

January 3, 2025

Teton County Planning & Zoning Commission  
150 Courthouse Drive  
Room 107  
Driggs, Idaho 83422  
Delivered via email to: [pz@tetoncountyidaho.gov](mailto:pz@tetoncountyidaho.gov)

**Re: Opposition to Fraiz Variance Request.**

Dear Planning & Zoning Commissioners:

I have been retained by the Fox Creek LLC (Huntsman Family) to register their strong objection to the Fraiz variance Request. Fraiz seeks a variance to construct a 3,811sf house and 735 sf guest house, creating a total of 12,046 sf of impervious surfaces **almost entirely within the W1 wetland** identified by their Aquatic Resource Inventory. For 28 years, the Huntsman Family has owned the abutting seven parcels of fragile wetland, creeks, streams, and critical habitat areas totalling over 400 acres. Like the Fraiz property, their land is also encumbered by a Conservation Easement held by the Teton Regional Land Trust (TRLT).

This Board has been asked to grant a variance setting aside well-established standards and ordinances directly aimed to protect groundwater, surface waters, and fragile natural resources, **in order to build a sprawling luxury home compound entirely within a wetland because the applicant simply does not want to build a modest house in Upland 1.** This is NOT an undue hardship. Rather, it's a new property owner seeking to build a lavish residence in precious wetlands, while falsely claiming there is no other place to build.

As a variance proceeding, the heavy burden of proof rests with the applicant to proactively build up a record of facts to support an affirmative finding by this Board that **every single one of the variance criteria in Land Development Code (LDC) 4-9-E has been met.** If even one criteria is not satisfied, this Board must deny the variance. Where there are conflicting facts in the record, this Board is empowered and obligated to weigh them in order to determine which are most credible. The facts show that it's truly impossible to make a finding that all criteria have been satisfied as put forth below. As a point of order, Criteria 5 will be addressed first below because it is the most critical piece, with the criteria following numerically thereafter.

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**Variance Criteria 5. The special circumstances are entirely the result of actions by the Applicant.**

The legal maxim of *caveat emptor* (“buyer beware”) directly applies to this variance. The Fraiz property is encumbered with a Conservation Easement that not only limits any **potential** development to a 2.5-acre<sup>1</sup> designated building area for this parcel, there are further restrictions directly on the face of the deed. In 2022, Fraiz acquired this property by Warranty Deed<sup>2</sup> which clearly states that ownership is:

“SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, **applicable building and zoning ordinances and use regulations** and restrictions of record. . .” (Emphasis added.)

The language in section 9.1. Costs, Legal Requirements, and Liabilities (Emphasis in original) of the Conservation Easement further reflects this limitation:

“Grantors remain solely responsible for obtaining any applicable governmental permits and approvals for any construction or other activity or use permitted by this Conservation Easement and all such construction or other activity or use shall be undertaken in accordance with all applicable federal, state, or low laws, regulations, and requirements.”

The extensive 3-page preamble to the Conservation Easement shows that even in 1998, both the property owner and TRLT understood the value and importance of this fragile property which contains Fox Creek, Foster Slough, extensive wetlands, and critical habitat for many species of special concern including trumpeter swans, whooping cranes, and long-billed curlew.

Any reasonable buyer would have reviewed these multiple limitations with concern, and then consulted Teton County’s LDC and geographic information system (GIS) maps. At the time of purchase, (July 27, 2022) Teton County’s new LDC had already been adopted on July 6, 2022 and was just about to go into effect on August 3, 2022. This property, and the entire surrounding area, were changing from the previous lowest-density conservation zoning designation of *Agriculture Large Increment Residential (A-20)* to the new, even lower-density conservation zoning designation of *Lowland Agriculture (LA-35)*. Both are the most restrictive rural zoning designations from their respective points in time.

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<sup>1</sup> The original 1998 Conservation Easement (Teton County Instrument No. 131118 recorded August 3, 1998 included as Attachment A to this letter) encumbered two abutting 40-acre parcels, sharing a 5-acre building site. Estate representatives of the original property owners who entered into the Conservation Easement executed a Deed of Distribution by Co-Personal Representatives that specifically confirms the building area on this parcel is 2.5-acres. (Teton County Instrument No. 215809 recorded February 18, 2011.)

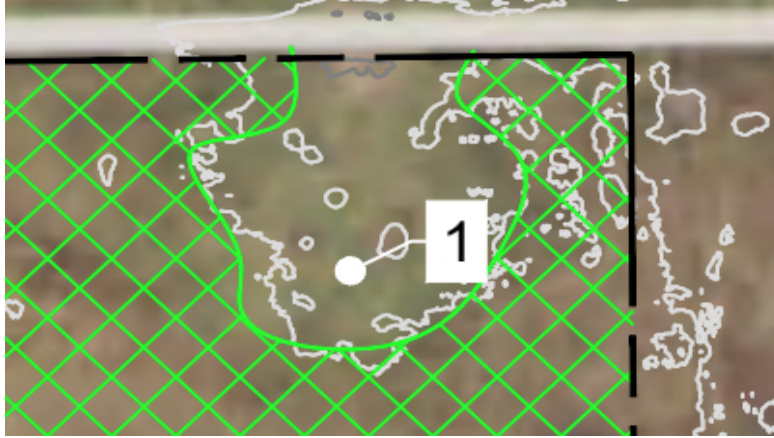
<sup>2</sup> Teton County Instrument No. 277023 recorded July 29, 2022. See Attachment B to this letter.

Under both the old and new zoning, this property and the surrounding area is also **entirely** encumbered by *PriorityWetland Habitat-NWI* overlay zone. Also heavily present are the *Songbird/Raptor Breeding and Wintering Habitat* and the *Waterbird Breeding, Migration, Foraging and Wintering Habitat* overlays. All of these natural resource overlays encumber the Fraiz property with additional development regulations and environmental protection requirements at the county, state and federal level.

These findings would normally constitute a huge red flag to any buyer seeking to build a sprawling manse on such a wet property. Instead the Applicant forged on and bought the parcel anyway, only conducting a wetland determination after-the-fact on August 4, 2022. The wetland Inventory confirmed that 32.9 acres of the 40-acre property were indeed Waters of the U.S. wetlands and streams. Fortunately, the Inventory also mapped Upland 1, which measures approximately 150 feet across at the widest point and 150 feet deep. This upland is fortuitously located abutting the access road on 5000 South, **and** within the designated building area specified in the Conservation Easement.

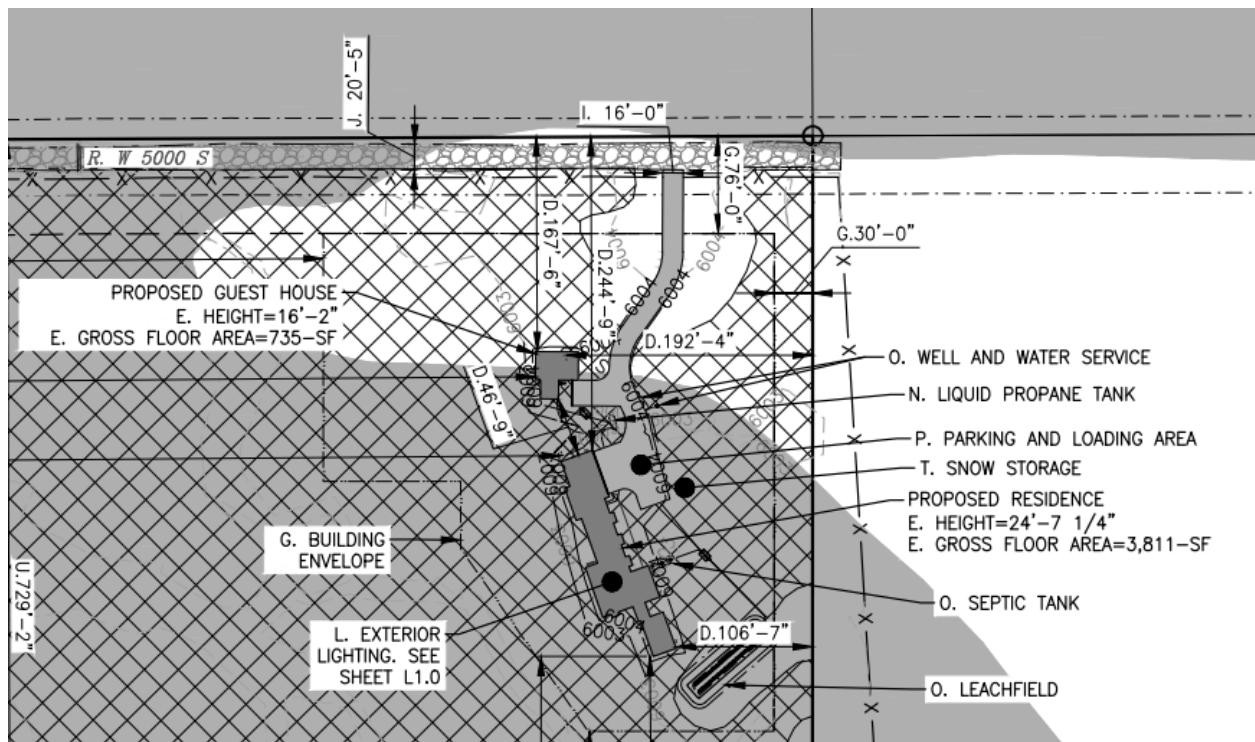


Image 1: Wetland Delineation provided on pg. 14 of Aquatic Resources Inventory. Upland 1 is shown in the northeast corner; within the designated building area.



*Image 2: Close-up of Upland 1 from pg. 14 of Aquatic Resources Inventory.*

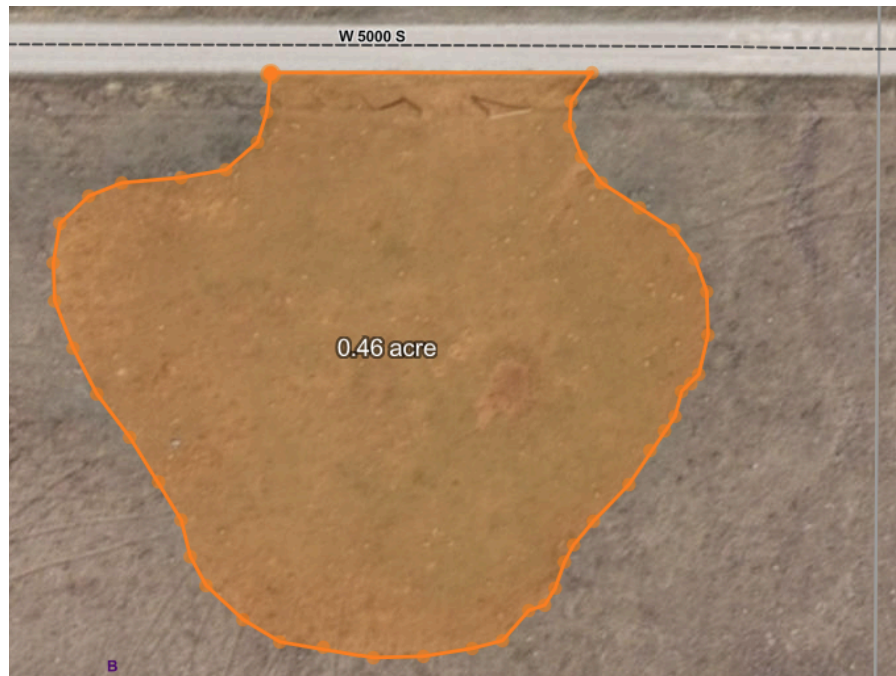
Although the Aquatic Resource Inventory lists the acreage of each identified wetland, the acreage of Upland 1 is conspicuously NOT provided in the report. Regardless of whatever the motivations might be for not disclosing this critical information, the scale provided on page 14 on the Inventory shows that Upland 1 is just over 20,000 sf. The Site Plan (Image 3 below) further confirms that Upland 1 is approximately 150 ft deep from county road 5000 South, and is conveniently 150 ft wide just at the 30-ft setback from this county road, leaving a building site just past this setback.



*Image 3: Approximate dimensional size of Upland 1 is clearly shown in the Site Plan.*



Visible on aerial maps, Teton County GIS (Image 4 below) confirms that Upland 1 is roughly 0.46 acres. **This upland is nearly the SAME size as the 0.5 acre area of wetland Fraiz claims is necessary to disturb in order to build.**<sup>3</sup>



Image

on Systems

**Indeed, Fraiz asks for a variance to disturb roughly the SAME amount of protected wetland as the space provided in Upland 1!** Moreover, Fraiz claims that Upland 1 is unbuildable, but this is unsupported by the facts in the variance application materials and LDC. Uplands ARE buildable, but there are setbacks. On the east, south, and west sides of Upland 1, LDC 5-4-2 would require a 50-foot buffer from the mapped wetlands. On the north side of Upland 1, there would be a 30-foot setback from county road 5000 South. (LDC 2-10-B-3) Taking in account these setbacks, **there remains a building site measuring roughly 50 x 70 feet, or 3,500 sf in Upland 1**, which is big enough to support a small two-story home. It is a different, more circular shape than the long linear area Fraiz proposes to disturb, but the point is this variance is NOT a necessity in order to build a home. Further confirming this buildable area, the Site Plan (Image 3 above) shows that **a small house (such as the 735 sf guest house) would easily fit in this location with ample room to spare.**

Fraiz has falsely represented that the variance is necessary in order to build anywhere within the building area designated by the Conservation Easement. In truth, Fraiz seeks the

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<sup>3</sup> See page 1, *Fraiz Residence Compensatory Mitigation Plan*, by Intermountain Aquatics, April 28, 2023.

variance to build a sprawling compound in a preferable location. **Building a manse in a wetland because you do not want to build a small home in the uplands is NOT an undue hardship.** This Board cannot make a finding for undue hardship where it is still possible for the applicant to build a smaller home with a shorter driveway, particularly in an upland location that comes at a cheaper construction cost with no wetland mitigations required.

**This Board has not only been totally misled by Fraiz as to the necessity of this variance, Fraiz has also shown a total disregard for local and federal wetland regulations.** On information and belief, Fraiz had excavators and equipment on site, ready to dig at the time of the November 12, 2024 hearing. Immediately following the hearing, Fraiz began unpermitted digging and excavating of the wetlands, and county staff were fortunately in the area to witness these offenses. **Teton County staff immediately issued a Stop Work Order against Fraiz on November 19, 2024.**<sup>4</sup>

**Variance Criteria 1: Does not apply here.**

**Variance Criteria 2: A literal interpretation of the provisions of the LDC outright PROHIBITS the construction of homes and developments within wetlands, regardless of zone.**

No property owners in any zoning district commonly enjoy the right to build in a wetland. Homes, physical developments, accessory structures, and septic fields are outright prohibited in wetlands and wetland buffers. (LDC 5-4-2 E). Despite the plain and unambiguous prohibition in the LDC, that is exactly what this variance seeks to approve. **It is a request for special treatment to be allowed a privilege commonly afforded to no other property owners** - despite the fact that a modest house CAN be constructed within Upland 1 without needing a variance. This variance is a huge, luxurious, self-imposed “ask” with little upside for other landowners or the community.

**Variance Criteria 3. Granting the variance would confer upon the Fraiz property special privileges to build entirely within a wetland which is commonly DENIED to other properties in ALL zoning districts.**

The applicant asked to be **given a special privilege that is commonly denied to other property owners in the same zone** - even though the property is not physically unique from the other surrounding parcels. In order to necessitate a variance, there must be unique physical

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<sup>4</sup> See Attachment C to this letter; *Teton County Stop Work Order* issued against Brian Fraiz on November 19, 2024.

features on the site that are “peculiar” to the property.<sup>5</sup> Here there is nothing on the Fraiz property to distinguish it from the other surrounding parcels which are all equally encumbered by complex webs of interwoven creeks, streams, and wetlands.

The entire surrounding area is simply one of the wettest, most fragile ecosystems in Teton Valley. Fraiz bought a parcel in the middle of it all, where there is not a house built in over half a mile in either direction. The Fraiz parcel abuts conservation easements and preserved public lands to the east, south, and west. There are limited uplands on which to build, and that’s simply the norm for this fragile area. Yet Fraiz is relatively lucky; a modest home can be built on Upland 1 without a variance. But instead, Fraiz seeks out special treatment afforded to no other similarly situated property owner.

**Variance Criteria 4. The requested variance is NOT in harmony with the purpose and intent of the LDC; it will directly injure abutting properties.**

The LDC creates an orderly system by which property can be used and developed. The core purpose and intent of the LDC is to give unambiguous guidance on where and how land should be used. The LDC establishes hard limits to some types of land that simply cannot be developed for housing due to health, safety, and environmental concerns; in this case, it is wetlands. Granting this variance to permit a sprawling luxury compound sited entirely within a wetland when there is a modest building site readily available in the nearby uplands truly flies in the face of the entire purpose of the LDC. **It creates an exception where there should be none.**

Granting this variance would also have a significant material impact on the abutting Huntsman easement and other nearby easements. The Huntsman family worked for 13 years through four phases of permitting to restore more than two miles of Fox Creek and a half-mile of Little Fox Creek in cooperation with Trout Unlimited and Friends of the Teton River. They planted thousands of willows and other native vegetation, excavated a series of three large wetland ponds, creating more than 30 acres of open water and marsh in cooperation with Ducks Unlimited. All of this worked to the benefit of aquatic, riparian, wetland, and upland habitats. In 2020 the Huntsman Family was awarded the prestigious 30th Anniversary Land Steward Award by the Teton Regional Land Trust.

The cumulative impact of the Huntsman Family’s decades-long work to improve and enhance habitat on their easements has created a huge positive ripple in the local Fox Creek and Foster Slough ecosystem. In June 2019, a report found that Yellowstone Cutthroat Trout

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<sup>5</sup> In *City of Burley v. McCaslin Lumber Co.*, 107 Idaho 906, 693 P.2d 1108 (1984), the Court of Appeals overturned a variance approval on the ground that the circumstances justifying the variance were not “peculiar” to the property at issue under the terms of the ordinance.

numbers went from 14 per mile to 936. All trout species went from 420 per mile to 3,867. Otter and mink returned to the creek and increasing numbers and varieties of birds are nesting, foraging, and staging throughout the year on Fox Creek Ranch.<sup>6</sup> In turn, this work creates enormous value for their property, the surrounding parcels, and the greater community.



#### **Huntsman Family - 30th Anniversary Land Steward Award**

*Click image to view video highlighting the Huntsman family's conservation work on their easement.*

Granting the Fraiz variance would set a terrible precedent for allowing one landowner to toss aside rules aimed to protect the public in order to pursue a private benefit regardless of the fact that the variance is not even needed in order to build a modest home.

**Variance Criteria 6. The variance requested is NOT the minimum variance that will make possible the proposed use of the land; it is an excessive, unduly large request.**

The applicant proposes to make almost no use of Upland 1 in the northeast corner, and instead, seeks to build a very large house and guest house, disrupting over 12,000sf of mapped wetlands with impervious surfaces - all while falsely claiming there is no other buildable area. The Site Plan shows **the footprint of the main house has been placed a whopping 244 feet - 369 feet back from the road, with extensive parking and driveway features** - all within the W1 wetland. This is NOT the minimum variance needed to build a simple house and short driveway that minimizes intrusion into Waters of the U.S. wetlands.

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<sup>6</sup> Teton Regional Land Trust press release, August 26, 2020.



The site plan further shows the house and guest house total 4,546 sf with NO facts in the record to support a justification for this extreme size. Likewise, there are NO facts to support that this is the smallest possible structure needed to achieve the proposed use. Clearly, NO effort has been made by Fraiz to minimize building size, structure placement, or driveway length. Instead, the posture of this variance request is to simply build to Fraiz's desired level of luxury, and claim it is a necessity.

If Fraiz were fully utilizing Upland 1 for a modest homesite and still requested a variance for small deviations from the 50-ft riparian buffer requirement (LDC 5-4-2) this would be a far more compelling request. In that hypothetical scenario, Fraiz could show that at least some effort had been made to use Upland 1 while also mitigating the size, scale, and impacts of the proposed development. Instead, the immense 12,000 sf construction footprint is sited deep within the W1 wetland, making NO use of Upland 1. This is NOT an undue hardship.

**Variance Criteria 7. The variance asks to build structures, which are simply NOT permitted by right in LDC Chapter 5.**

This variance is a direct request to build two homes totalling 4,546 sf, extensive driveways, and a septic system - all within riparian buffers and mapped wetlands, which is squarely in conflict with the restrictions in LDC Chapter 5-4-2. It's an outright prohibited use, yet this variance asks to do it, nonetheless.

**Variance Criteria 8. Granting this variance directly conflicts with the public interest.**

The Fraiz property is truly the epicenter of a fragile interconnected waterways system; the public has an interest in leaving this pristine resource intact. Likewise, the Fraiz variance sets the tone for how Teton County will address future similar requests. The policy must be: purchasers of property need to conduct their own due diligence; Idaho is a "buyer beware" state. Variances can only be granted upon a fact-based showing of an "undue hardship" - which is clearly not the case here. It's a legal impossibility to grant this variance because there is a building site for a small home readily available and the applicant has not met the burden of proof to show all criteria have been satisfied. The public has an interest in variances remaining true to their purpose and not being abused simply to allow one person's luxury homestead to overshadow clear and unambiguous regulations aimed to protect the public interest. The public likewise has an interest in wrong-doers like Fraiz being held accountable for flagrant violations of ordinances squarely aimed to protect wetlands and waters. Fraiz should be rebuked for such misleading representations and brazen misdeeds, not rewarded after-the-fact with the granting of a variance. Please do not send the message that this Board will ultimately reward such bold and self-interested actions.

**Variance Criteria 9. Is not applicable here.**

**Conclusion:**

Building a big home where you want it, instead of a small home where it's allowed by ordinance is not an undue hardship. Likewise, seeking a special privilege for an outright prohibited use that is not commonly afforded to any other property owner is not an undue hardship. Requesting a variance while making no effort to limit the size, scale, location, and footprint of development is not an undue hardship. The facts in the record clearly support a finding by this Board that the Fraiz Variance fails to satisfy almost all of the required criteria. Instead, Fraiz has actively misled this Board as to the necessity of this variance, and has shown no regard for wetland regulations as evidenced by the emergency Stop Work Order.

Thank you for your time and consideration. We look forward to submitting further comments at the January 14, 2025 hearing. **With this letter I am also formally requesting to be given the opportunity for surrebuttal at the hearing.** I am preserving this issue now, in advance, as I anticipate information being introduced by the Applicant just prior to, or during the hearing.<sup>7</sup>

Thank you.



Anna Trentadue Esq.  
Trentadue Law Office  
*Counsel for Fox Creek LLC / Huntsman Family*

CC: D. Andrew Rawlings  
Bailey Smith

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<sup>7</sup> *Whitted v. Canyon Cnty. Bd. of Comm'rs*, 137 Idaho 118, 121, 44 P.3d 1173, 1176 (2002)



**To: Teton County Board of County Commissions**  
**Re: Fraiz Variance Request**

Please accept this written comment, on behalf of Friends of the Teton River, on the request for a variance for parcel number RP04N45E290050, in which the applicant is requesting a variance that would allow building within delineated wetlands.

The mission of Friends of the Teton River is to restore and conserve the Teton River Watershed, ensuring a lasting legacy of clean water, healthy streams, and a thriving wild fishery. We implement programs and projects founded on sound science, community education, and cooperation with landowners, citizens, and agency partners. As such, comments from FTR are often requested by our partners, stakeholders, and/or agency partners on land use changes that may have an impact on water resources. We approach these comments from a scientific standpoint and try to ensure that our comments reflect the best science available to us at the time of writing.

The Teton Basin (which includes the Teton River and its associated wetlands and tributaries) is consistently ranked among the top conservation priorities in the Greater Yellowstone region (Noss et al 2002<sup>1</sup>). Conservation of Teton Basin wetlands is a high priority for numerous agencies and organizations, including the Idaho Department of Fish and Game, as designated in the Idaho State Wildlife Action Plan.<sup>2</sup> As such, FTR believes that protection of Teton Basin wetlands is an important issue of public interest, and therefore, any special variance which would encroach on wetlands in the Teton Basin should be very carefully considered. A precedent-setting variance allowing further development within important wetlands should be undertaken only if all conditions for a variance are met, and no other options are available.

In the Fraiz application for a variance request, Upland #1 is depicted on pages 2 and 14 of the [Intermountain Aquatics Report](#), and is listed as a resource on page 15. This upland area is within the building envelope specified in the Conservation Easement, and appears to be of adequate size to allow for a building site. Because there appears to be a building site on the property, it does not appear that a case can be made that literal interpretation of the provisions of the LDC would “effectively deprive the applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located.” Therefore, FTR does not believe that this property meets the qualifications for the county to grant a variance. It is our impression that the application fails to demonstrate that Upland #1 prohibits building, and therefore, granting a

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<sup>1</sup>Noss et al, 2022

[https://www.researchgate.net/publication/240652401\\_A\\_Multicriteria\\_Assessment\\_of\\_the\\_Irreplaceability\\_and\\_Vulnerability\\_of\\_Sites\\_in\\_the\\_Greater\\_Yellowstone\\_Ecosystem](https://www.researchgate.net/publication/240652401_A_Multicriteria_Assessment_of_the_Irreplaceability_and_Vulnerability_of_Sites_in_the_Greater_Yellowstone_Ecosystem)

<sup>2</sup> Idaho Department of Fish and Game. 2017. Idaho State Wildlife Action Plan, 2015. Boise (ID): Idaho Department of Fish and Game. Grant No.: F14AF01068 Amendment #1. Available from: <http://fishandgame.idaho.gov/>. Sponsored by the US Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.



208 354 3871  
[www.tetonwater.org](http://www.tetonwater.org)

18 North Main Street, Suite 310  
PO Box 768  
Driggs, Idaho 83422

variance based on this application could potentially “confer upon the property of the applicant...special privileges that are denied to other properties of the Zoning District in which the property is located.”

We encourage the applicant to work with Teton County to propose a building plan that does not require a variance, by locating all proposed development within the existing uplands on the parcel.

Please let me know if you have questions or need additional information.

Sincerely,

**Amy Verbeten**  
**Executive Director**  
208.354.3871 ext. 13  
[amy@tetonwater.org](mailto:amy@tetonwater.org)





Sharon Fox <sfox@tetoncountyidaho.gov>

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## Comments on Fraiz Property Variance Request

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Clayton Dennington [REDACTED]

Thu, Oct 31, 2024 at 1:58 PM

Reply-To: d [REDACTED]  
To: pz@tetoncountyidaho.gov

Teton County Planning Dept.,

Good afternoon. I received a notice in the mail about the Fraiz Property Variance Request for Setbacks, and wanted to provide my comments.

My name is Clayton Dennington, and I own the property due east of Brian Fraiz. I just wanted to say that I have no conflict with the county allowing Brian a variance for building on his property. I don't think there would be any way to ever build on his property without a variance on the 50' wetlands setback. My opinion is that the county should allow the variance request Brian has requested.

Thank you for the opportunity to offer my opinion.

Sincerely,

Clayton Dennington

November 10, 2024

Teton County Idaho Planning Department

Teton County Idaho Planning Commission

Re: Fraiz Variance Request Hearing, RP04N45E290050

We would like to address the Fraiz Variance Request. We are the closest home to the Fraiz property. We are familiar with the property. We received no notice but saw the posting at the property.

We completed a guest cabin at 2229 W 5250 S, a few weeks ago. We had to limit our site development, with 50-foot setbacks from delineated wetlands. We did not think we had any choice about building inside the 50-foot wetlands setback and a variance never crossed our minds.

We submitted plans for a main house and received approval from the County. We abided by the 50-foot restriction. Because of delays in building our guest house we could not make progress on the main home and let our permit lapse with the approval of the Planning Department. We plan to resubmit our plans.

We assumed in our design and construction that the 50-foot setback was a hard rule. A single variance will weaken the required setback. A variance on the 50-foot setback will potentially open the door for anyone building near wetlands. The County would need to set conditions for when a variance could be granted, which could be very tricky.

The Fraiz property is in a delicate and wet ecological area with Teton River access just down the road. The proposed main house has a tall profile and is to be built remarkably close to the County Road. We believe that all the properties on that side of 5000 S to the Idaho State land are in conservation easements which are 70%+ wetlands.

We would urge the Planning Commission to be incredibly careful about this matter. Thank you.

Carl and Maria Womack





Torin Bjorklund &lt;tbjorklund@tetoncountyidaho.gov&gt;

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## Public Comment - Fraiz variance

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richard huntsman [REDACTED]

Mon, Dec 30, 2024 at 11:44 AM

To: Torin Bjorklund &lt;tbjorklund@tetoncountyidaho.gov&gt;, pz@tetoncountyidaho.gov

To the P&Z commission of Teton County Idaho,

I'm writing again in my strong opposition to the variance request for the Fraiz property on 5000 S (I believe my letter last time missed the official comment period).

Asking for a variance to permanently destroy a large swath of critical wetland in the valley because of "undue hardship" is not warranted. Fraiz, or any reasonable buyer intending to build a large home, has ample opportunity to do their due diligence before purchasing a property. It would take just a few minutes on the County website and a phone call to P and Z to understand this designation and where can and can't be built. So, Fraiz's lack of due diligence (or disregard for wetland designation in place), is not reason for him to be granted a variance to build. If the County grants Fraiz this variance, it sets a precedent for anyone to buy any protected land in the valley and then turn around and request a variance for "undue hardship". Why do we have protections and wetland designations in place if we aren't going to uphold them to this kind of unscrupulous activity?

Furthermore, the 1:1 wetland restoration doesn't mitigate the impact this home will create as it disrupts the core of a critical ecosystem and migration path. The Sandhill cranes that perennially nest in the exact spot where this proposed home is going will not be back. This variance would clearly have a negative impact on our property (bordering to the South) which is a refuge for wildlife, too much to list on this email. We have put 100's of acres under Conservation Easement and spent countless amounts of money restoring wetlands adjacent to the Fraiz property and restoring miles of Fox Creek, critical spawning habitat for the yellowstone cutthroat trout. If this variance is allowed, and the subsequent variances that are sure to come once this precedent is set, the negative impact will go far beyond our property. The trickle down effect will hit anyone in the valley who depend on the wildlife that the wetland designation is intended to protect. If the cranes go away and the trout populations plummet due to wetland degradation, so will jobs and incomes of fishing guides and others who depend on the wildlife/recreation based economy in the valley.

Thank you for your consideration,  
Rich Huntsman  
Fox Creek Ranch



Torin Bjorklund &lt;tbjorklund@tetoncountyidaho.gov&gt;

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**public comment**

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John McIntosh &lt;[REDACTED]&gt;

Wed, Dec 11, 2024 at 10:50 AM

To: "pz@tetoncountyidaho.gov" <pz@tetoncountyidaho.gov>, "tbjorklund@tetoncountyidaho.gov" <tbjorklund@tetoncountyidaho.gov>, "sfox@tetoncountyidaho.gov" <sfox@tetoncountyidaho.gov>, "mvanarsdell@tetoncountyidaho.gov" <mvanarsdell@tetoncountyidaho.gov>

Dear P and Z Members and Staff,

I'd like to make a public comment about the parcel at the western end of 5500 South, parcel RP04N45E290050, owned by Brian Fraiz.

As I understand it, there was a request for a variance from the County, as where to build a single family home on this lot. Since it is a conservation parcel, with obvious wetland characteristics, and the request for variance would put this building site closer to the banks of Fox Creek, I was hoping that the variance would be denied. As a retired custom home builder, I've installed several septic systems that were required in this sort of environment, and have back engineered many others. I can tell you from my experience that these systems are NOT fail safe. In fact, it is best to assume they will create problems and fail at some point. Partly due to owner maintenance neglect, original design flaws, and due to high water events, these "enhanced systems" do not have a good track record. I've seen this parcel flood many springs. As a side note, this parcel should not even be built upon because of these issues.

Then on 11/19/2024, a Stop Work order was issued on the site after it was learned that proper permits were not secured for the digging of ponds. This indicates a real lack of caring or respect for following the process to gain a variance. And ultimately a lack of respect for the water quality of the Teton River, and beyond. If you ever needed a reason to deny a request for variance, this is it.

Respectfully,





Torin Bjorklund &lt;tbjorklund@tetoncountyidaho.gov&gt;

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## Public comment for Fraiz variance request

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richard huntsman <[REDACTED]>  
To: Torin Bjorklund <tbjorklund@tetoncountyidaho.gov>

Tue, Nov 12, 2024 at 1:13 PM

Hi Torin,

I appreciate your time last week. I'm just back in town and not sure if I will be able to join the zoom meeting today but was hoping you could please add the following public comment to the meeting:

The requested variance and building site sit directly in the middle of a large swath of contiguous, undisturbed and critical wetland habitat a lot of which is under conservation easement. It is directly in the flyway for countless migratory birds including sandhill cranes (I have seen nesting Sandhill Cranes on that parcel just this summer). This wildlife corridor is priceless to the valley and everyone who lives, visits and recreates there. I am strongly opposed to this variance and believe a large new structure(s) will have tangible, negative environmental impacts. The argument for undue hardship is absolutely ridiculous. This property was just recently acquired with the wetland designations already in place. Any buyer has the opportunity to do their due diligence when buying a property to see if it is buildable or not. This parcel is obviously wet, anyone who takes the time to do the most basic due diligence would know this. Purchasing the property and then requesting undue hardship, to build over 4500SF of new living space at nearly 25 foot height all in designated wetland, really flies in the face of all the effort and work that has been done in the valley to preserve contiguous wetland habitat. This would really set a horrible precedence to sustainable and environmentally friendly building and growth in the valley. Should this variance be granted, I would really hope that it comes with strong restrictions including but not limited to size, height and lighting requirements that have minimal impact to the flyway and night sky.

Thank you.  
Rich Huntsman



Torin Bjorklund &lt;tbjorklund@tetoncountyidaho.gov&gt;

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## Fraiz Variance request

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beach huntsman <[REDACTED]>  
To: tbjorklund@tetoncountyidaho.gov

Tue, Nov 12, 2024 at 11:26 AM

Hello,  
My family has owned the property, Fox Creek Ranch, directly south of this variance for over two decades. We have prided ourselves in donating much of our land into a Conservation Easement that matches the surrounding properties. I was the ranch manager there for 15 years and would notice daily the amount of wildlife- especially waterfowl- that uses the wetlands surrounding this requested variance. There are no other developments in the vicinity- and this building envelope further encroaches West into the Teton Valley's last reserve of native wetlands. It is home to otter, moose, beaver, whitetail, native Cutthroat trout and dozens of other species. Most importantly it is the approach and egress off the river and wetland ponds for our local and migrating waterfowl populations. Ducks, geese and Sandhill Cranes congregate here by the 100's, sometimes 1000's during the migration. The requested building envelope is directly in this flyway and will have a significant impact on wildlife habitat, migration and nesting.  
And what good is a permanent Conservation Easement if it can be moved and altered? The Foster Family received significant financial benefits from this CE- and it is now being 'modified'? Our family has donated hundreds of acres of neighboring wetlands with the understanding that this larger contiguous area was permanently protected.  
How could the Fraiz organization not have known these restrictions when purchasing?

I STRONGLY OPPOSE this variance and hope for the sake of all remaining wetlands and Conservation Easements in our valley, that it is denied.  
Thank You,  
Brigham Beach Huntsman

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Sharon Fox <sfox@tetoncountyidaho.gov>

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## Fraiz Property Variance Request

1 message

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Clayton Dennington <[REDACTED]>

Fri, Jan 3, 2025 at 10:25 AM

To: pz@tetoncountyidaho.gov

Dear Teton County Planning and Zoning Commission Members,

I received a notice in the mail about the Fraiz Property Variance Request for Setbacks, and I wanted to provide my comments.

My name is Clayton Dennington, and I own the adjacent property due east of the Subject Area. The variance requested does not cause any conflict with my property, and it causes no material detriment to the health, safety, or welfare of me or my property. I have no conflict with the county approving the variance requested by Brian Fraiz which will allow him to build on his property.

Thank you for the opportunity to offer my comments.

Sincerely,

Clayton Dennington



Sharon Fox <sfox@tetoncountyidaho.gov>

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## Variance off W 5000 S

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Carol Lichti <[REDACTED]>  
To: pz@tetoncountyidaho.gov

Thu, Jan 2, 2025 at 11:22 AM

Hello,

I am a Teton County resident in River Meadows subdivision in the Fox Creek area and I want to let the planning and zoning commission know of my concerns about a variance request to build several structures in a conservation easement off W 5000 S. This area is a flight path for water fowl including swans and other birds. Granting variances in established wetlands would set a precedent that should not happen.

Please consider some alternative to this request that would appease the landowner as well as protecting our vital habitat and wetlands.

Sincerely,  
Carol Lichti  
[REDACTED]



Sharon Fox &lt;sfox@tetoncountyidaho.gov&gt;

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## Comments About Fraiz Property Variance Request

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[REDACTED] >

Fri, Jan 3, 2025 at 2:48 PM

To: pz@tetoncountyidaho.gov

To the Teton County Planning Commissioners,

Hello and thank you for hearing my comments.

I have been named Teton County's best loved photographer for 4 years in a row. I am also known as the Sandhill Crane lady with my photographs in multiple publications. And thousands of my images have been made within a 2-mile radius of the Fraiz property.

As lifelong conservationists, the Huntsman family gives me permission to document the incredible waterfowl, birds and wildlife that Teton County is blessed to have under their protection at Fox Creek Ranch. I have photographed countless cranes, at least 100 trumpeter swans and thousands of ducks in that exact locale. The flyway is critical to this precious valley habitat.

You can't say people are not affected by a land use decision such as this. I don't know the Fraiz family and I'm not picking on them. It's just an example of altering the wildlife and that alters the people who rely on them for income and inspiration.

And every waterway is precious to us as well. All waterways are eventually shared as water flows to the next source. I appreciate that the County, the TR Land Trust, and the landowners are acknowledging that and the value of the wetlands.

I understand there is a building envelope on the property already. The size of the project expanding outside the parameters sounds like a slippery slope. With that in mind, please only allow the minimum changes required. Please maintain our previous wetland protections and regulations because they do matter.

Thank you so much,

Linda Swope

[REDACTED]

[REDACTED]