



Valley Advocates for Responsible Development

Mar 1, 2023

To: Jeffrey W. Bower, counsel for Bidache, Inc.

CC: Leanne Bernstein Driggs Planning & Zoning Administrator

Subject: Comments on the second Bidache Inc. rezone.

Dear Jeff:

Thank you for our chat today. As promised, here is some feedback for your client, Bidache Inc. to consider regarding their second rezone request to the City of Driggs, which I affectionately call "Bidache 2.0". Taking a closer look at the lot coverage requirements within the City of Driggs' code, I see a potential solution here.

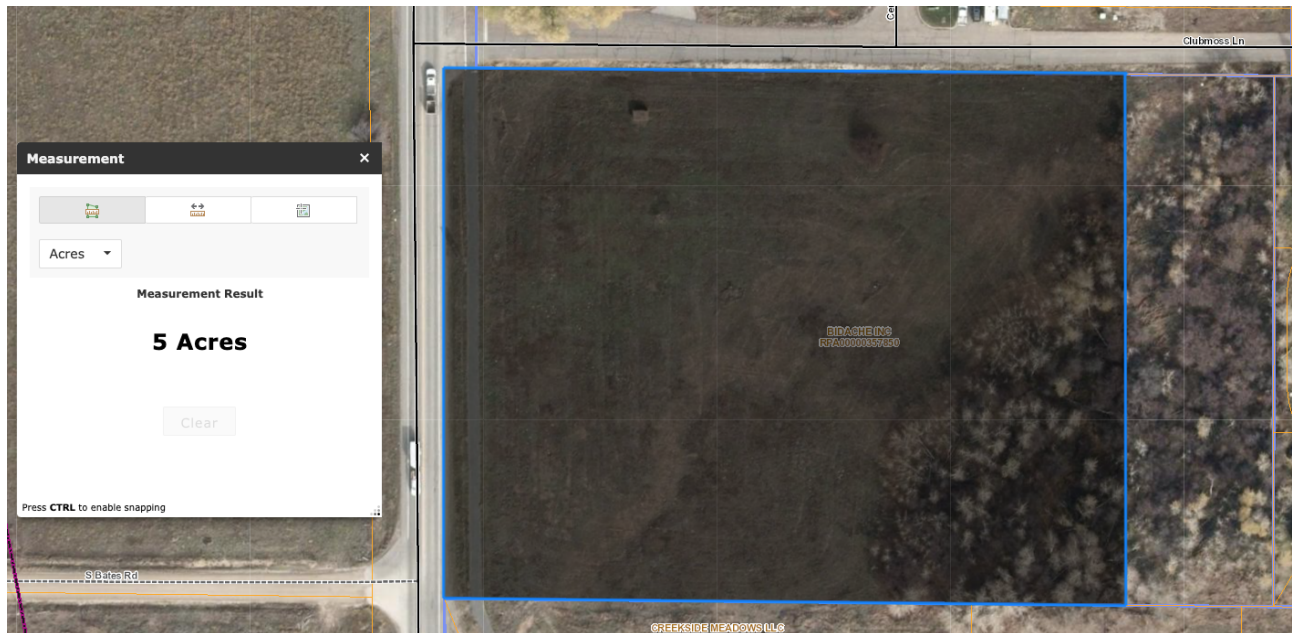
The Driggs City code requires "avoiding disturbance of natural vegetation to the greatest extent possible" when developing property. (Art. 13.3. Vegetative Management) The entire eastern half - and part of the southern half - of your client's property is indeed covered with "natural vegetation".

Your client has requested the Commercial Corridor (CC) zone be granted for the entirety of their property, which Teton County GIS parcel data lists as being a 6.25-acre parcel. The requested CC zone has a maximum lot coverage of 80% (Art. 5.52 Lot Dimensions). This means 5.0 acres of the property can have "lot coverage" as defined in the city code.

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Here is an example of approx 5.0 acres of “lot coverage” on the Bidache property.

Source: Teton County, Idaho GIS.

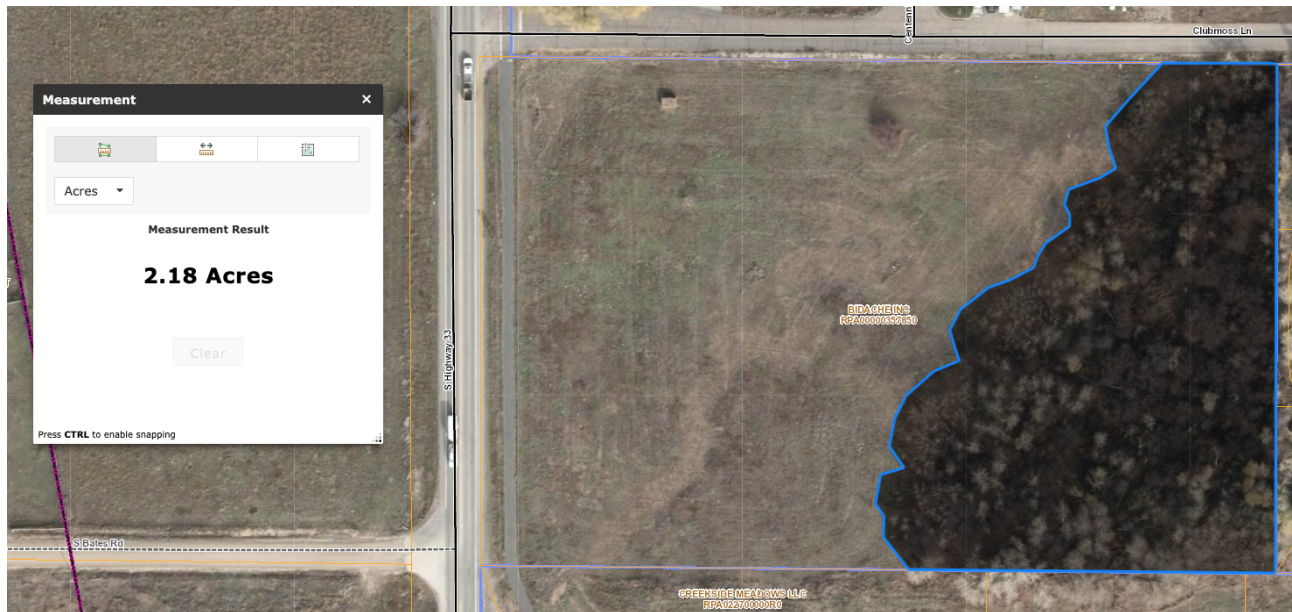
Thus, the remaining 1.25 acres of the Bidache property could not have any “lot coverage” under the CC zone. Driggs has chosen to adopt what I consider to be an all-encompassing and broadly written definition of “lot coverage” which includes most aspects of a development. It covers pretty much everything but landscaping:

- “1. The maximum area of the lot the is permitted to be covered by buildings, including both principal structures, structured parking and roofed accessory structures, including gazebos.
2. Lot coverage also includes paved areas such as driveways, walkways, uncovered porches or patios, decks, swimming pools, parking lots, and roof overhangs of over 2 feet, steps, terraces, and uncovered decks.” (Art. 2.1.2.F Lot Coverage)



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Looking at this 2021 area photo below, the native vegetation/woodlands on the Bidache site cover about 2.18 acres of the property.



Source: Teton County, Idaho GIS. Approx 2.18 acres of woodlands on Bidache site.

Seeing as how $2.18 - 1.25 = 0.93$, it appears that the conflict here is whether Bidache should be able to develop the remaining **0.93 acres** of woodlands with CC zoned uses. We are talking about **14.88%** of the entire property. I just don't see that small of an acreage as being an insurmountable challenge here. These woodlands stand as a unit, and are best left largely intact. If your clients were willing to commit the majority of that 0.93 acres in question, I believe it's possible for Bidache and Driggs to work in good faith to find a solution.

For example, a variance provision to facilitate flexibility in design and other dimensional limitations in the CC zone could be incorporated into the development agreement. Here's a suggestion (but admittedly, it could be revised or expanded):

"Unique Site Characteristic: Both parties hereby consent and agree that the preserved natural vegetation area shall be considered a unique site

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characteristic on this property, and may be used to support a future variance to enable development of the remaining property.”

This same outcome could also be achieved through a provision in the development agreement where both parties work in good faith to pass a text amendment regarding the dimensional limitations in the CC zone.

In our discussion, you mentioned that if a rezone cannot be successfully negotiated here, your client has the right under the existing RS-7 zone (single family housing) to simply remove all the trees onsite, and is prepared to get a court order allowing them to do so. I strongly believe removing the vegetation would ***significantly devalue*** those single family homesites; homesites located in the trees are worth far more than if the homesites were logged. I have never seen a property owner take a huge financial hit by devaluing their property like that - even just to prove a point.

Furthering this argument, removing all of the native vegetation would not necessarily “grease the skids” for a future upzone to a more intense CC use. So many unknowns and outside factors could come into play here. For example, Driggs’ ongoing sewer struggles could easily thwart the availability of a future upzone as Driggs may not be able to provide any future sewer hookups due to their ongoing wastewater discharge issues. (Just last fall, the Environmental Protection Agency filed suit against the City of Driggs for violating their discharge permit.) Cutting down all the native vegetation simply devalues the property for single family homes, and yet, will not guarantee the approval of any future upzones to more intense commercial uses.

To summarize, the lot coverage limitations of the requested CC zone appear to only put about 0.93 potentially developable woodland acres into question. I am asking your client to please commit to preserving the majority of that acreage. In exchange for preserving this native vegetation, I believe revisions to the development agreement can effectively protect Bidache’s ability to have flexibility in



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the lot coverage and dimensional limitations of the CC zone over the rest of the subject parcel.

I look forward to hearing your response in advance of the hearing.

Cheers and best regards,

Anna Trentadue

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