE WITH ZONING OVERLAYS: The applicant must comply with all procedural and substantive requirements or any applicable overlay provisions of this title (Ord. 9 as amd through 9-25-2000)

9-7-9: CLUSTERING: It is expected that in a well-planned PUD, the housing units will not be scattered across the entire parcel of land in the PUD unless it is determined that the topography or geology is more suited to other types of housing units. The housing units should ordinarily be clustered in higher density groupings, thus allowing the undeveloped land with the PUD To be set aside as open space. Given the uniqueness of each parcel of land and of each development project, however, it is counterproductive to attempt to specify by fixed rule a formula for the number of clusters allowed for a given project. In particular, the county does not want to impose a rigid regulatory yardstick, which might hamper effective planning with creatively integrates the units into the topography to aesthetics. Consequently, the PUD rules contain no formula controlling the number of clusters. Instead, the Commission will determine and the Board shall approve or disapprove projects based upon unique characteristics that exist on the land in the PUD (Ord. 9 amd. Through 9-25-2000; amd 06-05).

# VARD Interviews Larry Boothe, Teton County Planning Administrator

## Why is this ordinance better?

I don't think the original 2.5-zoning district was considered a failure. A 2.5-acre lot is very difficult to take care of because the state limits the owner to only enough water to take care of a half acre unless there is an irrigation water right. For most people, it is too small to farm, yet too big to take care of. The Planning and Zoning Commission (P&Z) and many of the folks that helped in the comprehensive plan process came to the conclusion that putting a home on every 2.5 acres in the county is not a good idea.

When the P&Z started to discuss what to do about the 2.5-zoning district, they discussed several proposals. Jeff's [Carter] idea of density-based zoning process resonated with everyone on the P&Z. Because when they looked at the size of a proposed subdivision and tried to decide the appropriate number of homes and how to place them, it was clear that the fixed 2.5-acre lot just didn't provide much flexibility. This is one of the reasons they opted for the density-based zoning process in the new ordinance. It allows lot sizes to be smaller and placed on the land where they fit better with the landscape in the county. That is why the new ordinance says the lots can be reduced down to a one-acre lot and stay in conformance with District 7 Health Department rules. The lots can actually be smaller if central water and waste water systems are present.

P&Z then discussed the amount of open space that should be allowed in each of the density-based areas for a Planned Unit Development (PUD). The P&Z discussed what caused the Agricultural PUD to be under-utilized. It was the consensus of the group that the 75% open-space requirement was too large and flew in the face of economic reality. That is why the open-space requirements were reduced in each of the density areas to 20% in the Urban Service Area, 40% in the Urban Reserve Area and 50% in the Rural Reserve Area.

P&Z then discussed how much density should be allowed in a PUD in each area. They decided that the density had to be equal or be slightly better than that provided in the existing zoning districts in order to get people to use it. They settled on a density formula that was actually based on the existing 2.5-zoning district as the underlying density. The 2.5-acre zone allowed 40 housing units per 100 acres. The P&Z then looked at the three density areas, where they were located, and developed the formulas in the comprehensive plan and then the new ordinance that set the densities for each area. The P&Z decided that a bonus density should be provided if a central water and/or central waste water system was present in the PUD. After all of this discussion, the maximum densities allowed were set at 80-100 units in the Urban Service Area near the city impact areas of the county, 50-80 units in the Urban Service Area which overlaid much of the old 2.5-zoning district, and 40-60 units in the Rural Reserve Area which was all of the old Agriculture 20-acre zoning district and some of the old 2.5-zoning district. They also emphasized that these densities were the maximum allowed and not a guaranteed density for any development. The actual density allowed would be determined when an application went through the approval process for development in accordance with all of the ordinance requirements.

After all of this, the P&Z decided it was necessary to provide an incentive to get developers and land owners to use the density-based process. For example, if I own 100 acres in the 2.5-zoning district, it can be developed as a standard subdivision of 40 lots and you come along and tell me how great the density-based process is, but you want to reduce me down to 30 units, instead of the 40, what incentive do I have to change to the new density-based process? That is why the P&Z set the base density at 40 units per hundred acres and added the bonuses for central water and waste water systems – to incentivize people to use the new process. In the short time since the ordinance has been adopted, we are starting to see a real interest in moving away from the prior fixed-lot developments to the new density-based developments with an open-space requirement. How successful this is going to be is still undetermined. We have not had enough developments come through the system and seen enough situations to really know how well the density-based development is going to work. About the best that can be said at this point is it looks very promising.

## Does the ordinance give enough guidance as to how open space is configured and identified?

One of the P&Z's concerns all along has been how to manage the open space. You need to have an open-space management plan, and the ordinance actually spells out some of the ways you can do this. Jeff Carter suggested the open space remain in private hands and divided into one or more large lots that could be sold. The P&Z spent many hours trying to decide just what constituted a large lot and how many large lots there should be per PUD. After hours of discussion and several failed formulas, it became evident that the only way this could be determined was to start the density-based process and see what developed. So when the ordinance was actually written, it was decided that the P&Z, in consultation with the developer, would work out the number lots above one lot that would be allowed.

The second issue that came up was to determine what really constituted types of open space allowed. There is a standard definition of the types of uses allowed in the open-space definition of the ordinance. But it was determined after much discussion by the P&Z that "significant open space" be added to the definition. It was also determined that the P&Z would have to decide what constituted a particular type of open space if it were not already in the standard definition. The P&Z didn't further define the word "significant." In my experience it is impossible to write an ordinance so specific that it covers all and every situation. We elect and appoint officials to make decisions for us as citizens. We need to leave them some latitude in making decisions, and this was what was decided by the P&Z when they added the word "significant" to the ordinance.

For example, what's going to happen when an application for a PUD of 400 acres with 200 acres of open space comes in for processing? Will the large lots in the open space be 40- or 80- or 100-acre lots? The P&Z will have to look at the topography, location and other issues to define open space and how many large lots should be allowed. I feel confident in leaving these types of decisions to the P&Z and County Commissioners. That's where you get the best law and decisions. As the P&Z works through various subdivision applications over the next few years, I am confident that what constitutes a significant tract of open space and how large lots in open space should be administered will be worked out.

## As you know, it was VARD's idea to allow open space to be sold as a private lot. P&Z chose to expand the idea to multiple lots. Will allowing multiple private open-space lots detract from the intent of the ordinance?

From the beginning, the "large lot in open space concept" was discussed as one or more lots depending on the size of the open space as I stated above. I don't think it will detract from the intent of the ordinance because what we've done with this density based ordinance is try to put development on the land that makes sense with the lay and condition of the land in the development and surround areas.

## VARD has felt the densities in the ordinance are too high and would undermine the underlying intent of the ordinance and comp plan. Why do you think it is important to have these densities?

Just as it is probably not wise to have one house on every 2.5 acres, it is equally unwise to have one house on every 40 acres. The densities had to be made so they could entice people to develop as a density base PUD as opposed to standard Ag-2.5 zoning district development. You can argue that in the rural reserve the density could be lowered to 30 units per 100 acres instead of 40 currently allowed and that would still be more than you would have with the current underlying Ag-20 zoning district of 20 units on 100 acres. At this point, I am not sure it is as large an issue as it is portrayed; however, time will tell as development continues to occur. Good law is not made in one sitting. Good law is made in two or three sittings, and that is the way this process works. You need to give some of these ordinances time to mature.

In 1992 and 1993, the Planning commission and the committees that worked on the comp plan, the first one for this county, thought they had struck the silver bullet with the 2.5 rural residential and small agricultural zoning district and the A-20 Large Increment Agricultural zoning district. Guess what we found

out? It took ten years to find out that the A-2.5 zoning district really wasn't the best idea for the county. As I have said before, let's give the current comprehensive plan and the newly amended ordinances some time to mature before we rush to make changes that are for the most part based on supposition.

## Because the densities specified in the ordinance allow for a much larger build-out than projected population growth, are you concerned this will lead to partially built-out subdivisions throughout the county?

In the planning process, which I've been around for a long time, I will tell you there is one figure that every planner with any smarts never ever relies on—and that is a build-out or a population-growth projection. I've never seen one be right yet. The projections made during the public hearings are just that—projections. They also had a flaw in that they were devoid of the economic realities with regard to the county. I think that is one of the things we have to let play out because that is extremely difficult to quantify. Who really knows what the economy is going to do? It will surely affect growth; it always has.

Jeff [Carter] and I have a different view with regard to the value of a large lot versus a small lot. He claims that a larger lot will sell for more than small multiple lots on the same piece of property. We may both be right: he'll be right if he can determine the context and the circumstance, and I'll be right if I can determine the context and the circumstance. It's a very difficult thing.

The one thing I am convinced of is that most people are not going to move to Teton Valley to live in or around the cities. Most of us who are here, came here to live in the country where there is some breathing room. We must be careful how we protect the county and at the same time let it develop. I think the new comprehensive plan and amended ordinances are guiding us in the right direction, just as the first comprehensive plan and past ordinances did what they were designed to do. Things changed so new documents were needed, and they have been provided. They will need to be tweaked, but basically they are sound documents. The people who worked on the comprehensive plan and amended ordinances are to be congratulated.

## The recent Cost of Services Study showed that for every house built in Teton County, it costs more to provide the services than is received in taxes. Are you concerned that allowing such densities in the rural reserve areas will exacerbate this financial strain on services?

The financial strain on services is basically created by a context that happened 15-20 years ago. The county commissioners, as growth began, started to reduce the property tax on the existing residents because the new growth money actually gave them more money to spend. Then came the 3% cap. We have had excess growth every year I've been here, in excess of what the cap will allow. We get the bump up for one year, and then the next year the whole property tax structure gets reduced because the mill levy drops. So our tax revenues are limited as the law intended. This probably needs to be changed for this county, but that is far above my pay grade and the county commissioners' pay grade. It is a problem that can only be solved at the state legislature.

I do disagree with the cost of services study. It is a traditional study that is done by people who adhere to the view that developers don't pay their way. I'm in the other camp. We make developers pay their way to the extent the law requires. When development is completed, it goes onto the tax rolls at the same rate as all the rest of us. If the rest of us are not paying enough taxes, it is not right to say to the developer, "Well, you're the new guy on the block; you've got to pay more," just because he came later.

As far as services for this county goes, the school tax (which is property tax) is controlled by the Board of Education. The Fire District has its own tax. The cemeteries have their own taxes. All the people who come here to buy a lot and build a house are subject to all of those taxes. If those taxes are too low to meet our needs or our expectations, then we need to raise our taxes. That being said, I don't think if you put the initiative on the ballot today to raise taxes in any form it would pass. That is the conundrum we are in. **VARD**



photo by Kestrel Aerials Services, Inc.

Teton County's comprehensive plan maintains, "It is vital to Teton County's economic well-being to preserve open space."

## Can A Good Ordinance Be Made Even Better?

### *VARD's perspective from Sandy Mason, Assistant Program Director*

As stated throughout our new comprehensive plan, "It is vital to Teton County's economic well-being to preserve open space." The idea of density-based zoning was first introduced by VARD to the Planning & Zoning commission while they were working on the comprehensive plan. Density-based zoning allows a denser amount of homes on a portion of a parcel of land, while the rest of the land in the parcel is kept as open space. No doubt this is a better use of land than the cookie-cutter 2.5-acre zoning that has previously swept Teton County, which most agree has been a failure. However, there are some issues that need to be addressed with the new ordinance before it is truly in step with the goals and policies of the comprehensive plan.

#### **The challenge of defining "open space"**

As described in the ordinance, the amount of open space required varies from 20-50% depending on the zone. Since the new zoning has been implemented, four new PUDs have come before the county. These applications have served to illustrate some of the ways the new ordinance can be interpreted and applied. The main issue at the center of discussion is the open space, which is described in the ordinance as follows: "Open space are significant tracts of land not under residential, commercial or industrial use. It may include productive uses including agriculture or low-impact recreational amenities such as greenbelt areas, pathways, ball fields and golf courses. Or it may include sensitive environmental areas such as wetlands, riparian areas, flood plains, steep hillsides and wildlife corridors. Streets, parking areas, structures for habitation and the like shall not be included. Lawns, yards, gardens or similar outdoor features associated with homes, condominiums, apartments or business can only be included if such features are held or managed in common by all project residents."

One problem is the uncertainty of what defines "significant tracts of land." The word "significant" could mean a small piece of land that is important or noteworthy because of some unique feature it possesses, such as a wetland area. More commonly it would refer to a large, sizeable or substantial piece of land. It seems that in the intent of the ordinance, especially in reference to the rural reserve areas of the county, the latter definition holds more weight.

By way of illustration, if a plan of 100 acres was presented on a homogenous landscape and showed several open-space areas of three acres which were not unique in any way, are those considered significant tracts of land? I would argue they are not because these piece-meal parcels do not contribute to the sense of an expansive, rural landscape—especially if the three-acre pieces are blocked in by several houses.

In another scenario, a person who wants to live in a rural area buys a piece of ground in an Ag-20 county zone. When his neighbor develops the adjacent 500 acres, he is now located next to 100 homes. The open space required is fractured throughout the development, so the original homeowner views very little open space from his property. Ideally, open space should benefit neighbors and the community as a whole, not merely the residents of the PUD.

#### **The importance of contiguous open space**

VARD introduced the idea of allowing required open space to be sold as one large lot in order to keep the open space contiguous. However, the ordinance allows for **one or more** privately held lots to fulfill the open-space requirement:

"Open space may be platted as one or more large privately held lots with specified building envelopes. County officials must be satisfied that the preservation of open space is viable and the entity to which the open space is deeded is a sound, independent and legitimate organization whose primary purpose is to protect and maintain open space."

At what point do these privately held lots compromise the intent of the ordinance? If these lots belong to several different owners, are not contiguous and are fenced, is it really viable open space? Keep in mind that this ordinance came about to maintain the rural character of the valley as more and more farms go out of production. Rural character is now driving our economy. It seems unlikely that resulting development would serve to maintain the rural character envisioned by the comprehensive plan. There are many ways to use open space in a development that are pleasing to the eye and constitute "good landscaping," but does open space divided into many parcels, no matter how pleasing, fulfill the vision of creating a pastoral or rural sense?

#### **Current densities too high in the long term?**

Another major concern with the new ordinance is not its concept, but the densities allowed in the various zones. My main concern is the rural reserve area. The densities allowed there may actually undermine its rural attributes.

For example, take 1000 acres with 50% required open space and a density of 40 units per 100 acres (on the low end of the allowed density). This leaves 200 homes on the remaining 500 acres. Even with 500 acres of open space (not divided up into multiple pieces), this constitutes a small village. Not only will such density change our rural character, it will hit us in the pocketbook. To support these dense far-flung subdivisions around the county, an enormous strain will be put on our county budget. It costs significantly more to run services such as school buses, emergency services and utilities to multiple communities miles from the cities. It has been shown that rural residential development costs the county \$1.25 for every dollar it generates in tax revenue. No one is saying that development should or could be stopped, but we can be attentive to the fact that certain densities are detrimental to our wellbeing.

Densities allowed are unlikely to ever be built-out in our lifetime. However, they determine what development will cost now and look like in the future. A study done by Montana State University estimated a total population of 15,000-20,000 residents in our valley over the next 15 years. The new densities in our ordinance allow for a build-out of approximately 100,000 homes countywide. The effect is to mislead developers into developing at these higher densities with many partially built-out subdivisions spread throughout the county, costing the county a significant amount of money to provide services—a scenario we already see in Teton Valley. By allowing such dense pockets to be spread throughout the county, the effect is as if there was no zoning to begin with and our rural sense of community is lost.

There are many good things about density-based zoning. The new ordinance is a vast improvement over the old one that allowed 2.5-acre cookie-cutter lots spread throughout the valley. We need to finetune the new ordinance so that it truly reflects the vision of the comprehensive plan and gives county government a fighting chance to keep its head above water financially. **VARD**

## Bill Collins weighs in

For another perspective, VARD asked Bill Collins of Collins Planning Associates to review the ordinance several months before it was passed. The following is an excerpt from his comments on density and open-space issues.

Mr. Collins has a master's degree in Urban Planning, is certified by the American Institute of Certified Planners, and has 26-years experience in local community planning. For a complete copy of his review, please contact the VARD office.

#### **Two general comments on the proposed ordinance amendments:**

1. Communities very much develop in accordance with their zoning ordinances. It is a slow-moving process in which changes occur too slowly to provoke urgency. But make no mistake, the zoning ordinance is a blueprint for development and the community will slowly but steadily develop according to the ordinance.
2. We regularly underestimate the long-term consequences of our decisions, especially when changes occur slowly. For example, the pattern of development allowed in a zoning ordinance can have a huge impact on the cost of delivering governmental services and building public facilities. This relationship is not often recognized however, as development occurs slowly and the cost of government rises slowly. The relationship between the development pattern of a community and the cost of providing governmental services to the community should not be overlooked.

#### **Comments specific to the PUD ordinance:**

1. A landowner does not know how much development can occur on the land next to his/her home or farm. How will this affect land value becomes a question.
2. Blanketing a large portion of the county with an ordinance that allows significant residential density with very limited restrictions will affect the values of everyone's land across the county. It is difficult, however, to project how the values will be affected.
3. Opening up large areas of the county for density bonuses creates uncertainty for the county government and the community.

#### **Comments on population projections and the density allowed:**

The density allowed by the PUD and the amendments thereto is unnecessary. Including the land area newly opened up by the proposed amendments, the amount of residential development allowed by the PUD will accommodate the projected growth of the county for well over 100 years. For example, by adding up the proposed densities for the urban service, urban reserve, and the rural reserve areas using the median allowed density, the county would be zoned for a population of 192,943. The cost to the county would be a loss of \$1,131,044 per year. Even using the worst-case scenario, a Montana State study of Teton County estimated that the county population by the year 2025 would be in the neighborhood of 35,000. In general:

1. There is no reason to adopt a zoning ordinance that provides for this much residential development.
2. In fact, creating this oversupply of zoning density will lead to subdivisions scattered across the county. Not able to project the location of future development removes any ability to plan for commercial land uses, public facilities and the delivery of governmental services.
3. This over-supply of zoning density likely will lower land values and makes it impossible to project the location of future development.

**VARD**



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## Viewpoint: Construction of County Jail important for Safety, Financial Stability

by Marcia Saunders

Many of you might question why I support placing a jail in our county, a county that hosts one of the most spectacular vistas in the lower 48—the Teton Mountain range. My reasons are very simple: security for my home and family and financial security for my county. As much as we hate to see it, the crime rate in the valley is increasing rapidly and law-abiding citizens of Teton Valley must take a stand. Building a jail might not be a choice that is popular today, but it is one that future citizens will applaud.

I am a member of the Citizen's Jail Committee, which was appointed by the Teton County Commissioners and Sheriff's Department to study the issue. The committee has studied the county jail question for over a year and reviewed the questions and concerns raised by citizens since 2001. We have reached conclusions that will allow us to overcome the problems associated with not having our own jail facility.

We cannot continue to throw away our taxpayers money by transporting inmates to adjoining counties. Not only do we have to consider transportation cost and the rent we pay per day per inmate, we must also take into consideration the price we, the citizens of Teton County, are paying by removing our officers from the roads of Teton County to provide the transportation for these inmates. Another way in which the current situation compromises our safety is that the cost and inconvenience of transporting offenders serves as a disincentive for police officers to arrest offenders.

At present we are spending in excess of \$200,000 per year to house our inmates out of county. This amount increased as of October 1, 2005, when adjoining counties increased their rate for out-of-county housing by 12.5% per day per inmate. Please let me remind you that this price is no guarantee that adjoining counties will have space for our inmates. We are also expending in excess of \$20,000 per year in leasing inadequate space for our Sheriff's Department. Let us now take a positive step forward for ourselves and for our community by spending this money in a manner that will benefit our county. Building a jail and new space for our Sheriff's Department would allow us to establish equity in a building and ensure a place for our inmates.

One way to help finance the new building would be to build large enough to be able to accept inmates from the state of Idaho. A federal judge recently ordered Idaho to reduce its inmate population by 200 because of overcrowding. The state of Idaho is looking to house these inmates out of state, but if we had a jail we could contract with the state for their inmate overflow and we would be the recipients of \$45 per day per inmate. When these inmates are released, they will be returned to the state for orientation and release—not released onto the streets of Teton County. This would allow us to build a facility that would help with the funding of a jail for today and would allow us to have the room we will need in the future.

We need to seriously consider financing the building through a lease/purchase arrangement. After 30 years, the building would become the sole property of Teton County and the county would not incur a penalty if they were able to pay the lease off early. This method of financing combined with a Local Option Sales Tax would ease the financial strain on the citizens of Teton County. This form of taxation would allow the county to submit to voters an additional .5% to the current state sales tax. Voters must approve such tax by a two-thirds majority vote. The tax would be for 10 years only and after paying expenses of collection, half the money would go to a jail construction fund and half the money would go directly to property-tax relief. The way the property-tax relief would work is that once the budget is set pursuant to existing laws and regulations, an amount equal to what is in the property-tax relief fund would be deducted from the amount that would otherwise have been collected from property taxes.

It has been estimated that the Local Options Sales Tax would raise at least \$100,000 per year to benefit Teton County law enforcement. If we do not pass the Local Option Sales Tax, there will be no property tax relief and no jail fund. One of our only other options would be to spend years trying to pass a bond issue. This would only increase our cost and our indebtedness tremendously.

It is important that we address this problem as soon as possible because the longer we wait, the more expensive it

becomes. If we had started construction of a jail in 2001, it would have cost approximately \$2 million. Today, in 2005, we are facing a pricetag of approximately \$4 million. Contractors have informed us that every year we delay, we will increase our construction costs by at least 6% per year. Can we afford to delay? I do not think we can.

I urge you, the citizens of Teton County, to support the Sheriff's Department. This decision will deeply impact the future of our community. We can either face our responsibilities today or face them tomorrow when our costs have escalated. It is your decision!!

To voice your opinion in this matter I have included the names, phone numbers, and addresses of the Teton County Commissioners and the Teton Valley News. Our committee is unable to wage this battle alone. Your immediate phone calls and letters will benefit our county greatly. This is not a matter that can wait.

COMMISSIONERS  
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