

July 13, 2022

Thistle Brooks Farm, LLC (621772)
Penny NM Vasquez
2725 E 250 N
Driggs, Idaho 83422

To: Teton Board of County Commissioners and the Planning Staff
RE: Request for Reconsideration: Final Decision of Board of County Commissioners on Land Use Code Draft and Zone Change made July 6, 2022

Dear Teton County Board of County Commissioners:

This is a written request of Thistle Brooks Farm, LLC (621772) concerning the mistakes made in the Decision to adopt the Land Development Code & Map Zone Change considered during the June 29, 2022, meeting.

In accordance with Idaho Code 67-6535 (2)(b) Thistle Brooks Farm, LLC (621772) requests reconsideration of the written decision issued on July 6, 2022, approving the new Teton County Code. The specific deficiencies in the decision for which reconsideration is sought are as follows:

1) Pursuant to Idaho Code Section 67-6509(b), the Board of County Commissioners (BOCC) must not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission.

The BOCC, however, announced the public meeting prior to the P/Z recommendation. The P/Z Commission recommended that the proposed zoning map not be adopted. They The BOCC, however, elected too.

“At the P&Z meeting on June 14th, the P&Z committee voted (4-2) to recommend denial of the zone change application based on not having adequate information on how the densities will affect the Valley economically citing sections of the Comprehensive Plan E1, 1.3, 1.6, 2.6,4.3 and 4.6, with a list of items for the BOCC to review. Those items included: 1: Review the comments PZC previously made to the BOCC on January 18, 2022, specifically related to recommending increasing densities. 2. Complete a Fiscal Impact Analysis for the proposed zoning districts. (This is from the minutes of the meeting)

The county violated Idaho Code 67-6509 by setting and advertising for a public hearing prior to receiving the recommendations from the Planning and Zoning Commission. The public did not have the adequate time to review the recommendations prior to the public hearing.

2) The existing LDR also provides that for there to be changes in the zoning map and applicable code, such changes must be submitted to the planning administrator and then a staff report needs to be created/provided prior to any public meeting notice. This was not done. The forgoing actions by BOCC constitute fundamental errors in the process with respect to the Land Development Code & Map Zone Change that was considered during the June 29, 2022, meeting. It is for these reasons that we firmly believe that the decision was made in error and us respectfully request that the BOCC reconsider the vote taken on July 6, 2022.

3) While the Zone Change application is dated June 20, 2021, by Jack Haddox, this is no record of it on the work session agenda on June 21, 2021. (Ex. A). The Request for Zone Change-County Wide, Jack Haddox claims to represent the PZ commissioners. Mr. Haddox was the board chairman, but he resigned in December of 2021. He missed a few meetings, then he was brought back and then he has not attended any meetings until this application. I contacted the board co-chair, Commissioner Penfold and told they did not ask Mr. Haddox to represent the board. Bert Michelbacher is the Chair and Wyatt Penfold is the co-chair. When an applicant or developer makes an application, they are held to a standard. If the paperwork is not correct and truthful, they are sent back to the drawing board. Because the BOCC and P&Z hold a higher position than the lay person, I as a taxpayer, hold them to a higher standard, to set the example and to do the right procedure. Mr. Haddox should have applied as a landowner, which is his right. He should not provide false information as an applicant for the request. (Ex. B & C)

We respectfully request that the County Board of Commissioners reconsider its decision concerning the Land Use Code Draft change made in error by not following the State Statues on June 29, 2022. We request that the vote taken on July 6, 2022 be reconsidered.

Thistle Brooks Farm, LLC (621772)

Penny NM Vasquez
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