



**Re: Victor Hillside Overlay**

Dear Mayor Frohlich and Council Members:

As the owner of the property most immediately impacted by the proposed hillside overlay, I sincerely hope the process for implementing a hillside overlay becomes more inclusive and honors Mountainside Village's vested entitlement rights.

In general, Mountainside Village is supportive of a hillside overlay zoning district to protect wildlife habitat and view resources. As you know, we recently entered into an agreement with the City to voluntarily pause development on our hillside areas in order to work with the City to implement a mutually beneficial hillside overlay zoning code.

I have reviewed the Hillside Overlay Alternatives Worksheet. While recognizing the Alternatives Worksheet is just a jumping off point, I do have some preliminary comments and observations.

Overall I would encourage the Council to adopt flexible standards; Victor's hillside properties and the extensive properties now shown in the draft Overlay area are diverse and the best design solutions for many of them will likely be unique. The Alternatives Worksheet indicates the potential for a complex and rigid ordinance. The potential for unintended consequences is significant. We urge caution and testing of the design implications of potential code amendments on actual properties before adopting.

**A. Density**

Density cannot be viewed in a vacuum. It has to be practically considered with all other factors of development such as the provision of utilities and access. Decreasing densities within the City limits where full City services are required, to some of the levels discussed in the Alternatives Worksheet will make development in these areas impossible from a financial and engineering standpoint. There must be a critical mass to support the extension of City services and roadways to these properties. For example, at Mountainside Village, we are currently working with the City to consider design and construction of a water tank on our Hillside to facilitate an upper water pressure zone and provide a higher level of safety. Lowering densities to the RC zone or lower as considered in the Alternatives Worksheet would preclude that from happening. *I suggest you consult with the development community to better understand the interplay between density and development feasibility when city infrastructure is included.*

The initial draft of the Victor Hillside Overlay, discussed in your October 28 meeting presented a range of possible densities and base zoning, in part based on use of City water and sewer services. The underlying concept that was proposed to us, and that we agreed to, was simple. Lower development costs could allow landowners such as ourselves to agree to build at lower densities. It seemed like a win win solution.

Keeping City services and lowering density to levels that preclude development will encourage more intensive development in the County. If the hillside overlay makes development too onerous, we will continue to see more subdivisions in the County. Other

aspects of the current Victor Code already have the effect to increase developer risk and complicate the process to the point that those looking to develop in Victor are often likely to build in surrounding areas instead. It is not smart growth to drive development out the of the City, particularly in light of our present need for housing.

I also want to touch on clustering and the assumption that it is always preferable to drive density off of the hills and onto the flats. Though this initially sounds good in concept, the flats in the area outlined are prime farmland where soil is richest and where the microclimates from canyon flushing air flows allow for less frost than lower in the valley. Our community has a growing small scale agriculture movement in these areas (e.g. Sweet Hollow Farm at Mountainside Village, Full Circle Farm, and Cosmic Apple Farm). There is also some great potential for settlement patterns that integrate food production. Think Agri-Hoods. All land is valuable for different reasons. Today's value judgment about what is worthy to protect may be different from tomorrow's or another's choices. These important economic resources and community values need to be considered in this process. And they need to be considered in connection with our community's ongoing housing crisis and a recognition that growth is coming to the Teton Valley. My point is that it's easy to make a judgment that clustering is much better land-use than sprawl. It's a much more complicated to decide where clustering should occur.

## **B. Roads**

We support alternatives that allow for narrower roads within the hillside overlay. The narrower roads help to further many of the overarching goals of the overlay—less grading, decreased erosion, lower impact on visual resources and decreased impacts on habitat. The worksheet may indicate a false choice of 20' wide private or 24' public streets. The city may be able to create a narrower public street standard if there is a compelling reason to do that. If streets have public services aren't they more commonly public?

## **C. Utilities**

We encourage you to look at options for the provision of utilities to hillside properties. As discussed above, hillside properties and the properties now shown in this overlay are unique and it may not always make sense to provide city connections to these properties. The Hillside Overlay should give the City and developers flexibility around utilities to better fulfill the overall goals of the overlay.

## **D. Wildlife**

We support provisions to mitigate development impacts on wildlife and their habitat through site specific studies. The results may be nuanced responses more specific than density targets. We have done multiple wildlife and habitat studies at Mountainside Village. Our wildlife experts tell us that the combination of brush cover on a hillside near the grassy meadows of the valley floor is a very desirable combination for a local ungulate population. The combination of a variety of contiguous open spaces from hillside to valley floor create rich ecotones, which need to be taken into

consideration when evaluating the density bonuses discussed in the Alternatives Worksheet. Clustering exclusively on the flats may have unintended impacts on wildlife, which is another reason we encourage a site specific approach to wildlife mitigation and planning.

#### **E. Mountainside Village**

When Mountainside Village was annexed into the City in 2004, an extensive open space network (over 50 acres) with wildlife corridors based on natural resource inventories was incorporated by agreement. We have been focused on the smart use of land and on mitigating development impacts for more than 20 years. We are glad the City is catching up with planning tools we pioneered in the City. Our residents rely on approved plans and agreements and visions for the community. We have kept our end of the deal and have created a development that was ahead of its time by providing open space and a mix of housing types in close proximity to the city center. The most practical way to move forward with our corner of the proposed Overlay area is to use the agreements and commitments we made in 2004 & 2005 as the starting place. This will allow the City to not get bogged down by trying to write aspects of the code to apply to the entire area that are in actuality only applicable to a single property.

I am available to discuss this further in a work session format. I have spent significant time studying this area and probably have more time than anyone designing for this area. I believe I can constructively contribute to the conversation. Please let me know when you would like to put our heads together to constructively work on these ideas.

Best,

Lawrence E. Thal AIA  
President Mountainside Inc.