

Teton County BoCC
89 North Main Street
Driggs, Idaho 83422

Sept 10, 2008

RE: Recommended changes to the revised Planned Unit Developemnt (PUD) ordinance.

Dear Board of County Commissioners,

The piece of legislation sitting before you did not fall out of the sky. It is the product of a legislative effort spanning over 13 months, totaling hundreds of hours of work-group meetings, county staff time, and Planning & Zoning (P&Z) deliberations. The county should give credence to the expertise from Clarion & Associates, Booker Grey Environmental, Intermountain Aquatics, the Teton Regional Land Trust, the Bureau of Land Management, the United States Forest Service, the Teton County Fire District, and many other consultants whose input has helped create the revised PUD which you are now reviewing.

Overall, the revised PUD is a vast improvement over the current PUD ordinance. For the sake of brevity however, Valley Advocates for Responsible Development (VARD) is not commenting on all of the positive attributes of the revised PUD. Instead, we are submitting comments on the areas of the ordinance where we believe small changes will make the revised PUD better than ever:

- **The Urban Reserve PUD is unnecessary.** (9-5-2) We concur with the City of Driggs that the high densities and low open space requirements in the Urban Reserve PUD is a mechanism for placing very high densities in the rural areas of our county. However, if the Urban Reserve PUD is to remain, we agree with the City of Driggs it should be restricted to the Area of City Impact, and not expanded out to the Urban Service Area.

- **The minimum size for Rural Reserve PUD's should be 40 acres.** (9-5-3) Over the past three years, it has become apparent that there are no real community open space benefits to PUD's platted on small 20-acre lots. The minimum size should be 40 acres to ensure meaningful open space benefits.
- **Clustering should not be required for large-lot PUD's and subdivisions.** (9-5-3-E and 9-5-4-E) A PUD or subdivision with large lots (ie: where every lot is over 25 acres) should not be required to cluster their building envelopes. However, the commission should require relocation of large-lot building envelopes where necessary to protect community health, safety, and welfare.
- **We still need clarity in the nutrient pathogen language.** (9-3-2-C-2-a-4-a) While the purpose and intent of the current nutrient pathogen (NP) ordinance is clear, it has been debated and misconstrued to only apply in wetland areas. The new NP ordinance needs to be so painfully clear that this quixotic debate will finally be put to rest. We suggest the following change to 9-3-2-C-2-a-4-a (page 19):
 - *A Level 1 Nutrient-Pathogen Study must be submitted for any proposed development that lies wholly or partially within the WL Wetland Overlay area that is contemplating using on-site wastewater treatment systems or central septic systems. **A Level 1 NP Study must also be submitted** where at least one of the following conditions exists*
- **The Public Service/Fiscal Analysis should take inflation into account, and include a long term estimate of tax revenue.** (9-3-2-C-2-5) The goal of these changes is to catch the common loophole in current fiscal analyses where the one-

time flush of initial tax revenue overshadows the slow decline of tax revenues in following years because of inflation.

- **A better name for the Traffic Impact Analysis is a 'Road Conditions and Traffic Impact Analysis.'** (9-3-2-C-2-6) A 'Traffic Impact Analysis' by definition, only reviews congestion on the roads. What the county is really asking for in the revised PUD is a comprehensive review of road conditions, congestion, and safety concerns. The name should be changed to accurately reflect what is being requested of the applicant to avoid confusion.
- **The changes to Title 8 should not be retroactive.** (Title 8, Chapter 5) The various overlays are a part of our zoning ordinances, but it would be a quagmire to apply the overlays to already platted lots. The Title 8 changes should only apply to project applications submitted after the ordinance is adopted.

We really do appreciate all the time and energy that has been put into this effort. Our goal is to help facilitate the best PUD ordinance for our community's needs.

Sincerely,

Anna Trentadue
VARD Program / Staff Attorney