



Valley Advocates for Responsible Development

August 4, 2009

Teton County Planning & Zoning Commission
89 North Main Street
Driggs, Idaho 83422

RE: Blackfoot Farms conditional use permit application to re-open the gravel pit at 400N.

Dear Commission Members:

Before you is the decision whether to recommend approval of a conditional use permit (CUP) to re-open the Peacock gravel pit that was purchased by Blackfoot Farms back in June of 2008. At the time of Blackfoot's purchase, this gravel pit was on its way out. Having not been used as a gravel pit since 2000, it had grown over with trees and native vegetation, and the neighborhood was becoming increasingly residential.¹ A reclamation plan had been approved by the Idaho Department of Lands back in 2006. As you may recall, Teton County auctioned this parcel to Blackfoot Farms in order to raise funds for the new county courthouse being built in cooperation with Huntsmans Springs. The 2006 county pre-auction appraisal for this parcel stated that its highest and best use was for a residential home site.² The County's notice of auction for this parcel expressly warranted that:

“All seven parcels listed above are being sold “AS IS” with the County making no representations as to the condition, suitability, or allowed uses.”³

It is important to keep these salient facts in mind when considering the potential for re-opening this gravel pit.

¹ See Attachment A: Photo of the parcel purchased by Blackfoot Farms. Taken August 4, 2009.

² See Attachment B: *Summary Appraisal Report*, Conducted for the Teton County Board of County Commissioners by Kelly Real Estate Appraisers Inc, September 28, 2006. This was the analysis of Parcel #2, the Peacock pit tract owned by Teton County.

³ See Attachment C: Official Notice of Public Auction for the April 17, 2008 auction sale of the Peacock pit tract owned by Teton County.





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State and County requirements for granting a CUP.

County ordinances mandate that the location of the CUP shall be compatible with other uses in the general neighborhood. (T.C.C. 8-6-1-B-7-a) Both state law and county ordinances provide that issuance of a CUP is entirely discretionary, but must be predicated on a finding by this commission the CUP will not be a drain on essential services in the vicinity. (I.C. §67-6512(a) and T.C.C. 8-6-1-B-7-b) Both state law and county ordinances require the proposed use not conflict with the 2004-2010 Comprehensive Plan. (T.C.C. 8-6-1-B-7-d and I.C. § 67-6512(a))

This is a neighborhood where gravel pits are on their way out, and houses are on their way in.

There is currently an active state-run gravel pit abutting this parcel on the East side, but the remaining life-span of this pit is unknown. However, recent activity at the state pit has been intense. Every day, the impacts from this pit ripple throughout the neighborhood, as noisy trucks rumble down 400N, stirring up intense dust with every trip they make. In recent years, the state pit has acquired many residential neighbors too: Chilly Waters to the South, Elkridge to the East, Stillwater Ranch to the North, and Carrington Crossing (a pending application) to the North. Most importantly, the state pit shares 400N with the residents of Chilly Waters, Valley View Subdivision, and Four Peaks Estates. During these last nine (9) years, the Peacock pit has been inactive, and has grown over to a point where it lacks the industrial look and feel of a gravel pit.

The impacts of the state pit already negatively affect the neighborhood, but someday this pit will no longer exist. (And at the rate the state pit is being mined, that might happen very soon.) The Peacock pit has been inactive for so long, residences have sprung up all around it. This is a neighborhood where gravel pits are on their way out, and houses are on their way in.

In addition, to grant a CUP for a gravel pit in this residential location conflicts with the following provisions of the Comprehensive Plan:





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- Implementation 2: Encourage the development of small, light industrial activities in appropriate locations that do not have negative impacts on the environment and the health and welfare of residents. (Page 28)
- Policy 2: It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. (Page 30)
- Implementation 17: As the county continues to grow, additional industrial uses shall be buffered with uses that protect surrounding landowners. (Page 33)

Policy 4: Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands. (Page 35)

Necessary mitigations required from the applicant.

If this commission recommends approval of this CUP, the surrounding community deserves (1) a clear and comprehensive plan for how the applicant will mitigate road impacts to 400N, and (2) the applicant must assume sole responsibility over the reclamation plan for this land once it is all mined out.

Thank you for hearing my concerns, and keep up the good work.

Anna Trentadue

WARD Program / Staff Attorney

