

Teton County P&Z  
89 North Main Street  
Driggs, Idaho 83422

August 5, 2008

RE: VARD's opposition to the Steve Roth CUP application.

Dear Commissioners,

This process started over 2 years ago. Mr. Roth purchased the property on December 1, 2006. The fire marshal's approval was issued on August 2, 2007.<sup>1</sup> An application for a commercial, industrial, recreational, and institutional sewage disposal permit was submitted on September 25, 2007.<sup>2</sup> A commercial building permit application was submitted on October 9, 2007. In the permit notes, the Building Department admonished Mr. Roth to obtain a CUP from the Planning & Zoning Commission.<sup>3</sup> I visited this site. It appears that the commercial building is now finished, and is in use. However, the CUP application was not submitted until May 8, 2008. **VARD is opposed to this application for the following reasons:**

- **Teton County is not obligated to approve a CUP just because the building is already built.** The purpose of a CUP is to conditionally allow certain uses where deemed appropriate by the Planning & Zoning Commission. The issuance of a CUP is supposed to sanction the use, not vice versa. Here, the commercial building was built and already put to use before the CUP application was finally submitted in the final stages of a 2 year process. We cannot continue this laissez-faire approach in a growing community like ours.
- **Allowing this facility in the rural county and along the scenic corridor is not in conformance with our comprehensive plan.** The policies in our comprehensive plan (1) clearly support orderly growth, (2) they focus commercial enterprises in our towns, and (3) they value and protect our scenic corridor. This application is contrary to those goals.
- **Running a test facility for solar designs (while an interesting concept) does not comport with the code's definition of "building material sales".** All CUP's must be carefully defined to avoid un-permitted uses. Here, the use does not match the definition.

While there may be other uses in the area that do not comport with the comprehensive plan, Teton County should not compound one poor decision by following it up with another.

Sincerely,

Anna Trentadue

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<sup>1</sup> See the Teton County commercial building permit application for this project. The application also includes the date the property was purchased and the date of the fire marshal's approval.

<sup>2</sup> See Eastern Idaho Public Health District application for sewage disposal permit, dated Sept 25, 2007.

<sup>3</sup> See the Teton County commercial building permit application for this project.