



January 9, 2023

**Teton County Planning and Zoning Commission**

**Chair Bert Michelbacher**

**Members**

**Wyatt Penfold, Rebeca Nolan, Timothy Waters, Erica Tremblay**

**Via email Only**

**c/o Teton County Planning and Zoning Commission**

**150 Courthouse Drive, Room 107**

**Driggs, Idaho 83422**

**Attention: Claire Lazes, Planner**

**RE: Saddlehorn Ranch Homeowners Association Board - Public Comment**

**Subdivision: Krask Ranch**

**Applicant Land Owner: Cecelia Manst-Karsk**

**Zoning District: A/RR**

**Legal Description: RP O5N46E183000**

**Dear Chair Michelbacher and Member Commissioners,**

This letter provides the Saddlehorn Ranch Subdivision Homeowners Association Board (SRHOAB) public comments on the above subject project. The SRHOAB represents private owners of 121 residential lots created as platted in 1995. The Saddlehorn Ranch borders on the north property line of the subject property and maintains a private road right of way proposed by the applicants for primary road access to the project site, N1000E. To-date 44 homes have been



constructed and 3 new homes are currently under construction. Roughly 38 percent of the subdivide lots have been developed with homes over the past 28 years.

**First and foremost, your Commission must vote to deny this application because it proposes primary access on a private roadway easement, N1000E. The 39 acre parcel is generally “land locked” with no formal easements rights.**

Secondly, based on the following analysis and based on the findings and facts presented below the Krask Ranch subdivision is clearly inconsistent with the 2012-2030 Comprehensive Plan.

The purpose of this letter is to assist your commission with consideration of the objectives of the Teton County Title 9, Concept Review for the above subject land subdivision.

In order to assist you and to be consistent with the Public Hearing notice our comments will address in general and specifically the items a. through e. listed therein as follows.

**a. Comprehensive Plan Inconsistency:** In order to approve the Concept Review your Commission must find that the subdivision is in conformance with the Comprehensive Plan. The project is inconsistent with the current Comprehensive Plan and should be denied.

The following quote from the final version of the Comprehensive Plan 2012-2030 says it all. The record is replete with information to demonstrate that the Karsk Subdivision application is a clear end run around the general 2012-2030 Comprehensive Plan goals, objectives and policies. The Karsk Ranch subdivision application intends to side step the new Land Development Regulation codified August 3, 2022. This new zoning is intended by County to implement the current Comprehensive Plan policies. Fact, the application was filed in August 2 2022 in order to force the county to consider the application under the old zoning rules at a much higher density than that appropriate for implementation of the Comprehensive Plan 2012-2030.

The Comprehensive Plan policies and the implementing Zoning and Land Use Regulations were finally codified by the Courts August 3, 2022. Consistent with Idaho Code 67-6502 Teton County has met its obligation to regulate land use in order to promote the health, safety and general welfare of the public. The plan strives to provide a balance between private and public property rights but the Karsk Ranch subdivision application perpetuates the failure of the earlier plans to protect health, safety and general welfare of the general public. Your Commission should deny the application and send it back through the process and not support the technical “end run”.

**“Now is an opportune time to outline a new direction for the County - one based on lessons learned from the past and from other western communities. The previous comprehensive plan, Teton County Comprehensive Plan: A Guide for Development 2004 - 2010, was laden with controversy since its adoption and has been difficult**



to implement due to its contradictions and lack of clarity. During the years the plan was in force, Teton County experienced its largest ever development boom/bust cycle. Thousands of acres of private and vacant land, low-priced homes, land speculation and few regulatory barriers led to sprawling and unoccupied development. The resulting oversupply of residential lots combined with misguided federal mortgage policies and the resultant boom/bust caused a depressed local real estate market and the economy, which was largely based on residential construction, is still suffering today. Because conditions have changed since 2004 and lessons have been learned, anew Comprehensive Plan is warranted.” (Source: Final Version Comprehensive Plan 2012-2030 Chapter 1 Executive Summary Page 6/75)

The 39 acre Karsk Ranch property as recently as two years ago was farmed and a part of the rural agricultural heritage of the Teton Valley.. The fact is the property limited agricultural land use supports a natural beauty and preserves open space, a scenic corridor and wildlife migration. The open parcel is in fact an example of a limited agricultural property that establishes and currently maintains the rural character, natural resources and wildlife migration, scenic beauty and heritage of the Teton Valley. The proposed 15 lot subdivision is inconsistent with the current policies of the Comprehensive Plan and zoning. Approving a 15 lot subdivision concept plan would be inconsistent specifically with Goals ARJ-1.1, 1.3, 1.4,1.5 and 1.6 as noted below and others specified in the current CP..

**Goal ARH 1: Preserve and enhance Teton Valley’s small town feel, rural heritage and distinctive identity.**

**Policies**

- 1.1 Ensure that planned growth maintains Teton Valley’s rural character.**
- 1.2 Encourage vacation of subdivision plats where appropriate and viable.**
- 1.3 Ensure that open spaces are managed responsibly.**
- 1.4 Maintain the County’s rural heritage through the scenic corridors.**
- 1.5 Support the preservation of open space, farmland, natural beauty, and critical environmental areas.**
- 1.6 Encourage higher density development in the cities of Driggs, Victor, and Teton.**

**(Source: Comprehensive Plan section “agricultural and rural heritage”, page 46 or 75)**

b. **Public Services** The subject Karsk property has no available public services including, water, sewer, electric and phone utilities nor is there any evidence provided that such services can or will be provided. More importantly the property fronts on a private road. The Karsk application states that the property has access on a “County Road”. This is a false statement. The road access N1000E is a private road easement offered for dedication to the County by the developer of the Saddlehorn Ranch subdivision. The County has never accepted the road. Until the county accepts the road there will be no improvements planned for N1000E. The Karsk Ranch plan must include a fair share of the cost for improvements and maintenance of the private road. “According to the 2021 Capital Improvements Plan, **N 1000**



**E is not scheduled for any improvements in 2022.” The fact is this is not a county road as claimed in the application.**

Currently, the Saddlehorn Ranch HOA provides road maintenance and snow plowing because it is the primary access road to the 121 lot subdivision. Should the Commissioners consider approval of any subdivision concept it must condition any approval on the requirement that the property owners provide proof that there is in fact rights to use of the private road for additional lots. In the alternative the Commission should condition any subdivision of the subject property to require that the County accept the road dedication making it a public road and accepting the road maintenance and provide snow plow services.

c. ***Capital Improvements Plan Inconsistency*** The Teton County “Capital Improvement Plan” (CIP) provides the legal and rational basis for the impact fees and is incorporated as an element of the County Comprehensive Plan. The current (CPI) was adopted in 2008. The data and growth projections are based on the previous Comprehensive Plan 2004-2010. A website search indicates that no new CPI has been prepared consistent with the current Comprehensive Plan 2012-2030. It is difficult to analyze the proposed Krask Ranch concept plan for conformity with the CIP until the CIP update is finalized. Clearly the fees specified in the 2008 CIP would be out of date and not relevant or appropriate for this application. Finally, “According to the 2021 Capital Improvements Plan, **N 1000 East is not scheduled for any improvements in 2022.” The fact is this is not a county road as claimed in the application.**

d. ***Public Financial Capability*** It is unclear from the application how the developer of the Krask Ranch subdivision will finance “public services” for the proposed development. It is more likely that the subdivision will have private utilities; water, septic, electric and road development requirements. There is no evidence to support the claim that private services can be provided. Will the County require a performance bond to be posted when a plat map is filed to ensure the development of the necessary services is developed to serve the lots ?

e. ***Other Health, Safety and general Welfare Concerns*** The subdivision concept plan is poorly designed. The road system design provided one access road in to the subdivision with no alternative emergency service vehicle ingress and egress should the single access road is out of service.

**Project Components:** The “Krask Ranch Concept Plan Application Supplement” includes errors and omissions and is factually incorrect and misleading. The “Introduction” correctly states that the zoning is A/RR but lists a 2.5 density which is inconsistent with the August 3, 2022 zoning which specifies 20 ac minimum lot sizes.

Furthermore, the text claims that the plan is consistent with the CP, however the facts show a different finding can be made as follows:.

CP Inconsistencies



1. Our Community Envisions a Sustainable Future for Teton County. We will strive to: Establish a vibrant, diverse and stable economy:

*There is no evidence to support the plan claim that the project will provide for “the settlement of families and workforce”.*

2. Create and maintain a well-connected multi-modal network of transportation infrastructure to provide convenient and safe mobility for all residences and businesses.

*There is no evidence provided to demonstrate that the development will use county roads for access. The road access N1000E is a private road. The proposed density will result in congestion and potential adverse impacts on the existing road and adversely impact the finances of the 121 Saddlehorn property owners who maintain the private road. The application fails to demonstrate compliance with these goals.*

3. Preserve natural resources and a healthy environment, which are essential for creating viable future economic and recreational opportunities for all users.

*The plan lacks any recreational use opportunities that make a meaningful connection to existing open spaces and trails. The density of the proposed subdivision will adversely impact the farm land and open scenic quality of the site. The density will cover fertile soils, draw down water availability, charge the land with sewage and limit wildlife migration. The project makes no attempt by design to preserve and protect the environment, creates no future economic or recreational opportunities that benefit the public at large.*

4. Contribute to our strong sense of community by providing quality facilities, services, and activities to benefit the community.

*The plan as designed isolates the proposed lots from connection with the surrounding properties adversely impacting the strong sense of community. A well thought out plan could connect to existing recreational trails and provide a quality benefit to the community. The current concept plan is unimaginative and lacks any real effort to connect with the surrounding community. This plan is inconsistent with this CP goal.*

5. Maintain, nurture, and enhance the rural character and heritage of Teton Valley.

*The lots are indeed larger than some of the surrounding lots. However, they are not designed to “enhance the rural character” or the farmland heritage of the Valley. The 39 acre lot does enhance the rural character and heritage of the valley. A 15 lot subdivision does not comply with the CP or the current land use and development standards and should be denied. The fact is a much less dense subdivision consistent with the newly codified land use and development regulations could satisfy this CP goal, the current plan does not..*

## **SUMMARY AND REQUEST FOR DENIAL**



Commission it is time to ***stop*** the continued subdivision of properties in the Teton Valley that are inconsistent with the long range current Comprehensive Plan policies goals and objectives. The application before you shows a last ditch effort by the applicants for the Krask Ranch Subdivision to side step the newly adopted land use and development regulations. **Although you may be required by law to consider the application, because of a technicality, under the previously codified regulations and not the current ones, you have the responsibility to uphold the current Comprehensive Plan and the authority to deny the Krask Ranch application.**

This denial is supported by the following facts.

1. The application includes false information regarding road access. **N1000E is a private road offered for dedication to the county but never accepted by the County. Plan proposes use of a private road easement.**
2. The plan lacks imagination and isolates the proposed lots and future homes from connection to the surrounding established community.
- 3 The plan is inconsistent with the current goals, objectives of the current 2012 -2030 Comprehensive Plan.
4. The County Commission has learned from application of the land use and development standards promulgated to implement a previous Comprehensive Plan 2004-2010, laden with controversy and lack of clarity, that the old subdivision standards also lack clarity and result in potential adverse impacts to public health, safety and general welfare of the community at large.

### **REQUESTED DENIAL**

**We respectfully request that your Commission deny the Krask Ranch Concept plan because the property is “land locked” proposes to use a private roadway for primary access and the subdivision it is inconsistent with the 2012 -2030 Comprehensive Plan policies, goals and objectives .** The Commission is being forced to consider a plan under the same outdated regulations that failed to protect the public health, safety and general welfare of the community. Technically now the Commission is being forced to consider the Krask Ranch Concept under the same old failed land use and development standards from the past.

Because of the previous failed CP policies and land use and development standards the largest ever development boo/bust cycle thousands of acres of private vacant farm land resulted in sprawling and unoccupied subdivisions. Approving the Krask Ranch subdivision would continue and add to the oversupply of residential lots furthering a depressed local real estate market.



Denying the Krask Ranch Concept plan will preserve the rural agricultural heritage of the Teton Valley and preserve and protect the scenic views, natural resources and wildlife migration valued in the current Comprehensive Plan.

Finally, the facts of the neighboring subdivision at Saddlehorn Ranch demonstrate that there is no need for 15 additional lots at this time. There are 121 private owners of residential lots created as platted in 1995. To-date 44 homes have been constructed and 3 new homes are currently under construction. Roughly 38 percent of the subdivide lots have been developed with homes over the past 28 years. Now is not the time nor is the Krask Ranch Concept plan appropriate to further the loss of the rural residential limited agricultural heritage of the Teton Valley.

**A future application consistent with the established current 2012 -2030 Comprehensive Plan and final Land Use and Development Regulations codified August 3, 2022 would be consistent and appropriate for the future of the subject property.**

**Saddlehorn Ranch Subdivision Homeowners Association Board**

**Robin Hart**

**Scott Hochstrasser**

**Jim McCane**

**Julia Barr**

**Levi Adams**