

June 3, 2008

Teton County PZC  
89 North Main Street  
Driggs, Idaho 83422

RE: VARD's second comment letter regarding Canyon Creek PUD.

Dear Commissioners,

This is a hard letter to write because when you are reviewing a large remote development that spans two counties, it is impossible to plan for all possible variables that may unfold in the future. We all want these developments to be successful and sustainable because everyone will benefit from well-planned growth. The tough part is ensuring that what was negotiated in the PUD process come to fruition and is not undermined by unpredictable future events. Investor shares of this PUD are currently for sale, which further underscores the need for a thorough record and development agreement to protect both the current developer and the community. VARD therefore respectfully submits the following suggestions to keep in mind as you work through this development:

**1. Identify your priority amenities that you want protected in the development agreement.**

The fact that HOA, or even some other potential future owner will eventually control this development creates the possibility of unknown future changes. Amenities that were used as bargaining chips in the PUD negotiation process could be later phased out by the HOA if they amend their CCR's. A way to deal with this is to identify the critical priorities to this PUD negotiation, and put them in the development agreement.

**2. Make sure you are clear about what kinds of incidental uses that will be allowed.** Both the developer and the county benefit from certainty regarding incidental uses. What kind of retail will be acceptable as incidental to this development? A corner market? A gas station? Maybe a tack shop? What kind of office uses will be allowed? Is a dental office permissible? Everyone will benefit from establishing some parameters here.

**3. Because this development straddles two counties, how will this development be managed to ensure consistency?** The Madison County BoCC letter addresses road management and a willingness to work out some kind of arrangement. However, there are still issues that emerge when you are dealing with two autonomous counties such as open space management, schools, and emergency services. Teton County technically has no control over what is approved in Madison County. What if Madison County required substantive changes to the Master Plan? How will services be shared? How will the development agreements be drafted to ensure consistency? *VARD strongly recommends that Teton County protect their top priorities in the development agreement (see #1) and also participate in the Madison County review process.*

Sincerely

Anna Trentadue