From:	Bruce Hill
To:	County Commissioners
Cc:	Roby Hurley; Tyler Sinclair - Teton County
Subject:	RE: Lot 5 development - request to postpone Public meeting and amended comments
Date:	Wednesday, November 02, 2016 4:26:42 PM

To Teton County Board of County Commissioners

While I realize that the setting of the time and date of a public meeting at the County is set by the Commissioners, all parties involved I am sure would prefer a meeting that is well represented by those most effected by the proposed development, and though the applicant might prefer otherwise, I respectfully request, as an owner of two lots within 800 feet of Lot 5 that the meeting be postponed to your next available date for hearings of this kind.

In addition, I wish to augment my prior communication to interject some items that presented themselves at the Planning Commission meeting on October 24th. Please note the following:

1. The Planning Commission decision (3-3 development plan) and the Staff recommendation (4-2 development plan), appeared to forego perusal of a plan to build only in the southern meadow <u>without disturbing ordinal vegetation</u>. The comparison made and apparently considered most important to the planning commission, was <u>not</u> whether any proposed development plan was within the NRO or not, but to what extent each plan disturbed any ordinal vegetation. The 6-0 plan initially proposed by the applicant included areas with ordinal vegetation and accordingly the Planning Commission did not seem to consider a true 6-0 plan that did not include disturbance of ordinal vegetation vs. a 3-3 or 4-2 development plan that clearly disturbs ordinal vegetation and allows building within the NRO. I submit that a plan for building in the southern meadow alone, without disturbing the ordinal vegetation found in Lot 4 of the 6-0 plan or Lot 6 in the 4-2 plan, would of course be the better than any of the proposed plans. Furthermore, the entitlements to Lot 5 per the Plat are for <u>no more than</u> 6 lots. The Board could approve less than 6 lots in the southern meadow (or require the developer to stay within the meadow and provide smaller lots) and not disturb the ordinal vegetation or build within the NRO, which of course better achieves the criteria the Planning Commission emphasized and was what WFG preferred.

2. The applicant noted during his presentation that he had no "profit motive" and wants to be a shepherd of the land, but when pressed by the Chairman of the Planning Commission on why the applicant preferred the 3-3 plan, the applicant stated that it was more valuable to him than the 4-2 plan recommended by staff. A review of each plan notes the same number of lots and no clear difference in value, but that an additional road is required for the 3-3 plan that extends to a lot to the far north boundary of Lot 5. The most northern lot in the 3-3 plan would then extend a road system to the northern boundary of Lot 5. That boundary of course does not presently have the same no vehicular access easement along it as found on the balance of Lot 5 and most interestingly, all of Teton Pines western boundary. The applicant owns the land to the north of Lot 5, and if provided a road to the northern boundary of Lot 5 could therefor "claim" the right to allow developed lots from his existing acreage to also utilize the access to Teton Pines Drive only intended for Lot 5. The Chairman of the Planning Commission asked the legal counsel present

whether the Commission had the authority to impose the no vehicular easement along the northern boundary. Having not reviewed the situation or read the memo prepared by Teton Pines legal representation, she declined to offer an opinion. Of course, the point to this long narrative is that the County legal staff should review the same, noting the intent of the no vehicular access easement on Lot 5 was to prohibit traffic from Fish Creek to Moose/Wilson Road via Teton Pines Drive and either (i) impose the no vehicular easement along the northern boundary of Lot 5 and/or (ii) approve a 6-0 or 4-2 plan that does not provide a piecemeal approach to abrogating the intent of the no vehicular access easement by the applicant or his successors in title by approving the 3-3 development plan and "inadvertently" providing access across the NRO and its wetlands to the northern boundary of Lot 5.

3. It should be noted that Lot 5 is presently subject to all of the stipulations in the original plat of Teton Pines, and any development plan will require a replat of Lot 5 and said replat will require owners within the present platted property to agree to the same. Accordingly, any replat and by extension the development plan should include a provision that any development plan shall be subject to the same stipulations as the original plat. Please note that the Teton Pines Home Owners Association owns a portion of Lot 5 (a parcel at the southeast corner of Lot 5 across Teton Pines Drive).

Thank you for your consideration of the adjusted date and the augmented response points.

Respectfully, Bruce Hill

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