



# Valley Advocates for Responsible Development

## Election Day Approaches | Exercise Your Democratic Rights!

This edition of VARD's newsletter reflects one aspect of VARD's mission, which is to be a resource to the community regarding land use and development issues. Since elections put in place the decision-makers who treat land-use issues, we have tried to provide information that will be helpful to voters in terms of voting logistics, issues and an opportunity to hear from the candidates.

As Idahoans, these next few months may see our mailboxes and commercial breaks filled with political ads for this November's election. Locally, there are two county commissioner seats, county clerk, sheriff, treasurer, assessor, coroner and district court judges up for election. These may seem like banal positions that don't affect you, but indeed they affect your everyday life in Teton Valley (*Why your vote counts in the County Commissioner Race* by Amanda De Rito, pg 2). Additionally, there are a number of important measures including Proposition 2 (*Proposition 2? No!* by Ian Tuttle, pg 4) on the ballot.

I think it is easy for us to vote for candidates we relate to because we assume they share our same values. Unfortunately, I don't think that is always the case. As we cast our votes this fall, I encourage you to understand the issues and opinions that our candidates are campaigning on. There are, and will continue to be, a number of

pressing issues facing Teton County in the next five years. The commissioners in particular deal with issues as complex as your taxes, economic growth and quality of life. Take the time to ask the hard questions and vote for the best candidate for your concerns.

I feel very fortunate to take on this task of executive director with such an amazing group of people to work with and for. Amanda De Rito and Ian Tuttle, both of whom bring an incredible passion for community advocacy, have filled VARD's two newest positions. Sandy Mason and Kim Billimoria have both moved into positions of greater responsibility and the office is starting to hum again as a well-oiled machine, while we all still try to maintain a balance of family, community and profession. Additionally, the Board of Directors continues to grow and diversify with the addition of Dan Powers. Dan brings a wealth of experience in building and planning and knowledge of land use in Teton County and beyond.

As I embark on this new position at VARD I find myself wondering if I will ever be able to fill Jeff Carter's (former VARD Executive Director) shoes or match his inextinguishable ability to give back to the community. However, I do know that I could not be more committed to Teton Valley. This special place is central

to my family and who we are. A number of significant events in our lives have taken place here. This is where my husband, Rich, and I met, got married, bought a house and bought a business. This is where our son Leo was born. But living here does come with costs—we live far from our families, earn less than we could and wonder if we will be able to afford to continue to live here. We also question how the rapid growth in the valley will affect the sense of community, the unique natural beauty and other qualities that we have almost come to take for granted. Rich and I question what our place will be in the community as it changes. I know that these concerns are shared by many others who call this valley home. We may be coming to these questions from different backgrounds and perspectives but I hope in the coming years we can bridge the divide in this fast changing community so we are able to maintain and preserve what makes Teton Valley so special. That is my hope and goal as I take on this role of leadership at VARD.

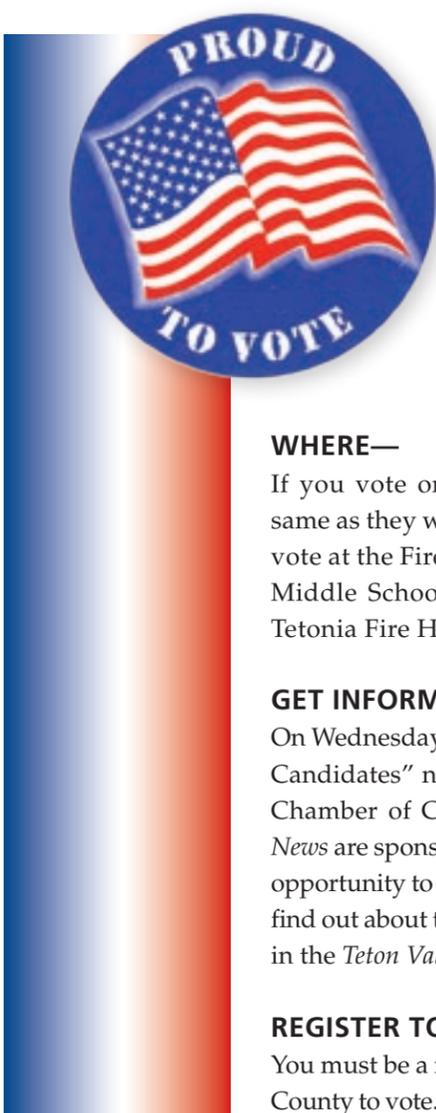
I hope you enjoy the important information in this special newsletter and please feel free to contact me with any comments, questions and concerns.

—Kathy Rinaldi, Executive Director



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## VOTE in the Teton County general elections—IT'S EASY!

### WHEN—

Tuesday, November 7, 8am-8pm or vote using an absentee ballot. Anyone can vote absentee for any reason. Absentee voter information is provided below.

### WHERE—

If you vote on election day, the locations are the same as they were for the primaries: Victor residents vote at the Fire Station, Driggs residents vote at the Middle School, and Teton residents vote at the Teton Fire Hall.

### GET INFORMED—

On Wednesday, October 18, there will be a "Meet The Candidates" night at the high school in Driggs. The Chamber of Commerce, Q102 and the *Teton Valley News* are sponsoring the event. This will be the perfect opportunity to get acquainted with the candidates and find out about their platforms. Details will be available in the *Teton Valley News* in the coming weeks.

### REGISTER TO VOTE—

You must be a resident of the state of Idaho and Teton County to vote. You can prove your residency by show-

ing an Idaho driver's license or ID, or any utility bill or lease showing your name and local address, and a picture ID. If you are renting but the bills aren't in your name, then get on the lease. If you have any questions about your residency, call the Teton County Clerk.

Pre-register to vote by October 13 at the clerk's office in the Teton County courthouse in Driggs. Between October 13 and November 7 you can register in the courthouse, but you must vote at the same time. You can also register to vote on Election Day at the polls.

### ABSENTEE BALLOTS—

Apply to vote absentee either in person or in writing at any time. Absentee voting at the courthouse will be available starting mid to late September. Call the Teton County Clerk for specific dates. In writing, send a request to the county clerk with your name, address and signature (your signature is required). Mail-in requests must be received by November 1. Send your request to Teton County Elections, 89 N Main #1, Driggs, ID 83422.

- Teton County Clerk office: 208-354-2905
- For forms and voting information go to: [www.idahovotes.gov](http://www.idahovotes.gov)



VARD, PO Box 1164, Driggs, ID 83422

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Valley Advocates for Responsible Development

MISSION: To advocate for the private, public and civic actions that will result in the responsible development and sustainable use of natural resources (water, land, wildlife and air) in Teton Valley.

Office Hours—  
MWF 9:00am-3:00pm  
TR 10:00am-3:00pm

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Kathy Spitzer  
Dave Work

VARD is a membership-based organization that relies on donations to continue to fulfill its mission. If you found this newsletter informative and think VARD's work is important and making a difference in the valley, please consider joining us in this effort. A membership form is located on the back page.

# WHY YOUR VOTE COUNTS in the Teton County Commissioner Race

by Amanda De Rito

On November 7, two of the three Teton County Board of County Commissioner seats are up for election. After several years of hard work, both Commissioners Jay Calderwood and Roger Hoopes are vacating their seats. Exactly who will replace them is up to you. There are 4392 registered voters in Teton County of whom 3580 voted in the last general election. That means you have a substantial chance of casting the vote that decides who will be our new County Commissioners.

## How does a county commissioner affect my life, anyway?

The county commissioners hold power over many aspects of your everyday experience in Teton County. They have a say in everything from billboards to taxes to water quality and traffic. They appoint the planning and zoning commission, oversee the budget, oversee property tax adjustments, represent the county at various state-level organizations and can initiate new policies and committees. The county commissioners have a working knowledge of all that is going on in the valley and the ability to use that knowledge to anticipate future problems and opportunities for the county.

Idaho's Local Land Use Planning Act authorizes counties and cities to manage growth in order to promote the health, safety and general welfare of the people. Our county commissioners exercise this power by, among other things, approving or denying new subdivisions, zone change applications and conditional use permits.

As they exercise these powers, the Board of County Commissioners must balance the diverse goals of the county comprehensive plan. The comprehensive plan reflects our community's desire to protect open space, provide infrastructure and services, encourage economic growth and job creation, minimize air and water pollution, promote the vitality and viability of our downtowns, support the creation of a range of housing options, conserve plant, fish and wildlife habitats and promote the preservation of our county's historic sites and buildings.

These goals sometimes appear at odds with each other and the Board of County Commissioners ultimately has the power to weigh those competing values and to shape our communities as we face rapid growth. This lesson was revealed by the outcome of a recent court case involving a subdivision in Teton County. The court specifically stated that the Board of County Commissioners enjoys wide discretion in their interpretation of Teton County ordinances.

VARD has long argued that our county regulations are just one side of the equation. Zoning and subdivision regulations lay out what is "allowable," but the law gives the commissioners discretion to deem, in many circumstances, what is "appropriate" while keeping in mind the health, safety and welfare of its citizens. Good decision-makers will take that discretion seriously and will weigh the specifics of each decision, instead of merely passing any application that meets the minimum requirements. For example, our county subdivision ordinances provide for density-based planned unit developments that include land dedicated to open space. The ordinances provide a great deal of leeway in determining this density and open space design. It is up to our county commissioners to decide what is appropriate for each subdivision, given its particular location and circumstances.

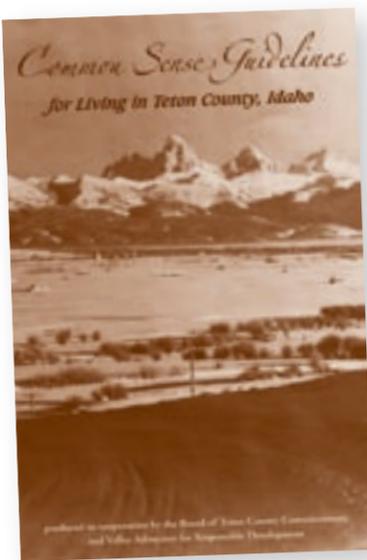
As more land in our county becomes developed, these decisions will affect each one of us more and more. The next subdivision or zone change application might come from your neighbor. Each one of us, even if we live within the city limits, is dependent on the county to ensure clean water and air, adequate infrastructure, safe roads, and quality emergency services.

**Who gets elected in November will affect your life—and will make a difference in how our community is developed. Vote on November 7!**

VARD

## VARD: Resource for Local Government

Two recent projects highlight Valley Advocates for Responsible Development's ongoing mission to be a resource for local government on responsible development. VARD collaborated with Teton County to publish a practical guide for newcomers to Teton Valley. Common Sense Guidelines for Living in Teton County, Idaho is distributed free of charge by area realtors, at the county courthouse and through the Teton Valley Chamber of Commerce. In another collaborative effort, VARD teamed with the cities of Driggs and Victor to gain a \$45,000 grant from the Environmental Protection Agency to assist local planners in achieving smart growth.



### Common Sense Guidelines for Living in Teton County, Idaho

Some people relocating to Teton Valley, particularly those moving from urban and suburban locales, are unaware of how life in Teton County's rural areas can differ from life in the more developed areas they are accustomed to. For example, not all county roads receive the same level of maintenance and school buses can't gain access to every home in the valley. Certain misunderstandings repeatedly crop up, prompting the Board of County

Commissioners to express a desire to inform newcomers directly about some basic issues to consider when buying property in rural parts of the county. Valley Advocates for Responsible Development offered to help put together a booklet to do this.

VARD's Kim Billimoria researched and compiled the content of the booklet, which was originally based on a similar guide: Larimer County, Colorado's *Code of the West*, named for the ethic of self-reliance of the West's early settlers. Kim and the Board of County Commissioners worked together to draft and finalize the booklet's content. The guide's layout was designed by Karen Russell of Fall Line Design in Driggs.

*Common Sense Guidelines for Living in Teton County, Idaho* was published at the end of August 2006. Copies are available at the county courthouse, Teton Valley Chamber of Commerce and the VARD office. Any feedback or ideas of what to include in future editions is welcome.



photo by Ian Tuttle

Increased truck traffic in downtown Driggs is a symptom of booming development and construction, but local business owners worry about the impact of noise and traffic on walk-in business.

### EPA Technical Assistance Grant

In fast-growing small communities like ours, one of the barriers to responsible growth is the lack of time, expertise and funding for our local planners to thoroughly address some of the most pressing issues facing the community. In collaboration with the cities of Driggs and Victor, VARD was awarded a \$45,000 technical assistance grant from the Environmental Protection Agency for smart growth implementation.

A team of renowned planners, transportation specialists, economists and designers will be in Driggs and Victor the week of October 23-27 to work with the cities on creating a development atmosphere that supports compact mixed-use development in keeping with the comprehensive plans in the respective downtowns and transition areas. The team will also work with the city of Victor on a design vision for their downtown. This grant is one of four awarded throughout the country.

VARD

# MEET THE TETON COUNTY COMMISSIONER CANDIDATES: Four Candidates Vie for Two Board Seats on November 7

VARD asked each of the candidates running for county commissioner to answer the same two questions. Although the candidates are running for either the Victor district seat or the Teton district seat, you vote for a candidate for each seat no matter where you live in the county and what district you vote in.

## VICTOR DISTRICT COUNTY COMMISSIONER CANDIDATES



**ALICE STEVENSON**  
Democrat

**What will you bring to the Board of County Commissioners?**  
I would bring time, energy and dedication. During 27 years of teaching I developed excellent organizational and management skills. For several years, I was coordinator for the Title I Reading Program in Jackson, which gave me experience working with budgets, writing grants and collaborating with teams of teachers. To better understand the issues facing our county, I've been attending the county commissioner meetings and researching various county issues. I work hard and I don't do things halfway. I listen and am fair to all parties, and I have no set agenda.

**How should the county deal with rapid growth?**  
Foremost, we should be careful not to feel pressured into making decisions too fast or rubber stamping subdivision applications. We need to update our county ordinances so that they align with our comprehensive plan, which is our collective vision. We must produce a capital improvement plan so that we can make long-range plans for county infrastructure and services. Then we can consider new sources of revenue so that development pays its fair share rather than putting all the burden on current residents. We also need to create a map showing current and projected land uses throughout the county.

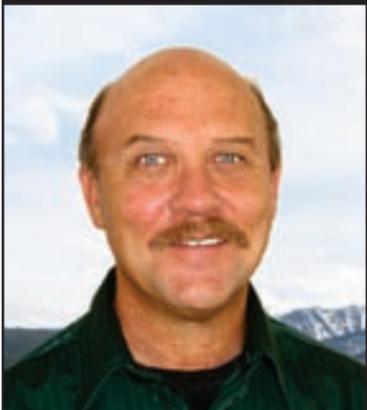
**RYAN KEARSLEY** (no photo available)  
Republican

**What will you bring to the Board of County Commissioners?**  
A. Some one who cares for the valley and its residents.  
B. A listening ear.  
C. A willingness to follow the county guidelines and ordinances.  
D. Willingness to help change an ordinance if something is better.  
E. A life of service, community, church and the boy scout program.  
F. A husband and father who is aware of the challenges of daily life.  
G. A prior director of community organizations.  
H. A desire to be fair with everyone, even though his or her wishes are different.  
I. A desire to keep our liberties and ways of life.

**How should the county deal with rapid growth?**  
A. Following the existing ordinances without deviation until the ordinance is changed for something better.  
B. Consider and reconsider proposals where developers are willing to give us something for nothing. Everything has a price.  
C. Be aware of other communities like ours and learn from their challenges.  
D. The county needs more rounded community involvement.

On Wednesday, October 18, there will be a "Meet The Candidates" night at the high school in Driggs. The Chamber of Commerce, Q102 and the Teton Valley News are sponsoring the event. This will be the perfect opportunity to get acquainted with the candidates and find out what their platforms are.

## TETONIA DISTRICT COUNTY COMMISSIONER CANDIDATES



**LARRY YOUNG**  
Democrat

**What will you bring to the Board of County Commissioners?**  
For 25 years, I've made my living exclusively in the local economy, so I will bring comprehensive knowledge and understanding of the land and the people. I've been following local planning issues closely for 20 years, and I've served on the County P&Z since 1999 (now the most senior member of the commission) so I will bring a wealth of planning knowledge to the Board at a crucial time. My record on P&Z shows that I apply common sense, knowledge of the law, and impartiality in the decision-making process.

**How should the county deal with rapid growth?**  
Our most urgent need is long-term fiscal planning. We currently have no clear picture of future infrastructure and service needs and how we'll pay for them. We need to monitor the effects of the up-zoning implemented by the last plan on development patterns and the sustainability of our "hot" real-estate market. It's time to start designing the process for our next comprehensive plan. The current plan, which took three years to write, is only in effect through 2010. The goal for the next comprehensive plan process should be a plan that reflects a true consensus between competing interests.



**RAY BRECKENRIDGE**  
Republican

**What will you bring to the Board of County Commissioners?**  
Growing up on a cattle ranch we didn't always have the right tool, or the new part, to repair what was broken. Inspired by the need to discover, invent or modify existing parts or plans has led me to develop what I call "Farm Boy Ingenuity." My family has been active members of this community since the early 1880s. The spirit of this community is just as strong now as it has ever been. That, coupled with my desire to preserve this valley's heart and soul, I think I can lead this valley through perilous times ahead of us.

**How should the county deal with rapid growth?**  
Throughout my education, as a medical professional and the school of hard knocks, I have discovered that much information is needed sometimes before a logical diagnosis and plan of treatment can be implemented. The boundaries and monikers that divide us as citizens and friends must be abolished. Like a runaway horse we must prevent our valley from crashing into barbed wire and bog holes. This can only be accomplished by involving every citizen of Teton Valley and joining together in a concerted effort to maintain our country lifestyle.

## PROPOSITION 2? NO!

### Proposed Measure Would Wreak Chaos and Waste on Local Government

by Ian Tuttle

#### What is Proposition 2?

Proposition 2 is an initiative to amend and add sections to the Idaho State Code regarding eminent domain and land-use regulation. It is being “sold” to the public as a defense against eminent domain abuse, but the state of Idaho has already addressed that issue with the Idaho Regulatory Takings Act (67-8003).

Let’s look at what Proposition 2 really says:

“If an owner’s ability to use, possess, sell, or divide private real property is limited or prohibited by the enactment or enforcement of any land use law... in a manner that reduces the fair market value of the property, the owner shall be entitled to just compensation, and shall not be required to first submit a land use application to remove, modify, vary, or otherwise alter the application of the land use law as a prerequisite to demanding or receiving just compensation...”

Proposition 2  
section 4, article 5

It seems harmless enough, in fact, it may even sound good: “...the owner shall be entitled to just compensation.” But think now about your house and your property. Maybe you live in town, maybe you live in the foothills, maybe you live along a stream. You probably chose to live where you do because you liked the qualities of the area around your home. As our county grows, more zoning and land-use issues crop up every day. Thanks to our city and county planning departments, your rights to a healthy and pleasant place to live—essentially your property rights and values—are protected. If you live in a residentially zoned neighborhood in town, you expect the neighborhood to remain residential. If a commercial rock-crushing operation was proposed next door, you could use our current zoning regulations to protect your property rights and your quality of life. If you live in agriculturally zoned land, you expect your surroundings of farms and fields to remain unbroken by, for instance, a five-story office building going up across the street; our current zoning laws prevent such unseemly development.

But if Proposition 2 passes, the floodgates will be opened for thousands of compensation claims aimed at city and county government. These claims will draw countless hours away from officials already pressed for time and will severely delay both private and public projects. Legitimate land-use planning attempts will be tied up in court cases indefinitely. A single water main or public street could fall under so many Prop 2 claims and litigations that it would effectively be dead. Proposition 2 compensation claims and litigation would cost Idahoans millions of tax dollars which could otherwise be spent on schools, roads, police and fire protection, and water and sewer service. We only need to look to Oregon, which passed their own version of Proposition 2 in 2004, for examples of the waste and chaos this proposition will wreak.

Do you know how it feels to be swindled? Have you ever experienced that sick regret when you realize the unintended consequences of an action you thought was right? Many folks all over Oregon feel this way since they recently voted in new legislation that they did not completely understand. Now the same danger confronts us, the citizens of Idaho, as a similar proposition is coming up for vote. Proposition 2 has made it onto the November 7 ballot through a well-funded campaign that misrepresents the actual goals of the measure. We, the voting public, make up the last line of defense.

#### Who’s behind this menacing legislation?

Perhaps the gravest danger signs are Proposition 2’s funding sources. We live in Idaho, we know Idaho. So why are political interest groups in cahoots with aggressive developers from Chicago, New York City, Las Vegas, Virginia and Texas spending so much money on a campaign that supposedly helps Idahoans? Could it be that our interests are not the same as their interests? The major sources of income supporting Proposition 2 in Idaho are \$237,000 from the “Fund for Democracy,” based in New York City, and \$100,000 from “America at its Best,” based in Fairfax, Virginia, which in turn is funded by “Americans for Limited Government,” headquartered in Chicago. The signatures required to get Prop 2 on the Idaho ballot were gathered by a firm called “Kennedy Enterprises,” based in Colorado Springs, which paid collectors \$2 per signature.

What would motivate these outsiders to spend hundreds of thousands of dollars campaigning in Idaho? Digging beyond

“I hope other states don’t do this.”

by Ray Ring

Renee Ross and her husband, Bryan, live on 32 acres near Molalla, southeast of Portland. It’s hilly, with woods and pasture, and spring-fed Teasel Creek flows through it. She also thought Measure 37 was a good idea. Now two of her neighbors have filed Measure 37 claims: one wants to build 10 houses on 60 acres, and the other wants to dig a gravel mine on 80 acres. Handcuffed by Measure 37, the Clackamas County government OK’d both claims. Ross and 46 other neighbors signed a petition asking the county to deny the mining claim. Now she’s trying to persuade the state geology agency to declare it an unsafe land use. But the state agency, she says, is “not in the habit of saying ‘no’ to anyone who wants to have a rock mine, once it’s approved at the county level.”

Renee Ross: “Our atmosphere here now is totally peaceful — the birds, the creek rambling through our property. When they start up [the gravel mine], it’ll be within 200 feet of our house. They’ll be doing blasting, and they’ll run a rock-crushing machine. They can operate from 7 a.m. to 6 p.m., Monday through Saturday. It’ll also be trucks backing up, the beep-beep-beep, all day long, because they have to back up to the gravel pile. We live in a little valley, so the sound will echo. We’re just devastated...It’s happening all over Oregon. We went to the hearing [of the county planning agency] and we had to sit through 15 or 20 [other applicants presenting Measure 37 claims], and every single one had neighbors who were in an uproar about ruining their quality of life...I hope other states don’t do this. We went from having a very strict land-use policy to having no policy. We don’t have any rights at all. It leaves us no say in the types of surroundings we live in, the undesirable businesses that can be put in right next to our property...I don’t mind if you do whatever you want on your land, as long as it doesn’t hurt someone else’s life.”

—story reprinted with permission from  
*High Country News*, Vol. 38 No. 13

Proposition 2 compensation claims and litigation would cost Idaho millions of tax dollars which could otherwise be spent on schools, roads, police and fire protection, and water and sewer service.

the pleasing names of these groups reveals close connections with huge development interests. Could it be that out-of-state developers see an opportunity to dodge the regulations that Idaho residents painstakingly put in place, all in the name of greater profits at the expense of our own quality of life?

### Unintended Consequences

So far this campaign, under varying names, has marched into seven states around the West. California, Nevada and Idaho will see this measure on their ballots this November, with Arizona, Montana and Washington close behind. It is probably not coincidental that four of these states are among the top five in the nation in terms of new homes being built—in other words, states attracting a lot of development. In Oregon, where a similar measure passed in 2004, we can find countless examples of how Proposition 2 could maim our county's ability to deal with rapid growth. (see *sidebars*) In Oregon, about 2700 Measure 37 claims have been filed so far, seeking to develop over 143,000 acres and asking for more than \$4 billion in compensation if permission is denied. The claims have ranged from a developer seeking to build 280 homes on 40 acres of pristine farmland to a power plant/pumice mine/housing development within a National Monument.

One popular argument supporting Proposition 2 is that zoning regulations infringe on your private property rights. While regulations restrict particular land uses in certain areas, they also protect our property values and rights to health and well-being. Our local land-use laws enable a great degree of flexibility for landowners to profit from their land, whether it's through approved development, zone changes or conditional use permits. Currently, county commissioners weigh the goals of landowners alongside the property rights of their neighbors. If Proposition 2 passes, there will be no opportunity for a democratic process.

While Proposition 2 claims to protect private property rights, in reality it eliminates a fair and democratic process. Your property's value is based largely on what surrounds it. With no guarantee that a rock-crusher or office tower won't be built next door, your real property value declines. Local land-use laws protect your assets and your rights. Proposition 2 does nothing of the sort.

### Further Information

Study the issue carefully and make an informed vote. The proponents of Proposition 2 are counting on Idahoans to not understand what they are voting on. Check VARD's Web site at [www.tetonvalleyadvocates.org](http://www.tetonvalleyadvocates.org) for a list of relevant links, including Proposition 2 exactly as it will appear on November's ballot, and an objective look at Oregon's measure 37 from Georgetown University, as well as other links to debates and information.

VARD

## "It's clear out of control."

by Ray Ring

Bill Rose runs Rose Agriseeds on 2100 acres in the Willamette Valley, about 20 miles south of Portland. He breeds specialty grasses for golf courses and grasses that can be watered with sea water, shipping to customers as far away as Maryland. He voted for Measure 37 because he wanted to relax regulations enough to allow modest subdivisions on hilly, unfarmable rural land. Then one of his neighbors filed a Measure 37 claim, to convert a 40-acre berry farm into lots as small as one-seventh of an acre for 280 houses. The developer wanted the Clackamas County government to waive the agricultural zoning or pay him at least \$3.6 million. The county had no choice but to approve the claim, in April. Now Rose is making a last-ditch attempt to persuade the county to limit the number of new septic tanks. He says Measure 37 claims "will destroy this valley — the best place to live and farm that I know of."

Bill Rose: "I thought that was the intent [of Measure 37] — farm ground should stay farm ground, and ground you can't farm would go to houses, in selected places. But it didn't turn out that way...The sewage, cars and people [from the 280 new houses] would be very detrimental to the livability here. I have a 40-acre lake I made, and all the drainage will come into it. I am sure my lake will be ruined...Our roads are [already] glutted, our schools are glutted, our policemen are overworked, firemen can't keep up, and we're going to have all these [new] people in here? It's crazy...The farm ground is up to \$14,000 an acre now. It's speculation [due to Measure 37] and the belief that you can subdivide...The idea [for relaxing a few regulations] is good, but it wasn't thought through, and now it's clear out of control."

—story reprinted with permission from  
*High Country News*, Vol. 38 No. 13

We went from having a very strict land-use policy to having no policy. We don't have any rights at all. It leaves us no say in the types of surroundings we live in, the undesirable businesses that can be put right next to our property.

## PROPOSITION 2 LINKS

Proposition 2 as it reads on the Idaho ballot  
[www.idsos.state.id.us/ELECT/INITS/06init08.htm](http://www.idsos.state.id.us/ELECT/INITS/06init08.htm)

Analysis and discussion of Measure 37, Oregon's version of Proposition 2  
[www.law.georgetown.edu/gelpi/takings/stateleg/Measure37.htm](http://www.law.georgetown.edu/gelpi/takings/stateleg/Measure37.htm)

*Headwaters News* article on I-154, Montana's version of Proposition 2  
[www.headwatersnews.org/letterfarling081606.html](http://www.headwatersnews.org/letterfarling081606.html)

## ZONING LAWS WORK TO PROTECT PROPERTY VALUES

### "It didn't seem to fit in."

by Ian Tuttle

Born in Idaho Falls, Ron Weston graduated from Teton High School in Driggs in 1954. Now he owns property just east of Driggs and enjoys the agricultural land that surrounds him.

In 2001 a neighbor proposed a motorcycle racetrack. The track would have been disruptive and noisy, it would have lowered his property's value, and Ron thought that "it didn't seem to fit in to the agricultural land" surrounding the

site. In 2003 another neighbor proposed construction of industrial fuel storage tanks. Again, Ron thought the use was inappropriate and would have devalued his property.

The land bordering Ron's property is zoned A-20, which, as agricultural land, allows neither motorcycle raceways nor industrial fuel storage. Thanks to existing land-use regulations, Ron and his neighbors were able to prevent construction

of the motorcycle raceway and the fuel storage tanks.

"We raised enough public uproar to get a majority vote denying the CUP [conditional use permit] for the motorcross track and the fuel storage tanks."

Ron and his neighbors were able to protect their property rights and their real estate values because our zoning laws exist. With Proposition 2 in place, such opportunities may be unavailable. VARD

There are bridges that need to be mended here in Teton County, and I want to help mend them. Regardless of our differences, we are a community and can't afford to continue to alienate each other.



## AN INTERVIEW WITH KURT HIBBERT Teton County's New Planning Administrator

Kurt Hibbert was recently hired by Teton County as the county's first full-time paid Planning Administrator. Kurt's position involves administering the county zoning and subdivision ordinances, recommending changes to ordinances in order to keep pace with the challenges of new development trends and facilitating the community's involvement in decision-making. He received his bachelor's degree from BYU in political science and his master's degree from ISU in fiscal administration and budgeting. His education didn't stop with college. Since graduating from college, he has taken many classes in land-use law and planning. Kurt's past experience includes 10 years in community and economic development, including downtown revitalization and public works projects. Kurt and his wife, Trisha, have 6 children, with two in college at BYU-ID and one who hasn't yet started kindergarten. He currently commutes to Driggs for work from Sugar City, but would like to move to Teton County in the future.

### What are the biggest challenges you face in terms of land-use planning in Teton Valley?

We have a good foundation in terms of the comprehensive plan, but we don't have a preferred land-use map to help us implement it. The preferred land-use map would reflect our overall vision for the county in an ideal world—if we could do anything, this is where our open space would be, and this is where our commercial businesses would be, and so on. Adoption of a preferred land-use map would involve a public hearing during which everyone would have the opportunity to provide input in developing the map.

Once the preferred land-use plan is adopted, it will guide the Planning and Zoning Commission and the County Commission[ers] as they review development applications. If an applicant wishes to make a land-use change that is inconsistent with the map (and the comprehensive plan), the burden of proof would be on the applicant to go back and convince the county commission to change the map. The map couldn't be changed any faster than every six months. This prevents rapid knee-jerk decisions and gives [decision-makers] time to think about changes.

### What do you bring to the planning process?

I believe in a collaborative process and that public involvement creates better decisions. I value public input and my door is open to everyone. I know I'm walking a tightrope between divergent interests and opinions in the community, and I hope I can help mend some of the old divides between different sectors of community. I want to hear everyone and make sure there is every opportunity to be involved in the process. No special-interest group should be left out.

### What do you see as Teton County's greatest assets?

The people—there is a wide spectrum of people in the valley, including many opinions and many backgrounds. These people bring a great deal of talent and entrepreneurial spirit. I like that I can get so many different kinds of food and visit different kinds of shops. It's exceptional for such a small population base.

And, of course, the natural beauty of the valley is another huge

asset. We live and work in a stunning area, and we often take it for granted because it is always here. Other people travel from all over the world to see the Tetons and other nearby areas.

### What made you want to apply for this job?

I'm still not sure—I loved my job in Rexburg, but I felt compelled to come over to Teton Valley. I don't understand the reasons for that feeling but I know it will make sense in the long term. There are bridges that need to be mended here in Teton County, and I want to help mend them. Regardless of our differences, we are a community and we can't afford to continue to alienate each other. For example, the Teton Regional Land Trust brings money in from outside our county which helps buy conservation easements and protect open space. The county could never come up with that kind of money. Open space is all over the comprehensive plan, and it is obviously a priority of the people who live here. Implementation of the comprehensive plan will require a public-private partnership in other ways as well.

### What do you think about Proposition 2?

Where do property rights come from? There are no property rights without government. Otherwise caveman Kurt could bring his club and take away anything you have. Government sets up a structure to protect property rights. Government has every right and responsibility to regulate property rights. I'm a strong advocate of property rights, but I don't like an initiative that would highjack what true property rights really are.

### What do you think the role of VARD should be in the planning process?

I don't want VARD to be the only entity advocating responsible development. Like other private groups, VARD can offer important tools in accomplishing the county's goals. The county should be asking, "What can private groups bring to the table to help us accomplish the goals of the comprehensive plan?" Partnerships and cooperation may not be extremely popular right now, but I want to work that way.

VARD



Signs of the times: before the houses, the signage indicates another subdivision in the works.

photo by Ian Tuttle



photo by Ian Tuttle

Looking toward Victor across open fields—a pastoral scene that typifies the attraction of Teton Valley.

## PUTTING THE COMPREHENSIVE PLAN TO WORK

### What it is and Where do we go from here

by Kathy Rinaldi

Since I began working for VARD over three years ago it seems that one consistent topic has been the comprehensive plan: what it is, what it does, how we got it, etc. Before working for VARD, I didn't know what a comprehensive plan was. Now, after three years, I have to admit I'm kind of tired of talking about it. But I do understand that it is something that is still a source of confusion for many.

In 1975 the state of Idaho adopted the Local Land Use Planning Act, which gave local jurisdictions the ability to create comprehensive plans, land use ordinances and establish planning and zoning commissions—the tools needed to democratically plan their communities. As Idaho continues to be one of the fastest growing states in the nation, the ability for local jurisdictions to plan for growth has never been more important.

The logic is simple: all communities change and a comprehensive plan is the community's guide to how it wants that change to occur. The salient point is that the plan is just that—a guide. To be effective, ordinances need to be enacted that reflect the vision of the plan. Similar to our Constitution and laws, our comprehensive plan needs to have corresponding ordinances that are enforceable, binding and clear.

The bottom line is this: we have a plan. We can bicker, jab and talk in circles about who was involved, what it addresses or fails to address, and what its role is in decision-making until we are all blue in the face, but frankly, that won't get us anywhere. It's time for us to look forward and work on how we can put our new plan to work. As a community, we must now have the courage, thoughtfulness and integrity to implement it. And this is where the hard part starts.

The inconsistencies between the plan and the corresponding ordinances are where the difficulties lie. It seems obvious that if the community included something in the plan, then that should be reflected in the ordinances that implement the vision of it. If not, what's the point of the language in the plan? Equally important is the community and its elected officials then having the will to enforce ordinances.

Our current plan is a combination of specific and vague language, and not all of the ideas outlined have corresponding ordinances. For example, Chapter 9, *Land Use, Implementation 10*, specifically lays out the density-based Planned Unit Development process right down to the proposed densities allowed. These specifics are then repeated in the county's Subdivision Ordinance. On the flip side, Chapter 2, *Purpose Of The Plan*, states that one of the goals of the plan is to "protect fish, wildlife, and recreation resources." However, there is no substantive language in any of the ordinances that fulfills that goal. Policy 5 in Chapter 8, *Economic Development*, states, "To predict infrastructure costs, it is imperative that the county adopt a capital improvements plan as defined in the Idaho Code." Certainly a capital improvements plan is an important tool for the county to have and yet there is no such plan on the horizon. These examples show how the guiding vision of the plan is being inconsistently applied.

Ultimately it is our responsibility to fulfill the vision for development, habitat protection and planning for capital improvements. It is our local government, using the plan and ordinances, which is responsible for the big picture. It is

impossible for individual developers, without the guidance of ordinances and local decision makers, to achieve these goals on behalf of the community.

Every new development proposal that crosses the desk of our planning decision-makers is an opportunity to implement the community's vision. Planning staff and planning commissioners rely on clear ordinances to assess whether an application meets the intention of the community's vision. Without ordinances, or clarity in existing ordinances, decision-makers are left to their own devices and discretion on how to interpret the community's vision. This approach has and will continue to: 1) create inefficient and inconsistent decision making, and 2) allow development to occur that is counter to the intention of the plan because of a lack of planning tools (i.e., ordinances).

If we aren't willing to implement the plan in areas that may seem controversial, then we should take that language out—whether it be for wildlife protection or a capital improvements plan. Let's be direct and not mince words. We need to be very clear on where we intend to go and what we intend to accomplish as a community because like it or not, we are all in together. Can we have growth and protect the things that are important to the community? Absolutely. Does it take courage, resolve and strong leadership? Most definitely.

As a community we have a vision laid out in the plan. It is the duty of the citizens of the county and their elected officials to create and stand behind ordinances that will make the community's dream a reality. Otherwise, the words in the plan are just that—words.

VARD

The logic is simple: all communities change and a comprehensive plan is the guide to how the community wants that change to occur. In turn, ordinances need to be enacted that reflect the vision of the plan.

## VARD Welcomes New Staff Members

As all of us at VARD strive to fulfill our organization's mission we find ourselves always wishing we could do more. Thankfully this summer we have been able to welcome two new staff members to improve our ability to serve the community, and Kathy Rinaldi, who has worked as VARD's operations director for the last three years, has moved into a new role as executive director.



**AMANDA DE RITO** joins VARD as a program associate. She and her husband, Jim, moved to Teton Valley to live below the breathtaking beauty of the Tetons and to enjoy a small-town lifestyle. Amanda comes to VARD from a development position at Teton Valley Hospital & Surgicenter. She has an M.A. in Agricultural and Resource Economics from Washington State University, Pullman as well as an M.S. in Public Policy and Administration from Utah State University. Her previous experience doing environmental research and advocacy work in Montana, Utah and Washington, as well as her working knowledge of this community make her a great asset to the VARD team. She is originally from Cache Valley, Utah where she has witnessed the downside of unplanned, unchecked urban growth firsthand. Amanda is married to Jim DeRito, Conservation Director at the Henry's Fork Foundation. They live near Tetonia with their daughter, Kayla.



**IAN TUTTLE** graduated from Kenyon College in 2003 with degrees in English and

Philosophy. He moved to Jackson, WY two years ago and then to Victor, ID this spring. He has always been interested in land use issues and is now serving as VARD's first intern. Ian's work experience has been rich and varied, including time spent with Habitat for Humanity, guiding wilderness trips in Alaska, and working with the Jackson Hole Mountain Resort. In addition to helping out with the many ongoing projects at VARD he is working on an ordinance concerning telecommunications towers in the county and cities and has collaborated with Teton Valley Trails and Pathways in their work with the State Transportation Department to secure funding for pathways and Main Street improvements in Driggs. Along with his advocacy work, Ian is an avid road bike racer and backcountry skier.

**Kathy Rinaldi** has been VARD's Operations Director since February of 2003. With Jeff Carter's move to the board of directors, Kathy has taken over as our new executive director. In taking the reigns from Jeff, she seeks to keep VARD on its considered and purposeful track. Kathy looks forward to forging strong connections throughout the community and continuing to bring as many resources as possible to local government. She considers the foundation for success to be a solid network of genuine personal relationships.



VARD



VARD staff (l-r): Kathy Rinaldi, Sandy Mason, Kim Billimoria, Ian Tuttle and Amanda De Rito

## SAVE THE DATE Matt Hatter set for Friday, November 10

Now that autumn is just around the corner, the time has come to start thinking about the annual Mad Hatter party! Don't miss this one-of-a-kind fundraising event that features outrageous, creative and sometimes political hats. Not only does this benefit a worthy cause, but we all just need a chance to dress up once in a while...



Alyosha Billimoria enjoyed the beautiful fall weather at this year's Old Bill's Fun Run. Alyosha and his mom Kim, along with four other moms and their kids, represented VARD at the event on September 9.

## Thanks for your Support!

Thank you to all of our generous donors who gave through Old Bill's Fun Run for Charities 10. Last year 103 donors gave through Old Bill's, raising a total of over \$72,000. As of press time we don't have the final 2006 numbers, but so far we are on track to meet our goal of covering at least half of our annual operating budget of \$180,000. Every donation helps us meet our budget as well as serves as an indicator of the broad support we have within the community for VARD's work of being an advocate and resource for responsible development and sustainable use of natural resources. THANK YOU!

## Get Involved • Become a Member TETON VALLEY NEEDS YOU

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Member.....\$25-\$49/year   
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Members will receive meeting invitations, regular newsletters and e-mail updates.

PLEASE RETURN THIS FORM AND YOUR CHECK TO:

**VARD**  
P.O. Box 1164, Driggs, ID 83422

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