



# Valley Advocates for Responsible Development

November 11, 2013

Teton County Board of County Commissioners  
150 Courthouse Drive  
Driggs, Idaho 83422

RE: Comments regarding draft of Teton County Code submitted November 4, 2013

Dear Commissioners:

The citizens of Teton Valley just spent 2+ years crafting an award-winning Comprehensive Plan for our community. A Comprehensive Plan is mandated by State law and intended to describe a community's unique attributes and values. It's a document that recognizes the uniqueness of this place we all call home, and outlines our shared vision for a prosperous and healthy community. The next step is a rewrite of the county code in order to implement this Plan. Although Teton County was already the recipient of a HUD Grant which would have covered all the expenses of having Code Studio do this work, this Board opted to instead hire Mr. Stephen Loosli at \$50/hr to write the new county code.

This was a contentious decision, but as consistently admonished by Commissioner Kunz over the past six months, the community just needed *"to just give Mr. Loolsi a chance"* to show what kind of work he could do. His work is now done. After billing the taxpayers 130+ hours specifically itemized as "code writing," Mr. Loosli has submitted his final work product. VARD staff reviewed all 245 pages and found that Teton Valley taxpayers have been billed almost \$10,000 for a document that is nearly 100% verbatim copied from free, publically available materials.

This goes far beyond using any of these code sections as a "template" or "boiler plate." Line for line, word for word, the Loosli "Code" is primarily copied from Shelby County, Tennessee (pop. 940,000), other counties, our own pre-existing code, brochures, and other sources.<sup>1</sup> In some places, Mr. Loosli even failed to substitute our County's name. As a confusing collection of brochures, reference manuals, urban form-based codes, and rural codes, the document is wholly unintelligible as written. It is unusable code.

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<sup>1</sup> I have attached a draft of this code with the sources of all the copied material identified. Text copied from Shelby County, TN is hi-lighted in orange. Text from Fremont County, ID is blue. Teton County, ID is red. The Greater Yellowstone Framework is green. Idaho statute is grey.





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**You, the Board of County Commissioners promised a work product from Mr. Loosli that would reflect our top-notch Comp Plan and the uniqueness of Teton Valley. However, after careful review, this “code” bears almost no resemblance to either, and here are just a few examples:**

- **The Loosli “Code” strips away all wildlife habitat protections.** The Comprehensive Plan calls for strengthening and refining the Wildlife Overlay.
- **It allows for density bonuses up to 60 units/100 acres anywhere in the rural county.** This includes along the Teton River, wetlands, and in critical wildlife habitat.
- **It allows for developers to pre-sell lots in un-built subdivisions once again.** This loophole was closed by our previous Board of County Commissioners to protect the citizens of Teton County from speculative development schemes. Why are we going backwards now?
- **It creates one zone for the entire unincorporated county.** Because of our diverse landscapes and sensitive areas, the Comprehensive Plan calls for at least 7 zones to be created in unincorporated areas of the county. This new code creates one homogenous zone. This zone would even include “Drictor” despite the fact that Code Studio is already writing code for Drictor. There will be two overlapping sets of code.
- **It sends commercial uses and density out into the county.** The Comp Plan calls for focusing growth and density into the cities. It also calls for protecting sensitive areas. However, the Loosli “Code” establishes a Transfer of Development Rights program where the receiving areas are anywhere in the county zone and no density is sent to the cities. Density bonuses in these rural areas can reach 60units/100 acres. Commercial uses such as hotels, motels, and restaurants area also conditionally permitted in the rural county.
- **It removes all tools for dealing with obsolete subdivisions.** In this new code, all of Teton County's custom written, incentivized re-platting ordinances have been eliminated. These are the same ordinances that are used to help incomplete developments like River Rim and Canyon Creek restructure for economic and public benefit.
- **It lowers infrastructure bonding to only 100%, leaving no room for error.** In Teton County, bonding at 125% has been mandated out of necessity because





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of all the incomplete subdivisions where the developer ran out of money for infrastructure. Our county has never had a standard that low before.

- **Even the best parts are unusable.** The Loosli “Code” incorporates the Greater Yellowstone Framework for Sustainable Development - a terrific reference material for green development (which former VARD Executive Directors Sandy Mason and Kathy Rinaldi participating in drafting!) However, this reference manual is not code, and cannot be used as such. Furthermore, the manner in which it is cut-and-pasted into the code bears no relationship to the rest of the document.

Community members invested over 1,800 volunteer hours and 4,000 public comments into an outstanding Comprehensive Plan that incorporates community vision, compromise, and action steps into an award-winning document. We are disappointed that the code meant to implement our community’s vision is 100% copied from other communities that share few characteristics with this extraordinary valley that we all know and love. Teton County, Idaho is not Shelby County, Tennessee. Driggs, our County Seat, shares few attributes with Memphis, the center of Shelby County and home to nearly 700,000 citizens. We deserve a code that reflects our unique community vision, challenges, and potentials.

**We request that the Board of County refrain from using taxpayer dollars to purchase free, online content that does not respect our community’s input.**

Best regards,

Stacey Frisk  
Executive Director  
Valley Advocates for Responsible Development

