



V A R D  
February 18, 2009

Teton County BOCC  
89 North Main Street  
Driggs, Idaho 83422

RE: Milk Creek Road Vacation.

Dear Commissioners,

Please accept this comment letter into the record for the Milk Creek Road vacation. The February 12<sup>th</sup> notice of publication for the February 23<sup>rd</sup> hearing stated that written comment was due ten (10) days prior to the hearing, which would have been the very next day from publication – or February 13<sup>th</sup>. I know the county has a policy of encouraging public commentary, so I assume there was some kind of error in the process.

**Comments regarding the Milk Creek Road vacation proposal.**

If properly conditioned, the vacation of Milk Creek Road can still be a win-win situation for both Grandview Ranch and the public at large, but the key is establishing firm conditions which make this road vacation a tradeoff that is truly in the public interest. At the previous hearing, this Board put the ball in Grandview Ranch's court to propose conditions that would assure functional public access to the national forest, and support the stated purpose behind the road vacation - to protect wildlife.<sup>1</sup> More specifically, this Board gave Grandview Ranch four (4) issues to which they must propose solutions.<sup>2</sup> This Board was rightly concerned that if the land is someday

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<sup>1</sup> "Commissioner Rinaldi would like more assurances that the wildlife will be protected. Access issue (sic) is important and needs more clarity . . . Mrs. Rinaldi agrees to a continuation if the applicant brings solutions and written documentation of how they will keep their promises." Teton County Board of County Commissioners hearing minutes, January 15, 2009, page 18.

<sup>2</sup> Those 4 issues include: (1) the location of the public parking lot, (2) increased protections to wildlife, (3) a proposal for non-motorized access, and (4) wintertime maintenance and grooming. Teton County Board of County Commissioners hearing minutes, January 15, 2009, page 18.

developed in such a way that merely promotes private benefit of this vacated road with no protection of wildlife, then a public road will have been vacated for naught.

On January 30, 2009, Grandview Ranch's counsel submitted a letter responding to these four (4) issues, **but as we see it, these remaining questions still need to be addressed:**

1. Where, specifically will the proposed public parking lot be located?
2. Will there be trash and bathroom facilities at the parking lot as requested in Lou Simonet and Jay Pence's memos? If so, who will maintain the parking lot and bathrooms?
3. Who will maintain Hoopes Road in the wintertime so the parking lot will be accessible for winter recreation?
4. What increased wildlife protections will be guaranteed? While the new PUD ordinance provides much better wildlife protection than the old one, under the new ordinance, if we assume this property is roughly 4,000 acres, up to 600 homes could be built on it. If this property is developed in the future to merely promote private benefit of this vacated road with no meaningful protection of wildlife, then the public has lost a public road in exchange for a private amenity.
5. With regards to offering #4 in the January 30<sup>th</sup> letter from Grandview Ranch's counsel, what guaranteed non-motorized access will be provided?

We still do believe that the applicant has good intentions for this piece of property, but transparent securities should be in place to protect the county from unforeseen future circumstances. In addition to the issues outlined above, we still support the recommendations if the vacation is approved as outlined by County Engineer Lou Simonet in his January 8, 2009 memo to the Board.

Sincerely,

Anna Trentadue  
VARD Program / Staff Attorney