



Wildflower Trestles communities

44 messages

Glen Lent <glen@alpine-development.com>

Thu, Feb 1, 2024 at 5:11 PM

To: Jen Zung <jen.zung@harmonydesigninc.com>, Brent CROWTHER <bcrowther@civilize.design>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Curt Behle <curtbehle@gmail.com>

Hi All,

We would like to have a video call with you to discuss the N-P study for Trestles and Wildflower. As consultants, we need to get on the same page with regards to what the code requires and what the process should be. Is there a time that works for each of you next Wednesday afternoon. I can send out a Teams meeting invite.



GLEN K. LENT, PE

Alpine Development, LLC

Mobile: 801-403-9660

glen@alpine-development.com

Brent CROWTHER <bcrowther@civilize.design>

Thu, Feb 1, 2024 at 5:12 PM

To: Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Curt Behle <curtbehle@gmail.com>

All,

We can. I suggest we include DEQ and District 7 in that meeting as well.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM

President

Civilize, PLLC

Management and Engineering

3853 W. Mountain View Dr.

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Curt Behle <curtbehle@gmail.com>

Thu, Feb 1, 2024 at 6:12 PM

To: Brent CROWTHER <bcrowther@civilize.design>

Cc: Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

I am open and yes Title 9 says the applicant works with the technical consultant, EIPH and DEQ to work through the report.

Jade, Who is the technical consultant for the county? Is Jen? Just let us know so we know who to work with.

Curt

[Quoted text hidden]

--

Curt Behle

858-361-0888

Behle Construction/Behle Farms
Idaho Contractor License RCE - 59316

Jade Krueger <jkrueger@tetoncountyidaho.gov> Fri, Feb 2, 2024 at 8:17 AM
To: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>
Cc: Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Hi All,

I will review the second review from our consultant and get back to you. If we need a meeting, it would just be with Teton County and applicant as the regulations are Teton County's. I will do my best to do this as soon as possible with my existing meeting schedule and preparation required for the 12th & 12th BoCC & PZC agendas.

Before another meeting occurs, please confirm - are you requesting to pull your application from the February 12th BoCC agenda? It has been noticed of course to comply with noticing requirements.

[Quoted text hidden]

Jade Krueger, AICP

Pronouns: She/her/hers
Planning Administrator
Teton County Planning Department
208-776-8241
jkrueger@tetoncountyidaho.gov

150 Courthouse Drive
Driggs, Idaho 83422



The Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.

Curt Behle <curtbehle@gmail.com> Fri, Feb 2, 2024 at 8:49 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Jade,

Why are you again blocking us from exercising our right under title 9, being the applicant, where we are to work with EIPH, DEQ and the county's technical consultant on the NP study, we do not need permission from you as you so strongly keep telling us. You already told me that I could not meet with your technical consultant, blocking the state agencies, DEQ and EIPH and myself from interfacing under our responsibility which was in violation of your own title 9 code and it resulted in a denial determination at the commission hearing:

(b) If DEQ or EIPHD does not require an approved NP evaluation but Teton County does require an NP evaluation, the process will be conducted as described in Appendix A and in accordance with the MOA adopted by the Board of County Commissioners on April 13, 2009, or any revised MOA subsequently adopted by the Board.

(1) The Applicant is encouraged to meet with the DEQ and the Eastern Idaho Public Health District to discuss the elements and objectives of the NP evaluation. During the initial stage of the NP evaluation process, the Applicant shall meet with the County's technical representative, who will be working in concert with DEQ providing on-the-ground guidance. The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process.

Tina, Can you assist your client and advise them per their own title 9 code as it would help us as the applicants to follow the written process.

Curt

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov> Fri, Feb 2, 2024 at 9:00 AM
To: Curt Behle <curtbehle@gmail.com>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Hi Curt,

I am not blocking your right. The section (b) and workplan item should have been done before you submitted the full NP Evaluation (the initial stage). Before scheduling a meeting, I am suggesting you allow me to review the technical review and discuss the review first.

I told you not to bombard the consultant hired by the County because it is inappropriate to go directly there instead of contacting the County with your inquiries. The consultant is hired by Teton County to assist in the review.

I will get back to you as soon as I can once I review the second review. Thank you,

[Quoted text hidden]

Glen Lent <glen@alpine-development.com> Fri, Feb 2, 2024 at 9:26 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>, Curt Behle <curtbehle@gmail.com>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Jade, thank you for your help with this. Yes, please pull us from the 2/12 meeting agenda until we can resolve some of these issues. We will send you an email shortly defining which items we believe could potentially be removed from the original staff report and which ones we need to discuss further as a group.

We look forward to hearing back from you after you have discussed the N-P study with your consultant.

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Curt Behle <curtbehle@gmail.com> Fri, Feb 2, 2024 at 9:38 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Jade,
You are incorrect. We submitted the report to DEQ in which they approved our report and then that response then goes to the county where the county then has the right to hire a technical consultant which you did. You then sent it back to us to send to DEQ again asking for more restrictions in which they again approved our report and you again had your technical consultant provide feedback again.

When we submit our full NP evaluation as we did back in August 2023, we don't even know if you are going to take the option of hiring a technical consultant and in this case you twice disagreed with the DEQ's approval of our report. This is why the title 9 clearly states that "**The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process**". The technical consultant is to be part of the process in which we are in the middle of right now, but you are telling me that it is impossible for them to ever be a part of the process because our only window to work with them is before we submit our full report at which time we don't even know if the county is hiring a technical consultant. This is insane.

This is not your pocket technical consultant where you can manipulate the report as you see fit. The applicant is paying for the technical consultant, not the county, so you don't control their access as per the title 9 code which encourages the applicant to work with and keep in the correspondence loop everything happening during this process with all agencies including the technical consultant.

Bombard your technical consultant? I met with Jenn once and she was very helpful, made herself available and is an old neighbor of mine. This is infuriating trying to work through the process where the professionals are trying to work through their applications only to be met with obstruction from the county.

Again, I suggest you get advice from your legal team to help you understand what should be done and quickly.

Curt
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Glen Lent <glen@alpine-development.com> Tue, Feb 6, 2024 at 10:05 AM
To: Curt Behle <curtbehle@gmail.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Hi All,

I just wanted to follow up on this item. Jade, have you had a chance to review the study with your consultant and does it still make sense to have a video call to discuss?

From: Curt Behle <curtbehle@gmail.com>
Date: Friday, February 2, 2024 at 9:38 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>
Subject: Re: Wildflower Trestles communities

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov>

Tue, Feb 6, 2024 at 4:27 PM

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Glen Lent <glen@alpine-development.com> Sun, Feb 11, 2024 at 3:25 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Jade, March 11th would be ideal for us. One condition - let's make sure we have had adequate time to review and discuss the items that are outstanding before we meet with them. I'm looking forward to hearing back from you shortly regarding the N-P study. Thanks!

PS...get with Ken on the re-noticing fees.

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Glen Lent <glen@alpine-development.com> Wed, Feb 14, 2024 at 8:47 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Hi Jade, just following up on the meeting for the N-P study. Can we go ahead and get that scheduled?

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov> Wed, Feb 14, 2024 at 12:48 PM
To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Hi Glen,

We have 1-3 PM available on 1/21 (next Wednesday). Can you let me know the preference - 1-2, 2-3 PM?

We can have the meeting at the Courthouse, no issues. My ability to do hybrid meetings successfully is limited, so if people need to Zoom, can just coordinate a Zoom instead.

Just let me know,
Jade
[Quoted text hidden]

Glen Lent <glen@alpine-development.com>

Wed, Feb 14, 2024 at 12:56 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Jade, I would prefer 2-3 and via Zoom. We have people scattered everywhere so a Zoom call would be best for us.

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Jade Krueger <jkrueger@tetoncountyidaho.gov>

Wed, Feb 14, 2024 at 1:10 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

I can send a Zoom link for 2:00 PM on Wednesday the 21st. I'll send that out shortly.

Thanks,
Jade
[Quoted text hidden]

Glen Lent <glen@alpine-development.com>

Wed, Feb 14, 2024 at 1:49 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Thanks Jade. We'll just need to confirm that EIPH and the DEQ are available as well. Will Harmony be your consultant?

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov>

Wed, Feb 14, 2024 at 1:53 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Harmony is the consultant for the County. The applicant's comments are related to the County's review based on the requirements for the NP study (which again were triggered by the County's regulations). I don't believe DEQ or EIPH are necessary for this meeting.

We're trying to accommodate your request as timely as possible.

[Quoted text hidden]

Curt Behle <curtbehle@gmail.com>

Wed, Feb 14, 2024 at 6:53 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Jade,

Before we go further I want to make sure that you understand what is written in Teton County code Title 9 code as you have many times changed or modified your own title 9 written code on how you are putting in the requirements for this report as well as many others. For the Trestles and Wildflower projects, we submitted an NP report as required with our Subdivision application to PNZ/DEQ where DEQ came back with the following comments in a letter dated August 22, 2023:

"After our review of the NP Evaluation, DEQ concurs with the findings of the report. The NP Evaluation has indicated that there will not be any significant degradation to the groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county then decided that a technical consultant was required, which is paid for by the applicant per title 9 code, where on September 12th, 2023, Harmony Design submitted a letter to the county responding where they were showing what they wanted to be addressed.

The applicant then again submitted to DEQ yet another modified report with revisions where DEQ came back again in a letter with a "revised NP evaluation" and in a letter dated October 30th, 2023 stated:

"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation. The revised evaluation appears to confirm the findings of the July 2023 NP evaluation – that development at the effluent rates proposed in the July 2023 evaluation should not cause any significant degradation to groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual/Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county yet again sent the report to the "technical consultant" Harmony Design, and they then again disagreed with the written letter from DEQ which was written a day before the Trestles and Wildflower hearing which was heard on November 14th, 2023 (report was submitted November 13th, 2023 from Harmony) stating that the report was incomplete and unsupported.

This is from Title 9 Teton Valley code page 39 and 40 which clearly states that the end of this review ends with DEQ's revised recommendation as stated in the title 9 code below:

"(b) If the NP evaluation is not approved by Teton County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative:

(1) The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the

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Title 9 Revised 05/16/2013

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9-3-2 (C-3-b)

NP Evaluation 9-3-2 (C-3-c)

County's technical representative, and the DEQ. *The County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP evaluation and associated materials (as described in section 9-3-2- C-3-B-ii);"*

We have followed the process per Teton County's title 9 code under "approval criteria"..... all steps of the process as shown above have been satisfied. Stop blocking us from being able to complete our report as required by Title 9 where we have followed every process word by word. What are you hiding where you do not want your technical consultant to meet with DEQ, EIPH and the applicant's engineer? Jade, you have blocked us from interacting with the technical consultant (Harmony) even though title 9 asks and encourages the applicant to work with to complete the report with DEQ, applicant engineer and EIPH which is at the bottom of page 37 of the title 9 county code document (and not with the permission of the pnz). The county's technical consultant has also put in requirements that DEQ has stated that **"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation"** and this is NOT a level 2 evaluation, it is a level 1 evaluation. The technical consultant has also asked that we base our report off of a "centralized wastewater system" where it is not but rather an "individual septic" system.

We have been subjected to requirements well beyond what the code requires and there is not an endless amount of restrictions that the county can put on an applicant with countless delays, only to be presented to the PNZ and BOCC to be negatively reviewed based off of the information listed above showing it to be "unsupported and incomplete". I would suggest that you have your legal review team take a serious close look at this and advise you on how your own title 9 code reads, how you are applying it to the applicants like us and follow it so we can move forward.

Our team is willing to meet with anyone to clarify if this is not so we can move forward so please advise.

Curt

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov>

Wed, Feb 14, 2024 at 7:44 PM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Hi all,

Please confirm if the meeting on 21st is desired or not. If not, I can cancel the invite.

Nothing beyond Title 9 and the appropriate appendix A have been applied.

Please also send me your approved NP work plan that was submitted before your report so I can ensure I review it beforehand with the report and technical reviews.

Thank you,

Jade

[Quoted text hidden]

[Quoted text hidden]

Curt Behle <curtbehle@gmail.com>

Wed, Feb 14, 2024 at 8:18 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Jade,

I strongly disagree, so again as I advised, we let my county's legal team determine if you, the county employee, are working within the law of our title 9 code and following it or not. And as always, we reference specific title 9 code references as I did above with our actions taken only to have you respond with a vague response that you are following the code which you are not.

I do need to ask where you are getting your guidance from interpreting the code? Is it your interpretation, your legal team or is it at the direction of the board? We need to know in order to address the correct persons or group with these questions.

Curt

[Quoted text hidden]

Jade Krueger <jkrueger@tetoncountyidaho.gov>

Thu, Feb 15, 2024 at 8:19 AM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Hi,

You answered neither of my questions above.

Please let the County know if you still want the meeting you requested (scheduled for next week 1/21) and please send your work plan. It wasn't submitted as part of the NP Evaluation.

I am doing my best to meet your requests and review this study with your team. If you don't wish to do that, you are of course also welcome to present your NP review and ask questions of the BoCC in your scheduled public hearing on March 11.

[Quoted text hidden]

Glen Lent <glen@alpine-development.com>

Thu, Feb 15, 2024 at 3:25 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>, Curt Behle <curtbehle@gmail.com>

Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Jade, we want to keep our meeting with you on the 21st and with the BoCC on 3/11. Can you confirm that we are indeed scheduled for the 11th? If so, how do you plan on addressing the items in the staff report that we have pointed out? In our meeting with you and Tina, you had suggested an inability to modify or correct some of the mistakes and clarifications needed within that report.

Regarding your comments for a work plan below. I wasn't around when these studies were submitted, so if a work plan is important to you, we can create one. We seem to be far beyond that at this point and the fact that the County accepted our studies (and provided feedback and review letters from your 3rd party consultant) and didn't require a work plan suggests that our application was complete. Let me know.

We are looking forward to meeting with you next week to discuss your concerns.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Date: Thursday, February 15, 2024 at 8:19 AM
To: Curt Behle <curtbehle@gmail.com>

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Jade Krueger <jkrueger@tetoncountyidaho.gov> Wed, Feb 21, 2024 at 4:34 PM
To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Thanks for meeting today, all. I'll look for an update coming from the Engineers. Please let us know if we need another full meeting to discuss.

The latest I could accept any information desired to be incorporated into a staff report/packet of materials for the March 11 BoCC meeting is March 4. That's cutting it very tight for staff to review, but we can make it work given the meeting today.

Thank you,
Jade

[Quoted text hidden]

Curt Behle <curtbehle@gmail.com> Wed, Feb 21, 2024 at 4:57 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Thank you Jade I appreciate you getting everyone together.

Curt

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Glen Lent <glen@alpine-development.com> Wed, Feb 21, 2024 at 8:32 PM
To: Curt Behle <curtbehle@gmail.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Thank you everyone for attending the meeting today. I think it was helpful.

Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, I have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

What I am seeing is that Trestles 1 should not require an NP study since it is significantly further than 300' away. Wildflower is also outside of the 300' mark, and if I remove lot 5 in block 2, Trestles 2 should not apply. If acceptable, we will gladly remove this lot from our community and check this off the list. Coupled with knowing that an NP study has already been performed in this community and given an approval from the DEQ should provide some peace of mind to the professionals involved.



2. I just need to know how you plan to present those items referenced in our rebuttal letter to the Council. At a minimum we would expect to have you include our letter addressing these items. It certainly would be better if you eliminated those items from your report that no longer apply or were satisfied.

And thank you for allowing us to get things in by the 4th!

From: Curt Behle <curtbehle@gmail.com>

Date: Wednesday, February 21, 2024 at 4:57 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Thank you Jade I appreciate you getting everyone together.

Curt

On Wednesday, February 21, 2024, Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Thanks for meeting today, all. I'll look for an update coming from the Engineers. Please let us know if we need another full meeting to discuss.

The latest I could accept any information desired to be incorporated into a staff report/packet of materials for the March 11 BoCC meeting is March 4. That's cutting it very tight for staff to review, but we can make it work given the meeting today.

Thank you,
Jade

On Thu, Feb 15, 2024 at 3:25 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, we want to keep our meeting with you on the 21st and with the BoCC on 3/11. Can you confirm that we are indeed scheduled for the 11th? If so, how do you plan on addressing the items in the staff report that we have pointed out? In our meeting with you and Tina, you had suggested an inability to modify or correct some of the mistakes and clarifications needed within that report.

Regarding your comments for a work plan below. I wasn't around when these studies were submitted, so if a work plan is important to you, we can create one. We seem to be far beyond that at this point and the fact that the County accepted our studies (and provided feedback and review letters from your 3rd party

consultant) and didn't require a work plan suggests that our application was complete. Let me know.

We are looking forward to meeting with you next week to discuss your concerns.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Thursday, February 15, 2024 at 8:19 AM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Hi,

You answered neither of my questions above.

Please let the County know if you still want the meeting you requested (scheduled for next week 1/21) and please send your work plan. It wasn't submitted as part of the NP Evaluation.

I am doing my best to meet your requests and review this study with your team. If you don't wish to do that, you are of course also welcome to present your NP review and ask questions of the BoCC in your scheduled public hearing on March 11.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

I strongly disagree, so again as I advised, we let my county's legal team determine if you, the county employee, are working within the law of our title 9 code and following it or not. And as always, we reference specific title 9 code references as I did above with our actions taken only to have you respond with a vague response that you are following the code which you are not.

I do need to ask where you are getting your guidance from interpreting the code? Is it your interpretation, your legal team or is it at the direction of the board? We need to know in order to address the correct persons or group with these questions.

Curt

On Wed, Feb 14, 2024 at 7:44 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi all,

Please confirm if the meeting on 21st is desired or not. If not, I can cancel the invite.

Nothing beyond Title 9 and the appropriate appendix A have been applied.

Please also send me your approved NP work plan that was submitted before your report so I can ensure I review it beforehand with the report and technical reviews.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Before we go further I want to make sure that you understand what is written in Teton County code Title 9 code as you have many times changed or modified your own title 9 written code on how you are putting in the requirements for this report as well as many others. For the Trestles and Wildflower projects, we submitted an NP report as required with our Subdivision application to PNZ/DEQ where DEQ came back with the following comments in a letter dated August 22, 2023:

"After our review of the NP Evaluation, DEQ concurs with the findings of the report. The NP Evaluation has indicated that there will not be any significant degradation to the groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county then decided that a technical consultant was required, which is paid for by the applicant per title 9 code, where on September 12th, 2023, Harmony Design submitted a letter to the county responding where they were showing what they wanted to be addressed.

The applicant then again submitted to DEQ yet another modified report with revisions where DEQ came back again in a letter with a "revised NP evaluation" and in a letter dated October 30th, 2023 stated:

"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation. The revised evaluation appears to confirm the findings of the July 2023 NP evaluation – that development at the effluent rates proposed in the July 2023 evaluation should not cause any significant degradation to groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual/Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county yet again sent the report to the "technical consultant" Harmony Design, and they then again disagreed with the written letter from DEQ which was written a day before the Trestles and Wildflower hearing which was heard on November 14th, 2023 (report was submitted November 13th, 2023 from Harmony) stating that the report was incomplete and unsupported.

This is from Title 9 Teton Valley code page 39 and 40 which clearly states that the end of this review ends with DEQ's revised recommendation as stated in the title 9 code below:

"(b) If the NP evaluation is not approved by Teton County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative:

(1) The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the

Error! Filename not specified.

Title 9 Revised 05/16/2013

Teton County Idaho Page 39 of 87

9-3-2 (C-3-b)

NP Evaluation 9-3-2 (C-3-c)

County's technical representative, and the DEQ. *The County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP evaluation and associated materials (as described in section 9-3-2- C-3-B-iii);"*

We have followed the process per Teton County's title 9 code under "approval criteria"..... all steps of the process as shown above have been satisfied. Stop blocking us from being able to complete our report as required by Title 9 where we have followed every process word by word. What are you hiding where you do not want your technical consultant to meet with DEQ, EIPH and the applicant's engineer? Jade, you have blocked us from interacting with the technical consultant (Harmony) even though title 9 asks and encourages the applicant to work with to complete the report with DEQ, applicant engineer and EIPH which is at the bottom of page 37 of the title 9 county code document (and not with the permission of the pnz). The county's technical consultant has also put in requirements that DEQ has stated that **"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation"** and this is NOT a level 2 evaluation, it is a level 1 evaluation. The technical consultant has also asked that we base our report off of a "centralized wastewater system" where it is not but rather an "individual septic" system.

We have been subjected to requirements well beyond what the code requires and there is not an endless amount of restrictions that the county can put on an applicant with countless delays, only to be presented to the PNZ and BOCC to be negatively reviewed based off of the information listed above showing it to be "unsupported and incomplete". I would suggest that you have your legal review team take a serious close look at this and advise you on how your own title 9 code reads, how you are applying it to the applicants like us and follow it so we can move forward.

Our team is willing to meet with anyone to clarify if this is not so we can move forward so please advise.

Curt

On Wed, Feb 14, 2024 at 1:53 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Harmony is the consultant for the County. The applicant's comments are related to the County's review based on the requirements for the NP study (which again were triggered by the County's regulations). I don't believe DEQ or EIPH are necessary for this meeting.

We're trying to accommodate your request as timely as possible.

On Wed, Feb 14, 2024 at 1:49 PM Glen Lent <glen@alpine-development.com> wrote:

Thanks Jade. We'll just need to confirm that EIPH and the DEQ are available as well. Will Harmony be your consultant?

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Wednesday, February 14, 2024 at 1:10 PM

To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Subject: Re: Wildflower Trestles communities

I can send a Zoom link for 2:00 PM on Wednesday the 21st. I'll send that out shortly.

Thanks,

Jade

On Wed, Feb 14, 2024 at 12:56 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, I would prefer 2-3 and via Zoom. We have people scattered everywhere so a Zoom call would be best for us.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Date: Wednesday, February 14, 2024 at 12:48 PM
To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Subject: Re: Wildflower Trestles communities

Hi Glen,

We have 1-3 PM available on 1/21 (next Wednesday). Can you let me know the preference - 1-2, 2-3 PM?

We can have the meeting at the Courthouse, no issues. My ability to do hybrid meetings successfully is limited, so if people need to Zoom, can just coordinate a Zoom instead.

Just let me know,

Jade

On Wed, Feb 14, 2024 at 8:47 AM Glen Lent <glen@alpine-development.com> wrote:

Hi Jade, just following up on the meeting for the N-P study. Can we go ahead and get that scheduled?

From: Glen Lent <glen@alpine-development.com>
Date: Sunday, February 11, 2024 at 3:25 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>
Subject: Re: Wildflower Trestles communities

Jade, March 11th would be ideal for us. One condition - let's make sure we have had adequate time to review and discuss the items that are outstanding before we meet with them. I'm looking forward to hearing back from you shortly regarding the N-P study. Thanks!

PS...get with Ken on the re-noticing fees.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Date: Thursday, February 8, 2024 at 5:45 PM
To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>
Subject: Re: Wildflower Trestles communities

Hi All,

Apologies for my delay. I will note your postponed hearing on the agenda so the public is noticed it won't be heard on Feb. 12th. Can you let me know what future BoCC date works to be on the agenda? February 26th, March 11th, March 25th are all dates we

could put you on. A re-noticing fee will be added to your billing statement. Our fee page states "actual cost," so I will confirm with our office staff. I believe it's \$75 but will get back to you.

A work session with the BoCC specific to a site specific land-use decision will not be possible outside of the public hearing process.

I am still reviewing the NP Evaluation review but will be in touch shortly to discuss and schedule a meeting. Thank you for your follow up, and Glen I saw your other email with the checklist and will review soon as well.

Jade

On Tue, Feb 6, 2024 at 10:05 AM Glen Lent <glen@alpine-development.com> wrote:

Hi All,

I just wanted to follow up on this item. Jade, have you had a chance to review the study with your consultant and does it still make sense to have a video call to discuss?

From: Curt Behle <curtbehle@gmail.com>

Date: Friday, February 2, 2024 at 9:38 AM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Subject: Re: Wildflower Trestles communities

Jade,

You are incorrect. We submitted the report to DEQ in which they approved our report and then that response then goes to the county where the county then has the right to hire a technical consultant which you did. You then sent it back to us to send to DEQ again asking for more restrictions in which they again approved our report and you again had your technical consultant provide feedback again.

When we submit our full NP evaluation as we did back in August 2023, we don't even know if you are going to take the option of hiring a technical consultant and in this case you twice disagreed with the DEQ's approval of our report. This is why the title 9 clearly states that **"The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process"**.

The technical consultant is to be part of the process in which we are in the middle of right now, but you are telling me that it is impossible for them to ever be a part of the process because our only window to work with them is before we submit our full report at which time we don't even know if the county is hiring a technical consultant. This is insane.

This is not your pocket technical consultant where you can manipulate the report as you see fit. The applicant is paying for the technical consultant, not the county, so you don't control their access as per the title 9 code which encourages the applicant to work with and keep in the correspondence loop everything happening during this process with all agencies including the technical consultant.

Bombard your technical consultant? I met with Jenn once and she was very helpful, made herself available and is an old neighbor of mine. This is infuriating trying to work through the process where the professionals are trying to work through their applications only to be met with obstruction from the county.

Again, I suggest you get advice from your legal team to help you understand what should be done and quickly.

Curt

On Fri, Feb 2, 2024 at 9:09 AM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi Curt,

I am not blocking your right. The section (b) and workplan item should have been done before you submitted the full NP Evaluation (the initial stage). Before scheduling a meeting, I am suggesting you allow me to review the technical review and discuss the review first.

I told you not to bombard the consultant hired by the County because it is inappropriate to go directly there instead of contacting the County with your inquiries. The consultant is hired by Teton County to assist in the review.

I will get back to you as soon as I can once I review the second review. Thank you,

On Fri, Feb 2, 2024 at 8:49 AM Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Why are you again blocking us from exercising our right under title 9, being the applicant, where we are to work with EIPH, DEQ and the county's technical consultant on the NP study, we do not need permission from you as you so strongly keep telling us. You already told me that I could not meet with your technical consultant, blocking the state agencies, DEQ and EIPH and myself from interfacing under our responsibility which was in violation of your own title 9 code and it resulted in a denial determination at the commission hearing:

(b) If DEQ or EIPHD does not require an approved NP evaluation but Teton County does require an NP evaluation, the process will be conducted as described in Appendix A and in accordance with the MOA adopted by the Board of County Commissioners on April 13, 2009, or any revised MOA subsequently adopted by the Board.

(1) The Applicant is encouraged to meet with the DEQ and the Eastern Idaho Public Health District to discuss the elements and objectives of the NP evaluation. During the initial stage of the NP evaluation process, the Applicant shall meet with the County's technical representative, who will be working in concert with DEQ providing on-the-ground guidance. The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process.

Tina, Can you assist your client and advise them per their own title 9 code as it would help us as the applicants to follow the written process.

Curt

On Fri, Feb 2, 2024 at 8:17 AM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi All,

I will review the second review from our consultant and get back to you. If we need a meeting, it would just be with Teton County and applicant as the regulations are Teton County's. I will do my best to do this as soon as possible with my existing meeting schedule and preparation required for the 12th & 12th BoCC & PZC agendas.

Before another meeting occurs, please confirm - are you requesting to pull your application from the February 12th BoCC agenda? It has been noticed of course to comply with noticing requirements.

On Thu, Feb 1, 2024 at 6:12 PM Curt Behle <curtbehle@gmail.com> wrote:

I am open and yes Title 9 says the applicant works with the technical consultant, EIPH and DEQ to work through the report.

Jade, Who is the technical consultant for the county? Is Jen? Just let us know so we know who to work with.

Curt

On Thu, Feb 1, 2024 at 5:12 PM Brent CROWTHER <bcrowther@civilize.design> wrote:

All,

We can. I suggest we include DEQ and District 7 in that meeting as well.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM

President

Civilize, PLLC

Management and Engineering
3853 W. Mountain View Dr.
Rexburg, ID 83440
208-351-2824
bcrowther@civilize.design

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From: Glen Lent <glen@alpine-development.com>
Sent: Thursday, February 1, 2024 5:11 PM
To: Jen Zung <jen.zung@harmonydesigninc.com>; Brent CROWTHER <bcrowther@civilize.design>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Curt Behle <curtbehle@gmail.com>
Subject: Wildflower Trestles communities

Hi All,

We would like to have a video call with you to discuss the N-P study for Trestles and Wildflower. As consultants, we need to get on the same page with regards to what the code requires and what the process should be. Is there a time that works for each of you next Wednesday afternoon. I can send out a Teams meeting invite.



GLEN K. LENT, PE
Alpine Development, LLC
Mobile: 801-403-9660
glen@alpine-development.com

--

Curt Behle
858-361-0888
Behle Construction/Behle Farms
Idaho Contractor License RCE - 59316

--

Jade Krueger, AICP
Pronouns: She/her/hers
Planning Administrator
Teton County Planning Department
208-776-8241
jkrueger@tetoncountyidaho.gov



The Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.

--

Curt Behle
858-361-0888
Behle Construction/Behle Farms
Idaho Contractor License RCE - 59316

Ted VanHolland <ted.vanholland@harmonydesigninc.com> Thu, Feb 22, 2024 at 6:34 AM
To: Glen Lent <glen@alpine-development.com>, Curt Behle <curtbehle@gmail.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Glen,

It appears your distance-arrows are going through proposed Block 2 Lot 6, and reaching over to lots 5 and 7. It would seem to me all these lots are portions of the development. I can see your point in thinking that it will remain "undeveloped" in the sense of open space, but I don't think that discounts it as not part of the Trestles 2 subdivision. It's not as clear to me why the other subdivisions (Trestles 1 and Wildflower) are included, based on your illustration, although in Figure 1-1 of the NP report, it looks like it relates to the original parcels that are part of the three different resultant subdivisions. That wades more into surveying and county policy, and that's not really my role in this process. However, it is important to settle this question before Jen and Husk and I go any further in our discussion on the technical NP modeling.

Thanks,



Ted VanHolland, PE
Environmental/ Civil Engineer

208.354.1331 Ext 4013 ted.vanholland@harmonydesigninc.com
harmonydesigninc.com
18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Glen Lent <glen@alpine-development.com>
Sent: Wednesday, February 21, 2024 8:32 PM
To: Curt Behle <curtbehle@gmail.com>; Jade Krueger <jkrueger@tetoncountyidaho.gov>
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Subject: Re: Wildflower Trestles communities

You don't often get email from glen@alpine-development.com. Learn why this is important

Thank you everyone for attending the meeting today. I think it was helpful.

Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, I have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

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And thank you for allowing us to get things in by the 4th!

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Date: Wednesday, February 21, 2024 at 4:57 PM
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Subject: Re: Wildflower Trestles communities

Thank you Jade I appreciate you getting everyone together.

Curt

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Thank you,
Jade

On Thu, Feb 15, 2024 at 3:25 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, we want to keep our meeting with you on the 21st and with the BoCC on 3/11. Can you confirm that we are indeed scheduled for the 11th? If so, how do you plan on addressing the items in the staff report that we have pointed out? In our meeting with you and Tina, you had suggested an inability to modify or correct some of the mistakes and clarifications needed within that report.

Regarding your comments for a work plan below. I wasn't around when these studies were submitted, so if a work plan is important to you, we can create one. We seem to be far beyond that at this point and the fact that the County accepted our studies (and provided feedback and review letters from your 3rd party consultant) and didn't require a work plan suggests that our application was complete. Let me know.

We are looking forward to meeting with you next week to discuss your concerns.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Thursday, February 15, 2024 at 8:19 AM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Hi,

You answered neither of my questions above.

Please let the County know if you still want the meeting you requested (scheduled for next week 1/21) and please send your work plan. It wasn't submitted as part of the NP Evaluation.

I am doing my best to meet your requests and review this study with your team. If you don't wish to do that, you are of course also welcome to present your NP review and ask questions of the BoCC in your scheduled public hearing on March 11.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

I strongly disagree, so again as I advised, we let my county's legal team determine if you, the county employee, are working within the law of our title 9 code and following it or not. And as always, we reference specific title 9 code references as I did above with our actions taken only to have you respond with a vague response that you are following the code which you are not.

I do need to ask where you are getting your guidance from interpreting the code? Is it your interpretation, your legal team or is it at the direction of the board? We need to know in order to address the correct persons or group with these questions.

Curt

On Wed, Feb 14, 2024 at 7:44 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi all,

Please confirm if the meeting on 21st is desired or not. If not, I can cancel the invite.

Nothing beyond Title 9 and the appropriate appendix A have been applied.

Please also send me your approved NP work plan that was submitted before your report so I can ensure I review it beforehand with the report and technical reviews.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Before we go further I want to make sure that you understand what is written in Teton County code Title 9 code as you have many times changed or modified your own title 9 written code on how you are putting in the requirements for this report as well as many others. For the Trestles and Wildflower projects, we submitted an NP report as required with our Subdivision application to PNZ/DEQ where DEQ came back with the following comments in a letter dated August 22, 2023:

"After our review of the NP Evaluation, DEQ concurs with the findings of the report. The NP Evaluation has indicated that there will not be any significant degradation to the groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county then decided that a technical consultant was required, which is paid for by the applicant per title 9 code, where on September 12th, 2023, Harmony Design submitted a letter to the county responding where they were showing what they wanted to be addressed.

The applicant then again submitted to DEQ yet another modified report with revisions where DEQ came back again in a letter with a "revised NP evaluation" and in a letter dated October 30th, 2023 stated:

"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation. The revised evaluation appears to confirm the findings of the July 2023 NP evaluation – that development at the effluent rates proposed in the July 2023 evaluation should not cause any significant degradation to groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual/Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county yet again sent the report to the "technical consultant" Harmony Design, and they then again disagreed with the written letter from DEQ which was written a day before the Trestles and Wildflower hearing which was heard on November 14th, 2023 (report was submitted November 13th, 2023 from Harmony) stating that the report was incomplete and unsupported.

This is from Title 9 Teton Valley code page 39 and 40 which clearly states that the end of this review ends with DEQ's revised recommendation as stated in the title 9 code below:

"(b) If the NP evaluation is not approved by Teton County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative:

(1) The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the

Error! Filename not specified.

Title 9 Revised 05/16/2013

Teton County Idaho Page 39 of 87

9-3-2 (C-3-b)

NP Evaluation 9-3-2 (C-3-c)

County's technical representative, and the DEQ. The County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP evaluation and associated materials (as described in section 9-3-2- C-3-B-iii);"

We have followed the process per Teton County's title 9 code under "approval criteria"..... all steps of the process as shown above have been satisfied. Stop blocking us from being able to complete our report as required by Title 9 where we have followed every process word by word. What are you hiding where you do not want your technical consultant to meet with DEQ, EIPH and the applicant's engineer? Jade, you have blocked us from interacting with the technical consultant (Harmony) even though title 9 asks and encourages the applicant to work with to complete the report with DEQ, applicant engineer and EIPH which is at the bottom of page 37 of the title 9 county code document (and not with the permission of the pnz). The county's technical consultant has also put in requirements that DEQ has stated that **"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation"** and this is NOT a level 2 evaluation, it is a level 1 evaluation. The technical consultant has also asked that we base our report off of a "centralized wastewater system" where it is not but rather an "individual septic" system.

We have been subjected to requirements well beyond what the code requires and there is not an endless amount of restrictions that the county can put on an applicant with countless delays, only to be presented to the PNZ and BOCC to be negatively reviewed based off of the information listed above showing it to be "unsupported and incomplete". I would suggest that you have your legal review team take a serious close look at this and advise you on how your own title 9 code reads, how you are applying it to the applicants like us and follow it so we can move forward.

Our team is willing to meet with anyone to clarify if this is not so we can move forward so please advise.

Curt

On Wed, Feb 14, 2024 at 1:53 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Harmony is the consultant for the County. The applicant's comments are related to the County's review based on the requirements for the NP study (which again were triggered by the County's regulations). I don't believe DEQ or EIPH are necessary for this meeting.

We're trying to accommodate your request as timely as possible.

On Wed, Feb 14, 2024 at 1:49 PM Glen Lent <glen@alpine-development.com> wrote:

Thanks Jade. We'll just need to confirm that EIPH and the DEQ are available as well. Will Harmony be your consultant?

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Wednesday, February 14, 2024 at 1:10 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Subject: Re: Wildflower Trestles communities

I can send a Zoom link for 2:00 PM on Wednesday the 21st. I'll send that out shortly.

Thanks,

Jade

On Wed, Feb 14, 2024 at 12:56 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, I would prefer 2-3 and via Zoom. We have people scattered everywhere so a Zoom call would be best for us.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Wednesday, February 14, 2024 at 12:48 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Subject: Re: Wildflower Trestles communities

Hi Glen,

We have 1-3 PM available on 1/21 (next Wednesday). Can you let me know the preference - 1-2, 2-3 PM?

We can have the meeting at the Courthouse, no issues. My ability to do hybrid meetings successfully is limited, so if people need to Zoom, can just coordinate a Zoom instead.

Just let me know,

Jade

On Wed, Feb 14, 2024 at 8:47 AM Glen Lent <glen@alpine-development.com> wrote:

Hi Jade, just following up on the meeting for the N-P study. Can we go ahead and get that scheduled?

From: Glen Lent <glen@alpine-development.com>

Date: Sunday, February 11, 2024 at 3:25 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Subject: Re: Wildflower Trestles communities

Jade, March 11th would be ideal for us. One condition - let's make sure we have had adequate time to review and discuss the items that are outstanding before we meet with them. I'm looking forward to hearing back from you shortly regarding the N-P study. Thanks!

PS...get with Ken on the re-noticing fees.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Date: Thursday, February 8, 2024 at 5:45 PM
To: Glen Lent <glen@alpine-development.com>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>
Subject: Re: Wildflower Trestles communities

Hi All,

Apologies for my delay. I will note your postponed hearing on the agenda so the public is noticed it won't be heard on Feb. 12th. Can you let me know what future BoCC date works to be on the agenda? February 26th, March 11th, March 25th are all dates we could put you on. A re-noticing fee will be added to your billing statement. Our fee page states "actual cost," so I will confirm with our office staff. I believe it's \$75 but will get back to you.

A work session with the BoCC specific to a site specific land-use decision will not be possible outside of the public hearing process.

I am still reviewing the NP Evaluation review but will be in touch shortly to discuss and schedule a meeting. Thank you for your follow up, and Glen I saw your other email with the checklist and will review soon as well.

Jade

On Tue, Feb 6, 2024 at 10:05 AM Glen Lent <glen@alpine-development.com> wrote:

Hi All,

I just wanted to follow up on this item. Jade, have you had a chance to review the study with your consultant and does it still make sense to have a video call to discuss?

From: Curt Behle <curtbehle@gmail.com>
Date: Friday, February 2, 2024 at 9:38 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>
Subject: Re: Wildflower Trestles communities

Jade,

You are incorrect. We submitted the report to DEQ in which they approved our report and then that response then goes to the county where the county then has the right to hire a technical consultant which you did. You then sent it back to us to send to DEQ again asking for more restrictions in which they again approved our report and you again had your technical consultant provide feedback again.

When we submit our full NP evaluation as we did back in August 2023, we don't even know if you are going to take the option of hiring a technical consultant and in this case you twice disagreed with the DEQ's approval of our report. This is why the title 9 clearly states that "**The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process**". The technical consultant is to be part of the process in which we are in the middle of right now, but you are telling me that it is impossible for them to ever be a part of the process because our only window to work with them is before we submit our full report at which time we don't even know if the county is hiring a technical consultant. This is insane.

This is not your pocket technical consultant where you can manipulate the report as you see fit. The applicant is paying for the technical consultant, not the county, so you don't control their access as per the title 9 code which encourages the applicant to work with and keep in the correspondence loop everything happening during this process with all agencies including the technical consultant.

Bombard your technical consultant? I met with Jenn once and she was very helpful, made herself available and is an old neighbor of mine. This is infuriating trying to work through the process where the professionals are trying to work through their applications only to be met with obstruction from the county.

Again, I suggest you get advice from your legal team to help you understand what should be done and quickly.

Curt

On Fri, Feb 2, 2024 at 9:09 AM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi Curt,

I am not blocking your right. The section (b) and workplan item should have been done before you submitted the full NP Evaluation (the initial stage). Before scheduling a meeting, I am suggesting you allow me to review the technical review and discuss the review first.

I told you not to bombard the consultant hired by the County because it is inappropriate to go directly there instead of contacting the County with your inquiries. The consultant is hired by Teton County to assist in the review.

I will get back to you as soon as I can once I review the second review. Thank you,

On Fri, Feb 2, 2024 at 8:49 AM Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Why are you again blocking us from exercising our right under title 9, being the applicant, where we are to work with EIPH, DEQ and the county's technical consultant on the NP study, we do not need permission from you as you so strongly keep telling us. You already told me that I could not meet with your technical consultant, blocking the state agencies, DEQ and EIPH and myself from interfacing under our responsibility which was in violation of your own title 9 code and it resulted in a denial determination at the commission hearing:

(b) If DEQ or EIPHD does not require an approved NP evaluation but Teton County does require an NP evaluation, the process will be conducted as described in Appendix A and in accordance with the MOA adopted by the Board of County Commissioners on April 13, 2009, or any revised MOA subsequently adopted by the Board.

(1) The Applicant is encouraged to meet with the DEQ and the Eastern Idaho Public Health District to discuss the elements and objectives of the NP evaluation. During the initial stage of the NP evaluation process, the Applicant shall meet with the County's technical representative, who will be working in concert with DEQ providing on-the-ground guidance. The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process.

Tina, Can you assist your client and advise them per their own title 9 code as it would help us as the applicants to follow the written process.

Curt

On Fri, Feb 2, 2024 at 8:17 AM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi All,

I will review the second review from our consultant and get back to you. If we need a meeting, it would just be with Teton County and applicant as the regulations are Teton County's. I will do my best to do this as soon as possible with my existing meeting schedule and preparation required for the 12th & 12th BoCC & PZC agendas.

Before another meeting occurs, please confirm - are you requesting to pull your application from the February 12th BoCC agenda? It has been noticed of course to comply with noticing requirements.

On Thu, Feb 1, 2024 at 6:12 PM Curt Behle <curtbehle@gmail.com> wrote:

I am open and yes Title 9 says the applicant works with the technical consultant, EIPH and DEQ to work through the report.

Jade, Who is the technical consultant for the county? Is Jen? Just let us know so we know who to work with.

Curt

On Thu, Feb 1, 2024 at 5:12 PM Brent CROWTHER <bcrowther@civilize.design> wrote:

All,

We can. I suggest we include DEQ and District 7 in that meeting as well.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM

President

Civilize, PLLC

Management and Engineering

3853 W. Mountain View Dr.

Rexburg, ID 83440

208-351-2824

bcrowther@civilize.design

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From: Glen Lent <glen@alpine-development.com>

Sent: Thursday, February 1, 2024 5:11 PM

To: Jen Zung <jen.zung@harmonydesigninc.com>; Brent CROWTHER <bcrowther@civilize.design>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Curt Behle <curtbehle@gmail.com>

Subject: Wildflower Trestles communities

Hi All,

We would like to have a video call with you to discuss the N-P study for Trestles and Wildflower. As consultants, we need to get on the same page with regards to what the code requires and what the process should be. Is there a time that works for each of you next Wednesday afternoon. I can send out a Teams meeting invite.



GLEN K. LENT, PE

Alpine Development, LLC

Mobile: 801-403-9660

glen@alpine-development.com

--

Curt Behle

858-361-0888

Behle Construction/Behle Farms

Idaho Contractor License RCE - 59316

Curt Behle

858-361-0888

Behle Construction/Behle Farms

Idaho Contractor License RCE - 59316

Glen Lent <glen@alpine-development.com>

Thu, Feb 22, 2024 at 8:18 AM

To: Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Curt Behle <curtbehle@gmail.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Good points Ted. We seemingly are punished for setting aside open space. Title 9 states, "The proposed development that lies wholly or partially within the WW Wetland and Waterways Overlay Area". The phrase "proposed development" could be interpreted in several different ways including only those areas that are developed. Also, I am still confused why these aren't parcels instead of lots. Lots would suggest that they are buildable. Most plats I've done where open space is set aside are called parcels to separate and distinguish them differently than buildable lots. We certainly could explore options of 1) donating that property to the neighboring property owner through a boundary line agreement, or 2) set it aside as a remnant parcel and not include it in the community. Not sure if code will allow that. After spending more time exploring all of the overlays in the County, this is certainly one of the most buildable areas. I can't imagine the strife you've incurred with other developers who have multiple overlays.

From: Ted VanHolland <ted.vanholland@harmonydesigninc.com>**Date:** Thursday, February 22, 2024 at 6:34 AM**To:** Glen Lent <glen@alpine-development.com>, Curt Behle <curtbehle@gmail.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>**Cc:** Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>**Subject:** RE: Wildflower Trestles communities

Glen,

It appears your distance-arrows are going through proposed Block 2 Lot 6, and reaching over to lots 5 and 7. It would seem to me all these lots are portions of the development. I can see your point in thinking that it will remain "undeveloped" in the sense of open space, but I don't think that discounts it as not part of the Trestles 2 subdivision. It's not as clear to me why the other subdivisions (Trestles 1 and Wildflower) are included, based on your illustration, although in Figure 1-1 of the NP report, it looks like it relates to the original parcels that are part of the three different resultant subdivisions. That wades more into surveying and county policy, and that's not really my role in this process. However, it is important to settle this question before Jen and Husk and I go any further in our discussion on the technical NP modeling.

Thanks,



HARMONY
DESIGN & ENGINEERING

Ted VanHolland, PE
Environmental/ Civil Engineer

📞 208.354.1331 Ext 4013 ✉ ted.vanholland@harmonydesigninc.com

🌐 harmonydesigninc.com

📍 18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Glen Lent <glen@alpine-development.com>**Sent:** Wednesday, February 21, 2024 8:32 PM**To:** Curt Behle <curtbehle@gmail.com>; Jade Krueger <jkrueger@tetoncountyidaho.gov>**Cc:** Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Ted VanHolland <ted.vanholland@harmonydesigninc.com>; Bailey Smith <baileysmith@co.teton.id.us>**Subject:** Re: Wildflower Trestles communities

Thank you everyone for attending the meeting today. I think it was helpful.

You don't often get email from glen@alpine-development.com. [Learn why this is important](#)

Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, I have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

What I am seeing is that Trestles 1 should not require an NP study since it is significantly further than 300' away. Wildflower is also outside of the 300' mark, and if I remove lot 5 in block 2, Trestles 2 should not apply. If acceptable, we will gladly remove this lot from our community and check this off the list. Coupled with knowing that an NP study has already been performed in this community and given an approval from the DEQ should provide some peace of mind to the professionals involved.



2. I just need to know how you plan to present those items referenced in our rebuttal letter to the Council. At a minimum we would expect to have you include our letter addressing these items. It certainly would be better if you eliminated those items from your report that no longer apply or were satisfied.

And thank you for allowing us to get things in by the 4th!

From: Curt Behle <curtbehle@gmail.com>
Date: Wednesday, February 21, 2024 at 4:57 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

Thank you Jade I appreciate you getting everyone together.

Curt

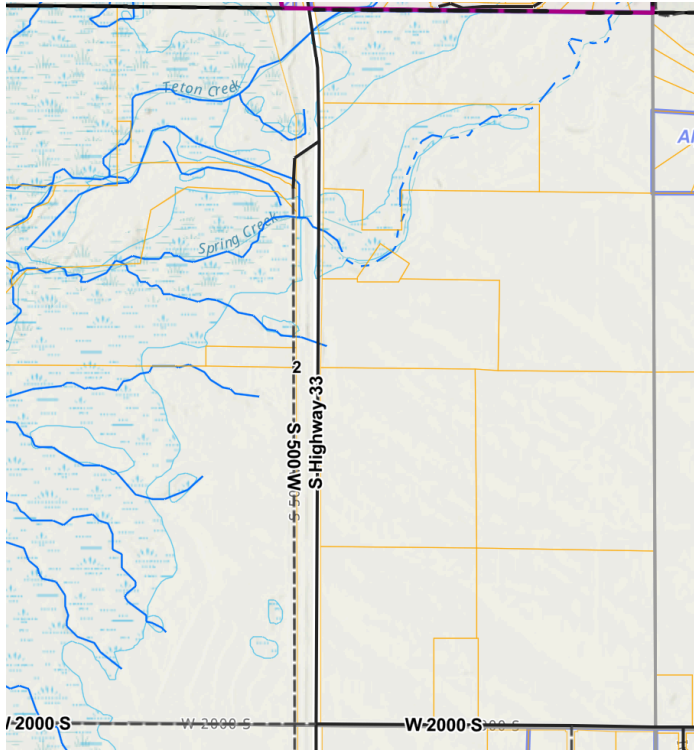
On Wednesday, February 21, 2024, Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Thanks for meeting today, all. I'll look for an update coming from the Engineers. Please let us know if we need another full meeting to discuss.

Cc: Glen Lent <glen@alpine-development.com>, Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Hi All,

Trestles is one application. All of Trestles is therefore viewed within the Wetland & Waterways overlay. I've overlaid the hydrography layer - Spring Creek actually splits bringing it closer to the Wildflower property. No official delineation for any of the properties was ever done because it was planned for open space - that I am aware of. Please let me know if that's not the case.



My suggestion at this time is to keep your study as you have already done - including both Wildflower and Trestles. However, if you wanted to have an official delineation done for Wildflower that determined it was 300 feet away from any OHWM of Spring Creek, an argument could be made for removing it. I do believe that it should still be considered as part of the Cumulative Impacts section of the appendix - rather continuing to include Wildflower will assist the BoCC in reviewing your finalized NP Evaluation / assist in determining whether or not a level 2 is needed.

At the end of the day, BoCC is the decision making body and I am just here to give the best possible guidance I can on what questions they'll ask, etc. This BoCC has historically been very focused on groundwater quality. Please let me know if you have other questions - I'll do my best to get back ASAP to keep this moving.

Glen, if you'd like to discuss any of the other items, please send me a few times that might work next Tuesday, Wednesday or Thursday and we can review.

Thanks,
Jade

On Thu, Feb 22, 2024 at 6:34 AM Ted VanHolland <ted.vanholland@harmonydesigninc.com> wrote:

Glen,

It appears your distance-arrows are going through proposed Block 2 Lot 6, and reaching over to lots 5 and 7. It would seem to me all these lots are portions of the development. I can see your point in thinking that it will remain "undeveloped" in the sense of open space, but I don't think that discounts it as not part of the Trestles 2 subdivision. It's not as clear to me why the other subdivisions (Trestles 1 and Wildflower) are included, based on your illustration, although in Figure 1-1 of the NP report, it looks like it relates to the original parcels that are part of the three different resultant subdivisions. That wades more into surveying and county policy, and that's not really my role in this process. However, it is important to settle this question before Jen and Husk and I go any further in our discussion on the technical NP modeling.

Thanks,



Ted VanHolland, PE
Environmental/ Civil Engineer

208.354.1331 Ext 4013 | ted.vanholland@harmonydesigninc.com
harmonydesigninc.com
18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Glen Lent <glen@alpine-development.com>

Sent: Wednesday, February 21, 2024 8:32 PM

To: Curt Behle <curtbehle@gmail.com>; Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@iibertycapco.com>; Ted VanHolland <ted.vanholland@harmonydesigninc.com>; Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

You don't often get email from glen@alpine-development.com. [Learn why this is important](#)

Thank you everyone for attending the meeting today. I think it was helpful.

Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, I have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

What I am seeing is that Trestles 1 should not require an NP study since it is significantly further than 300' away. Wildflower is also outside of the 300' mark, and if I remove lot 5 in block 2, Trestles 2 should not apply. If acceptable, we will gladly remove this lot from our community and check this off the list. Coupled with knowing that an NP study has already been performed in this community and given an approval from the DEQ should provide some peace of mind to the professionals involved.



2. I just need to know how you plan to present those items referenced in our rebuttal letter to the Council. At a minimum we would expect to have you include our letter addressing these items. It certainly would be better if you eliminated those items from your report that no longer apply or were satisfied.

And thank you for allowing us to get things in by the 4th!

--

Jade Krueger, AICP

Pronouns: She/her/hers

Planning Administrator

Teton County Planning Department

208-776-8241

jkrueger@tetoncountyidaho.gov

[150 Courthouse Drive](#)

[Driggs, Idaho 83422](#)



The Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.

--

Curt Behle

858-361-0888

Behle Construction/Behle Farms

Idaho Contractor License RCE - 59316

--

Jade Krueger, AICP

Pronouns: She/her/hers

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Glen Lent <glen@alpine-development.com>
To: Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Thu, Feb 22, 2024 at 10:10 AM

Jade, I would love to hop on a call on Tuesday if possible. I'm open any time after 10:00.

Thanks for that context. I figured there was reasoning behind this, since there have already been two submittals for NP evaluation that included all three s/d's. Sounds like we should proceed with technical discussions on the Level 1 modeling.

Thanks,



Ted VanHolland, PE
Environmental/ Civil Engineer

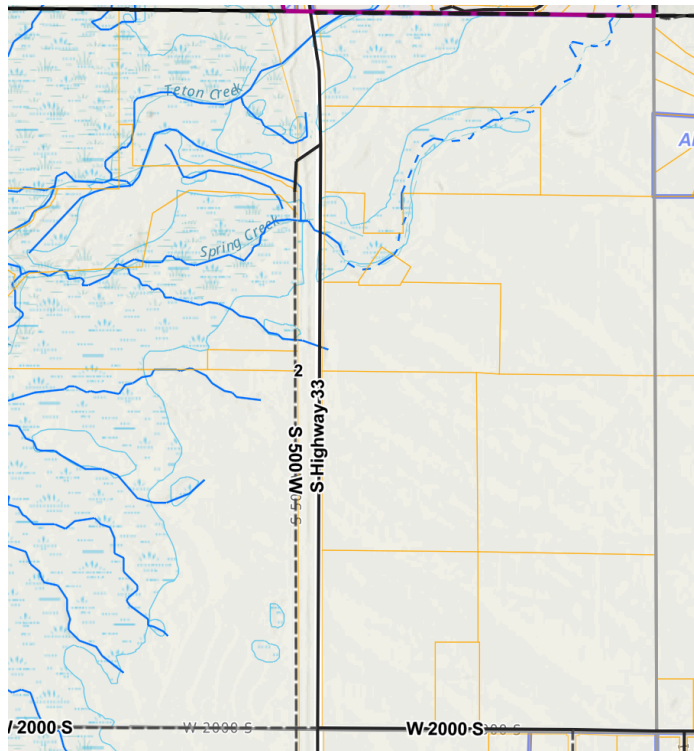
208.354.1331 Ext 4013 | ted.vanholland@harmonydesigninc.com
harmonydesigninc.com
18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Sent: Thursday, February 22, 2024 8:46 AM
To: Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Cc: Glen Lent <glen@alpine-development.com>; Curt Behle <curtbehle@gmail.com>; Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

You don't often get email from jkrueger@tetoncountyidaho.gov. [Learn why this is important](#)

Hi All,

Trestles is one application. All of Trestles is therefore viewed within the Wetland & Waterways overlay. I've overlaid the hydrography layer - Spring Creek actually splits bringing it closer to the Wildflower property. No official delineation for any of the properties was ever done because it was planned for open space - that I am aware of. Please let me know if that's not the case.



My suggestion at this time is to keep your study as you have already done - including both Wildflower and Trestles. However, if you wanted to have an official delineation done for Wildflower that determined it was 300 feet away from any OHWM of Spring Creek, an argument could be made for removing it. I do believe that it should still be considered as part of the Cumulative Impacts section of the appendix - rather continuing to include Wildflower will assist the BoCC in reviewing your finalized NP Evaluation / assist in determining whether or not a level 2 is needed.

At the end of the day, BoCC is the decision making body and I am just here to give the best possible guidance I can on what questions they'll ask, etc. This BoCC has historically been very focused on groundwater quality. Please let me know if you have other questions - I'll do my best to get back ASAP to keep this moving.

Glen, if you'd like to discuss any of the other items, please send me a few times that might work next Tuesday, Wednesday or Thursday and we can review.

Thanks,

Jade

On Thu, Feb 22, 2024 at 6:34 AM Ted VanHolland <ted.vanholland@harmonydesigninc.com> wrote:

Glen,

It appears your distance-arrows are going through proposed Block 2 Lot 6, and reaching over to lots 5 and 7. It would seem to me all these lots are portions of the development. I can see your point in thinking that it will remain "undeveloped" in the sense of open space, but I don't think that discounts it as not part of the Trestles 2 subdivision. It's not as clear to me why the other subdivisions (Trestles 1 and Wildflower) are included, based on your illustration, although in Figure 1-1 of the NP report, it looks like it relates to the original parcels that are part of the three different resultant subdivisions. That wades more into surveying and county policy, and that's not really my role in this process. However, it is important to settle this question before Jen and Husk and I go any further in our discussion on the technical NP modeling.

Thanks,



Ted VanHolland, PE
Environmental/ Civil Engineer

208.354.1331 Ext 4013 | ted.vanholland@harmonydesigninc.com
harmonydesigninc.com
18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Glen Lent <glen@alpine-development.com>
Sent: Wednesday, February 21, 2024 8:32 PM
To: Curt Behle <curtbehle@gmail.com>; Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Ted VanHolland <ted.vanholland@harmonydesigninc.com>; Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

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Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, I have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

What I am seeing is that Trestles 1 should not require an NP study since it is significantly further than 300' away. Wildflower is also outside of the 300' mark, and if I remove lot 5 in block 2, Trestles 2 should not apply. If acceptable, we will gladly remove this lot from our community and check this off the list. Coupled with knowing that an NP study has already been performed in this community and given an approval from the DEQ should provide some peace of mind to the professionals involved.



- I just need to know how you plan to present those items referenced in our rebuttal letter to the Council. At a minimum we would expect to have you include our letter addressing these items. It certainly would be better if you eliminated those items from your report that no longer apply or were satisfied.

And thank you for allowing us to get things in by the 4th!

From: Curt Behle <curtbehle@gmail.com>

Date: Wednesday, February 21, 2024 at 4:57 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Thank you Jade I appreciate you getting everyone together.

Curt

On Wednesday, February 21, 2024, Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Thanks for meeting today, all. I'll look for an update coming from the Engineers. Please let us know if we need another full meeting to discuss.

The latest I could accept any information desired to be incorporated into a staff report/packet of materials for the March 11 BoCC meeting is March 4. That's cutting it very tight for staff to review, but we can make it work given the meeting today.

Thank you,
Jade

On Thu, Feb 15, 2024 at 3:25 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, we want to keep our meeting with you on the 21st and with the BoCC on 3/11. Can you confirm that we are indeed scheduled for the 11th? If so, how do you plan on addressing the items in the staff report that we have pointed out? In our meeting with you and Tina, you had suggested an inability to modify or correct some of the mistakes and clarifications needed within that report.

Regarding your comments for a work plan below. I wasn't around when these studies were submitted, so if a work plan is important to you, we can create one. We seem to be far beyond that at this point and the fact that the County accepted our studies (and provided feedback and review letters from your 3rd party consultant) and didn't require a work plan suggests that our application was complete. Let me know.

We are looking forward to meeting with you next week to discuss your concerns.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Thursday, February 15, 2024 at 8:19 AM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Hi,

You answered neither of my questions above.

Please let the County know if you still want the meeting you requested (scheduled for next week 1/21) and please send your work plan. It wasn't submitted as part of the NP Evaluation.

I am doing my best to meet your requests and review this study with your team. If you don't wish to do that, you are of course also welcome to present your NP review and ask questions of the BoCC in your scheduled public hearing on March 11.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

I strongly disagree, so again as I advised, we let my county's legal team determine if you, the county employee, are working within the law of our title 9 code and following it or not. And as always, we reference specific title 9 code references as I did above with our actions taken only to have you respond with a vague response that you are following the code which you are not.

I do need to ask where you are getting your guidance from interpreting the code? Is it your interpretation, your legal team or is it at the direction of the board? We need to know in order to address the correct persons or group with these questions.

Curt

On Wed, Feb 14, 2024 at 7:44 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi all,

Please confirm if the meeting on 21st is desired or not. If not, I can cancel the invite.

Nothing beyond Title 9 and the appropriate appendix A have been applied.

Please also send me your approved NP work plan that was submitted before your report so I can ensure I review it beforehand with the report and technical reviews.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Before we go further I want to make sure that you understand what is written in Teton County code Title 9 code as you have many times changed or modified your own title 9 written code on how you are putting in the requirements for this report as well as many others. For the Trestles and Wildflower projects, we submitted an NP report as required with our Subdivision application to PNZ/DEQ where DEQ came back with the following comments in a letter dated August 22, 2023:

"After our review of the NP Evaluation, DEQ concurs with the findings of the report. The NP Evaluation has indicated that there will not be any significant degradation to the groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county then decided that a technical consultant was required, which is paid for by the applicant per title 9 code, where on September 12th, 2023, Harmony Design submitted a letter to the county responding where they were showing what they wanted to be addressed.

The applicant then again submitted to DEQ yet another modified report with revisions where DEQ came back again in a letter with a "revised NP evaluation" and in a letter dated October 30th, 2023 stated:

"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation. The revised evaluation appears to confirm the findings of the July 2023 NP evaluation – that development at the effluent rates proposed in the July 2023 evaluation should not cause any significant degradation to groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual/Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county yet again sent the report to the "technical consultant" Harmony Design, and they then again disagreed with the written letter from DEQ which was written a day before the Trestles and Wildflower hearing which was heard on November 14th, 2023 (report was submitted November 13th, 2023 from Harmony) stating that the report was incomplete and unsupported.

This is from Title 9 Teton Valley code page 39 and 40 which clearly states that the end of this review ends with DEQ's revised recommendation as stated in the title 9 code below:

"(b) If the NP evaluation is not approved by Teton County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative:

(1) The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the

Error! Filename not specified.

Title 9 Revised 05/16/2013

Teton County Idaho Page 39 of 87

9-3-2 (C-3-b)

NP Evaluation 9-3-2 (C-3-c)

County's technical representative, and the DEQ. *The County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP evaluation and associated materials (as described in section 9-3-2- C-3-B-iii);"*

We have followed the process per Teton County's title 9 code under "approval criteria"..... all steps of the process as shown above have been satisfied. Stop blocking us from being able to complete our report as required by Title 9 where we have followed every process word by word. What are you hiding where you do not want your technical consultant to meet with DEQ, EIPH and the applicant's engineer? Jade, you have blocked us from interacting with the technical consultant (Harmony) even though title 9 asks and encourages the applicant to work with to complete the report with DEQ, applicant engineer and EIPH which is at the bottom of page 37 of the title 9 county code document (and not with the permission of the pnz). The county's technical consultant has also put in requirements that DEQ has stated that **"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation"** and this is NOT a level 2 evaluation, it is a level 1 evaluation. The technical consultant has also asked that we base our report off of a "centralized wastewater system" where it is not but rather an "individual septic" system.

We have been subjected to requirements well beyond what the code requires and there is not an endless amount of restrictions that the county can put on an applicant with countless delays, only to be presented to the PNZ and BOCC to be negatively reviewed based off of the information listed above showing it to be "unsupported and incomplete". I would suggest that you have your legal review team take a serious close look at this and advise you on how your own title 9 code reads, how you are applying it to the applicants like us and follow it so we can move forward.

Our team is willing to meet with anyone to clarify if this is not so we can move forward so please advise.

Curt

On Wed, Feb 14, 2024 at 1:53 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Harmony is the consultant for the County. The applicant's comments are related to the County's review based on the requirements for the NP study (which again were triggered by the County's regulations). I don't believe DEQ or EIPH are necessary for this meeting.

We're trying to accommodate your request as timely as possible.

On Wed, Feb 14, 2024 at 1:49 PM Glen Lent <glen@alpine-development.com> wrote:

Thanks Jade. We'll just need to confirm that EIPH and the DEQ are available as well. Will Harmony be your consultant?

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Date: Wednesday, February 14, 2024 at 1:10 PM
To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Subject: Re: Wildflower Trestles communities

I can send a Zoom link for 2:00 PM on Wednesday the 21st. I'll send that out shortly.

Thanks,

Jade

On Wed, Feb 14, 2024 at 12:56 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, I would prefer 2-3 and via Zoom. We have people scattered everywhere so a Zoom call would be best for us.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Wednesday, February 14, 2024 at 12:48 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>

Subject: Re: Wildflower Trestles communities

Hi Glen,

We have 1-3 PM available on 1/21 (next Wednesday). Can you let me know the preference - 1-2, 2-3 PM?

We can have the meeting at the Courthouse, no issues. My ability to do hybrid meetings successfully is limited, so if people need to Zoom, can just coordinate a Zoom instead.

Just let me know,

Jade

On Wed, Feb 14, 2024 at 8:47 AM Glen Lent <glen@alpine-development.com> wrote:

Hi Jade, just following up on the meeting for the N-P study. Can we go ahead and get that scheduled?

From: Glen Lent <glen@alpine-development.com>

Date: Sunday, February 11, 2024 at 3:25 PM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Subject: Re: Wildflower Trestles communities

Jade, March 11th would be ideal for us. One condition - let's make sure we have had adequate time to review and discuss the items that are outstanding before we meet with them. I'm looking forward to hearing back from you shortly regarding the N-P study. Thanks!

PS...get with Ken on the re-noticing fees.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Thursday, February 8, 2024 at 5:45 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Subject: Re: Wildflower Trestles communities

Hi All,

Apologies for my delay. I will note your postponed hearing on the agenda so the public is noticed it won't be heard on Feb. 12th. Can you let me know what future BoCC date works to be on the agenda? February 26th, March 11th, March 25th are all dates we could put you on. A re-noticing fee will be added to your billing statement. Our fee page states "actual cost," so I will confirm with our office staff. I believe it's \$75 but will get back to you.

A work session with the BoCC specific to a site specific land-use decision will not be possible outside of the public hearing process.

I am still reviewing the NP Evaluation review but will be in touch shortly to discuss and schedule a meeting. Thank you for your follow up, and Glen I saw your other email with the checklist and will review soon as well.

Jade

On Tue, Feb 6, 2024 at 10:05 AM Glen Lent <glen@alpine-development.com> wrote:

Hi All,

I just wanted to follow up on this item. Jade, have you had a chance to review the study with your consultant and does it still make sense to have a video call to discuss?

From: Curt Behle <curtbehle@gmail.com>

Date: Friday, February 2, 2024 at 9:38 AM

To: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Cc: Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Glen Lent <glen@alpine-development.com>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>

Subject: Re: Wildflower Trestles communities

Jade,

You are incorrect. We submitted the report to DEQ in which they approved our report and then that response then goes to the county where the county then has the right to hire a technical consultant which you did. You then sent it back to us to send to DEQ again asking for more restrictions in which they again approved our report and you again had your technical consultant provide feedback again.

When we submit our full NP evaluation as we did back in August 2023, we don't even know if you are going to take the option of hiring a technical consultant and in this case you twice disagreed with the DEQ's approval of our report. This is why the title 9 clearly states that "**The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process**". The technical consultant is to be part of the process in which we are in the middle of right now, but you are telling me that it is impossible for them to ever be a part of the process because our only window to work with them is before we submit our full report at which time we don't even know if the county is hiring a technical consultant. This is insane.

This is not your pocket technical consultant where you can manipulate the report as you see fit. The applicant is paying for the technical consultant, not the county, so you don't control their access as per the title 9 code which encourages the applicant to work with and keep in the correspondence loop everything happening during this process with all agencies including the technical consultant.

Bombard your technical consultant? I met with Jenn once and she was very helpful, made herself available and is an old neighbor of mine. This is infuriating trying to work through the process where the professionals are trying to work through their applications only to be met with obstruction from the county.

Again, I suggest you get advice from your legal team to help you understand what should be done and quickly.

Curt

On Fri, Feb 2, 2024 at 9:09 AM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi Curt,

I am not blocking your right. The section (b) and workplan item should have been done before you submitted the full NP Evaluation (the initial stage). Before scheduling a meeting, I am suggesting you allow me to review the technical review and discuss the review first.

I told you not to bombard the consultant hired by the County because it is inappropriate to go directly there instead of contacting the County with your inquiries. The consultant is hired by Teton County to assist in the review.

I will get back to you as soon as I can once I review the second review. Thank you,

On Fri, Feb 2, 2024 at 8:49 AM Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Why are you again blocking us from exercising our right under title 9, being the applicant, where we are to work with EIPH, DEQ and the county's technical consultant on the NP study, we do not need permission from you as you so strongly keep telling us. You already told me that I could not meet with your technical consultant, blocking the state agencies, DEQ and EIPH and myself from interfacing under our responsibility which was in violation of your own title 9 code and it resulted in a denial determination at the commission hearing:

(b) If DEQ or EIPHD does not require an approved NP evaluation but Teton County does require an NP evaluation, the process will be conducted as described in Appendix A and in accordance with the MOA adopted by the Board of County Commissioners on April 13, 2009, or any revised MOA subsequently adopted by the Board.

(1) The Applicant is encouraged to meet with the DEQ and the Eastern Idaho Public Health District to discuss the elements and objectives of the NP evaluation. During the initial stage of the NP evaluation process, the Applicant shall meet with the County's technical representative, who will be working in concert with DEQ providing on-the-ground guidance. The Applicant shall keep the County's technical representative in the correspondence loop during the ensuing process.

Tina, Can you assist your client and advise them per their own title 9 code as it would help us as the applicants to follow the written process.

Curt

On Fri, Feb 2, 2024 at 8:17 AM Jade Krueger <jkruieger@tetoncountyidaho.gov> wrote:

Hi All,

I will review the second review from our consultant and get back to you. If we need a meeting, it would just be with Teton County and applicant as the regulations are Teton County's. I will do my best to do this as soon as possible with my existing meeting schedule and preparation required for the 12th & 12th BoCC & PZC agendas.

Before another meeting occurs, please confirm - are you requesting to pull your application from the February 12th BoCC agenda? It has been noticed of course to comply with noticing requirements.

On Thu, Feb 1, 2024 at 6:12 PM Curt Behle <curtbehle@gmail.com> wrote:

I am open and yes Title 9 says the applicant works with the technical consultant, EIPH and DEQ to work through the report.

Jade, Who is the technical consultant for the county? Is Jen? Just let us know so we know who to work with.

Curt

On Thu, Feb 1, 2024 at 5:12 PM Brent CROWTHER <bcrowther@civilize.design> wrote:

All,

We can. I suggest we include DEQ and District 7 in that meeting as well.

Brent E. "Husk" Crowther, P.E., PMP, CFM

Brent E Crowther, P.E. PMP, CFM

President

Civilize, PLLC

Management and Engineering

3853 W. Mountain View Dr.

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208-351-2824

bcrowther@civilize.design

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From: Glen Lent <glen@alpine-development.com>
Sent: Thursday, February 1, 2024 5:11 PM
To: Jen Zung <jen.zung@harmonydesigninc.com>; Brent CROWTHER <bcrowther@civilize.design>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Curt Behle <curtbehle@gmail.com>
Subject: Wildflower Trestles communities

Hi All,

We would like to have a video call with you to discuss the N-P study for Trestles and Wildflower. As consultants, we need to get on the same page with regards to what the code requires and what the process should be. Is there a time that works for each of you next Wednesday afternoon. I can send out a Teams meeting invite.




GLEN K. LENT, PE
Alpine Development, LLC
Mobile: 801-403-9660
glen@alpine-development.com

--
Curt Behle
858-361-0888
Behle Construction/Behle Farms
Idaho Contractor License RCE - 59316

--
Jade Krueger, AICP
Pronouns: She/her/hers
Planning Administrator
Teton County Planning Department
208-776-8241
jkrueger@tetoncountyidaho.gov

150 Courthouse Drive
Driggs, Idaho 83422


The Planning Department hours are M-Thurs 9-3:00 p.m.; Fridays 9-12:00 p.m.

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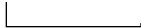
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Jennifer Zung, PE, CFM
Principal Engineer

208.354.1331 Ext 4003 
jen.zung@harmonydesigninc.com

From: Curt Behle <curtbehle@gmail.com>
Sent: Friday, March 1, 2024 2:45 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Glen Lent <glen@alpine-development.com>; Ted VanHolland <ted.vanholland@harmonydesigninc.com>; Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

You don't often get email from curtbehle@gmail.com. [Learn why this is important](#)

Jade,

This is disappointing as before you blocked us from meeting with the technical consultant asking us not to contact them now they don't have time. I want this noted that you emailed me in November telling me that we were not to contact the counties technical consultant (Harmony), which was an effort to follow the code written in your title 9 where it asks that the applicant work with the technical consultant. You said at that time " Curt, it is not acceptable for you to address a consultant contracted by the County to review technical components of your application. Jen Zung let me know you approached her at her office. This should not happen in the future". We now go to the BoCC meeting next week where we will go to repeat your recommendation like before stating that our report is "incomplete".

If we do not go into the March 11th meeting with our noted np report, I want it noted that you blocked us from following title 9 code which was our only avenue to complete this report.

Curt

On Friday, March 1, 2024, Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi Glen,

I was included on Husk's email to them to schedule and meet. Jen and Ted have been coordinating with him on when they're available. It looks like they have time to meet on Monday.

It's a tight timeframe, and I believe everyone is trying their best to meet.

I requested Monday so I may have time to review material and include it. If it comes in after Monday, it may not be included in the staff report but could be verbalized in your applicant presentation.

On Fri, Mar 1, 2024 at 12:24 PM Glen Lent <glen@alpine-development.com> wrote:

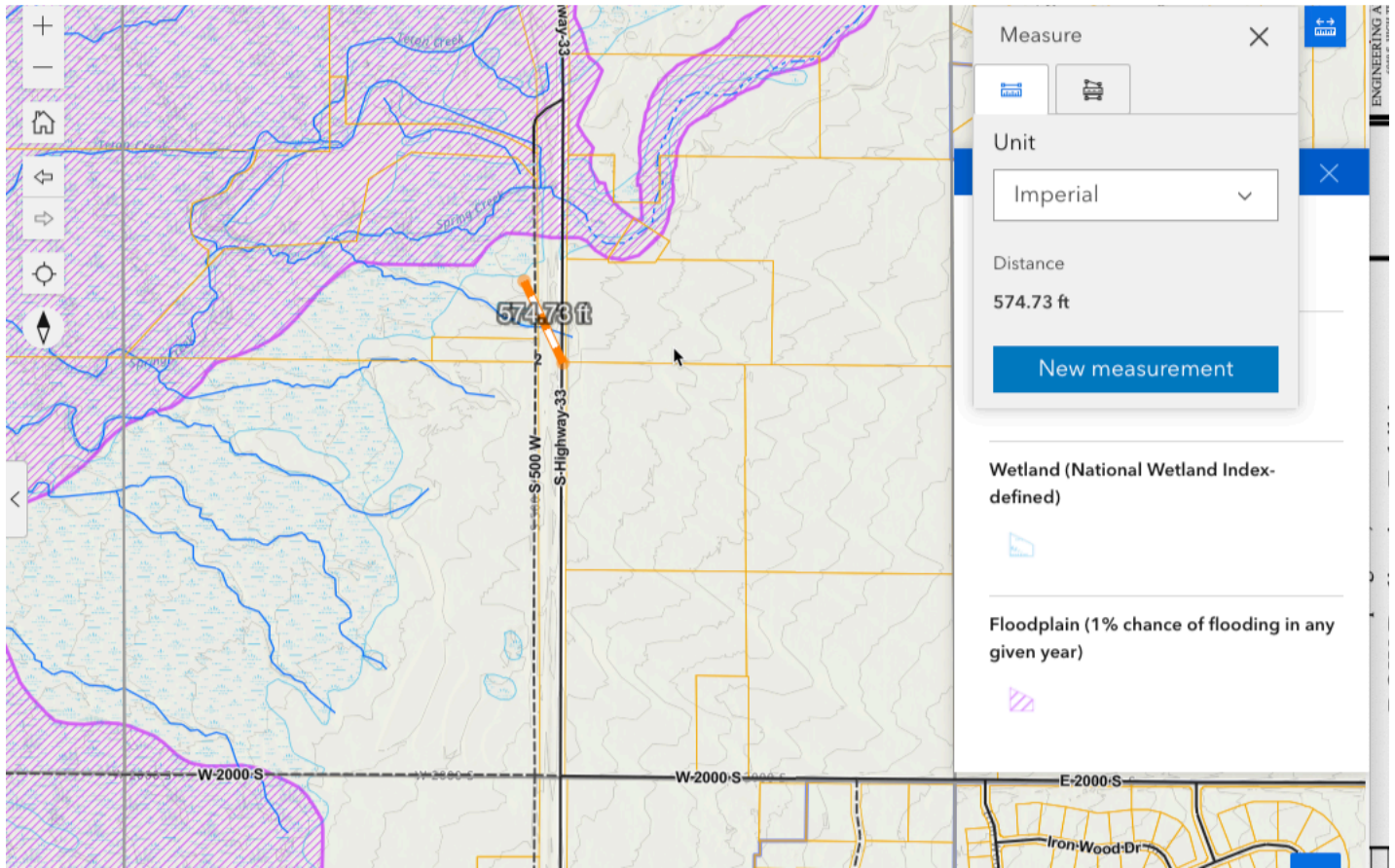
Jade,

We have reached out to Harmony Monday, Tuesday and Thursday and have been unsuccessful in setting a meeting with Husk. We got a short email from Jen on Tuesday where she said her week was full but might be able to meet today. Where you are requesting all documents to be provided by Monday, I don't know what to do given the fact that your consultants have been unwilling to meet with us. Husk is now out of town.

From: Glen Lent <glen@alpine-development.com>
Date: Thursday, February 22, 2024 at 10:10 AM
To: Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

Jade, I would love to hop on a call on Tuesday if possible. I'm open any time after 10:00.

Here is what I am measuring using the Hydrography layer.



From: Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Date: Thursday, February 22, 2024 at 8:55 AM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Glen Lent <glen@alpine-development.com>, Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>
Subject: RE: Wildflower Trestles communities

Jade,

Thanks for that context. I figured there was reasoning behind this, since there have already been two submittals for NP evaluation that included all three s/d's.
 Sounds like we should proceed with technical discussions on the Level 1 modeling.

Thanks,



Ted VanHolland, PE
 Environmental/ Civil Engineer

208.354.1331 Ext 4013 | ted.vanholland@harmonydesigninc.com
 harmonydesigninc.com
 18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

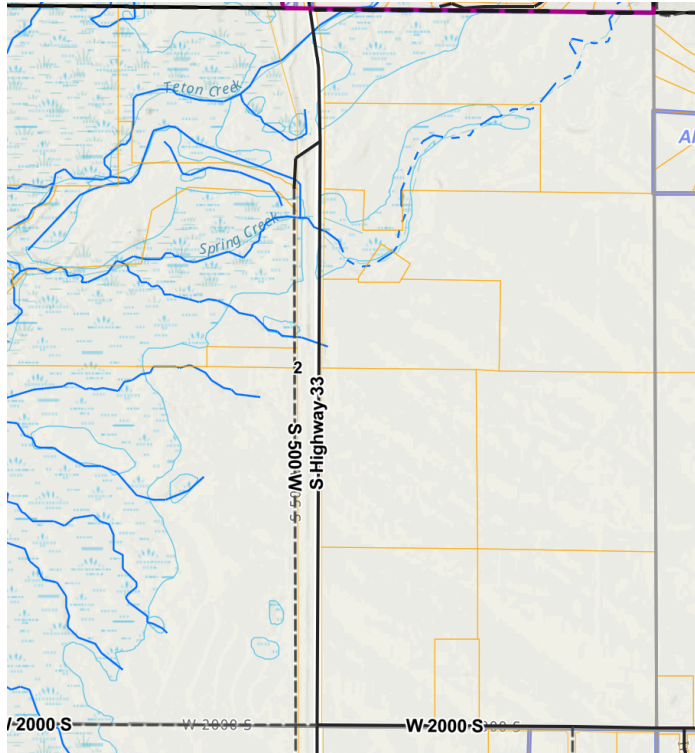
From: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Sent: Thursday, February 22, 2024 8:46 AM

To: Ted VanHolland <ted.vanholland@harmonydesigninc.com>
Cc: Glen Lent <glen@alpine-development.com>; Curt Behle <curtbehle@gmail.com>; Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

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Hi All,

Trestles is one application. All of Trestles is therefore viewed within the Wetland & Waterways overlay. I've overlaid the hydrography layer - Spring Creek actually splits bringing it closer to the Wildflower property. No official delineation for any of the properties was ever done because it was planned for open space - that I am aware of. Please let me know if that's not the case.



My suggestion at this time is to keep your study as you have already done - including both Wildflower and Trestles. However, if you wanted to have an official delineation done for Wildflower that determined it was 300 feet away from any OHWM of Spring Creek, an argument could be made for removing it. I do believe that it should still be considered as part of the Cumulative Impacts section of the appendix - rather continuing to include Wildflower will assist the BoCC in reviewing your finalized NP Evaluation / assist in determining whether or not level 2 is needed.

At the end of the day, BoCC is the decision making body and I am just here to give the best possible guidance I can on what questions they'll ask, etc. This BoCC has historically been very focused on groundwater quality. Please let me know if you have other questions - I'll do my best to get back ASAP to keep this moving.

Glen, if you'd like to discuss any of the other items, please send me a few times that might work next Tuesday, Wednesday or Thursday and we can review.

Thanks,

Jade

On Thu, Feb 22, 2024 at 6:34 AM Ted VanHolland <ted.vanholland@harmonydesigninc.com> wrote:

Glen,

It appears your distance-arrows are going through proposed Block 2 Lot 6, and reaching over to lots 5 and 7. It would seem to me all these lots are portions of the development. I can see your point in thinking that it will remain "undeveloped" in the sense of open space, but I don't think that discounts it as not part of the Trestles 2 subdivision. It's not as clear to me why the other subdivisions (Trestles 1 and Wildflower) are included, based on your illustration, although in Figure 1-1 of the NP report, it looks like it relates to the original parcels that are part of the three different resultant subdivisions. That wades more into surveying and county policy, and that's not really my role in this process. However, it is important to settle this question before Jen and Husk and I go any further in our discussion on the technical NP modeling.

Thanks,



Ted VanHolland, PE
Environmental/ Civil Engineer

📞 208.354.1331 Ext 4013 ✉️ ted.vanholland@harmonydesigninc.com
🌐 harmonydesigninc.com
📍 18 N Main St Suite 305, Driggs, ID 83422 | 80 E Pearl Ave, Jackson, WY 83001

From: Glen Lent <glen@alpine-development.com>
Sent: Wednesday, February 21, 2024 8:32 PM
To: Curt Behle <curtbehle@gmail.com>; Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Tina Shang <tshang@co.teton.id.us>; Brent CROWTHER <bcrowther@civilize.design>; Jen Zung <jen.zung@harmonydesigninc.com>; Jade Krueger <jkrueger@co.teton.id.us>; Ken Edwards <ken.edwards@libertycapco.com>; Ted VanHolland <ted.vanholland@harmonydesigninc.com>; Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

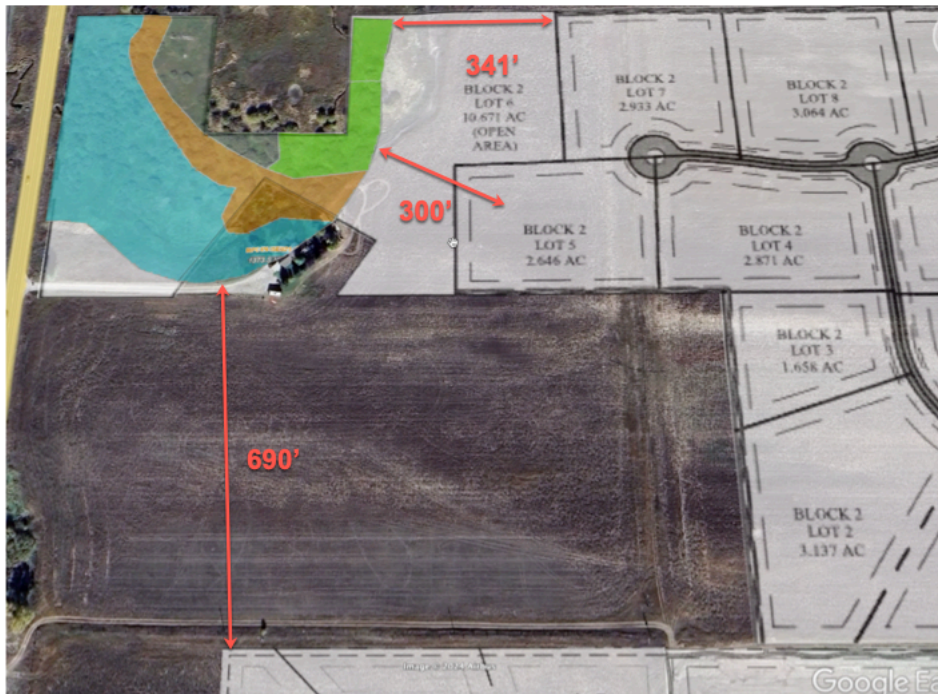
You don't often get email from glen@alpine-development.com. [Learn why this is important](#)

Thank you everyone for attending the meeting today. I think it was helpful.

Jade, in an effort to get things addressed at a staff level before we go to the BoCC on 3/11, I have a few other issues I'd like to discuss.

1. Regarding the *Applicability* section of Appendix A, there only appears to be one of the five items that could be applicable to our communities requiring an NP study. That is item #1 where it states, "any portion of a proposed development is within the county's Wetland and Waterways Overlay area". The other 4 items do not appear to apply. In the definition portion of Title 9, it states that the wetlands and waterways overlay are 1) all wetland areas identified on the U.S. Fish and National Wetland Inventory Maps, unless there is a jurisdictional determination by the USACE determining them as uplands, 2) all areas delineated as wetlands and verified as such by the USACE; and 3) those areas lying within three hundred (300) feet of the high water mark of the following waterways, which includes Spring Creek. Since the wetlands inventory map has a smaller footprint, have overlain the floodplain maps (assuming a 100-year event is the highwater mark) onto an aerial below showing our communities.

What I am seeing is that Trestles 1 should not require an NP study since it is significantly further than 300' away. Wildflower is also outside of the 300' mark, and if I remove lot 5 in block 2, Trestles 2 should not apply. If acceptable, we will gladly remove this lot from our community and check this off the list. Coupled with knowing that an NP study has already been performed in this community and given an approval from the DEQ should provide some peace of mind to the professionals involved.



2. I just need to know how you plan to present those items referenced in our rebuttal letter to the Council. At a minimum we would expect to have you include our letter addressing these items. It certainly would be better if you eliminated those items from your report that no longer apply or were satisfied.

And thank you for allowing us to get things in by the 4th!

From: Curt Behle <curtbehle@gmail.com>
Date: Wednesday, February 21, 2024 at 4:57 PM
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>
Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>
Subject: Re: Wildflower Trestles communities

Thank you Jade I appreciate you getting everyone together.

Curt

On Wednesday, February 21, 2024, Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Thanks for meeting today, all. I'll look for an update coming from the Engineers. Please let us know if we need another full meeting to discuss.

The latest I could accept any information desired to be incorporated into a staff report/packet of materials for the March 11 BoCC meeting is March 4. That's cutting it very tight for staff to review, but we can make it work given the meeting today.

Thank you,
 Jade

On Thu, Feb 15, 2024 at 3:25 PM Glen Lent <glen@alpine-development.com> wrote:

Jade, we want to keep our meeting with you on the 21st and with the BoCC on 3/11. Can you confirm that we are indeed scheduled for the 11th? If so, how do you plan on addressing the items in the staff report that we have pointed out? In our meeting with you and Tina, you had suggested an inability to modify or correct some of the mistakes and clarifications needed within that report.

Regarding your comments for a work plan below. I wasn't around when these studies were submitted, so if a work plan is important to you, we can create one. We seem to be far beyond that at this point and the fact that the County accepted our studies (and provided feedback and review letters from your 3rd party consultant) and didn't require a work plan suggests that our application was complete. Let me know.

We are looking forward to meeting with you next week to discuss your concerns.

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Thursday, February 15, 2024 at 8:19 AM

To: Curt Behle <curtbehle@gmail.com>

Cc: Glen Lent <glen@alpine-development.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jen Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Bailey Smith <baileysmith@co.teton.id.us>

Subject: Re: Wildflower Trestles communities

Hi,

You answered neither of my questions above.

Please let the County know if you still want the meeting you requested (scheduled for next week 1/21) and please send your work plan. It wasn't submitted as part of the NP Evaluation.

I am doing my best to meet your requests and review this study with your team. If you don't wish to do that, you are of course also welcome to present your NP review and ask questions of the BoCC in your scheduled public hearing on March 11.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

I strongly disagree, so again as I advised, we let my county's legal team determine if you, the county employee, are working within the law of our title 9 code and following it or not. And as always, we reference specific title 9 code references as I did above with our actions taken only to have you respond with a vague response that you are following the code which you are not.

I do need to ask where you are getting your guidance from interpreting the code? Is it your interpretation, your legal team or is it at the direction of the board? We need to know in order to address the correct persons or group with these questions.

Curt

On Wed, Feb 14, 2024 at 7:44 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Hi all,

Please confirm if the meeting on 21st is desired or not. If not, I can cancel the invite.

Nothing beyond Title 9 and the appropriate appendix A have been applied.

Please also send me your approved NP work plan that was submitted before your report so I can ensure I review it beforehand with the report and technical reviews.

Thank you,

Jade

On Wednesday, February 14, 2024, Curt Behle <curtbehle@gmail.com> wrote:

Jade,

Before we go further I want to make sure that you understand what is written in Teton County code Title 9 code as you have many times changed or modified your own title 9 written code on how you are putting in the requirements for this report as well as many others. For

the Trestles and Wildflower projects, we submitted an NP report as required with our Subdivision application to PNZ/DEQ where DEQ came back with the following comments in a letter dated August 22, 2023:

"After our review of the NP Evaluation, DEQ concurs with the findings of the report. The NP Evaluation has indicated that there will not be any significant degradation to the groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county then decided that a technical consultant was required, which is paid for by the applicant per title 9 code, where on September 12th, 2023, Harmony Design submitted a letter to the county responding where they were showing what they wanted to be addressed.

The applicant then again submitted to DEQ yet another modified report with revisions where DEQ came back again in a letter with a "revised NP evaluation" and in a letter dated October 30th, 2023 stated:

"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation. The revised evaluation appears to confirm the findings of the July 2023 NP evaluation – that development at the effluent rates proposed in the July 2023 evaluation should not cause any significant degradation to groundwater or surface water from the individual subsurface disposal systems if constructed per the current *Individual/Subsurface Sewage Disposal Rules*, IDAPA 58.01.03 and the *Technical Guidance Manual*."

The county yet again sent the report to the "technical consultant" Harmony Design, and they then again disagreed with the written letter from DEQ which was written a day before the Trestles and Wildflower hearing which was heard on November 14th, 2023 (report was submitted November 13th, 2023 from Harmony) stating that the report was incomplete and unsupported.

This is from Title 9 Teton Valley code page 39 and 40 which clearly states that the end of this review ends with DEQ's revised recommendation as stated in the title 9 code below:

"(b) If the NP evaluation is not approved by Teton County based upon the comments or recommendations made by DEQ (or a solicited third party Qualified Professional) and feedback from the County's technical representative:

(1) The applicant may choose to make modifications based on recommendations made by the Commission, the Board, the

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Title 9 Revised 05/16/2013

Teton County Idaho Page 39 of 87

9-3-2 (C-3-b)

NP Evaluation 9-3-2 (C-3-c)

County's technical representative, and the DEQ. *The County should then base its approval decision upon comments and recommendations provided by DEQ's review of the revised NP evaluation and associated materials (as described in section 9-3-2- C-3-B-iii);"*

We have followed the process per Teton County's title 9 code under "approval criteria"..... all steps of the process as shown above have been satisfied. Stop blocking us from being able to complete our report as required by Title 9 where we have followed every process word by word. What are you hiding where you do not want your technical consultant to meet with DEQ, EIPH and the applicant's engineer? Jade, you have blocked us from interacting with the technical consultant (Harmony) even though title 9 asks and encourages the applicant to work with to complete the report with DEQ, applicant engineer and EIPH which is at the bottom of page 37 of the title 9 county code document (and not with the permission of the pnz). The county's technical consultant has also put in requirements that DEQ has stated that **"The revised NP evaluation contains analysis beyond what is normally conducted for a level 1 NP evaluation"** and this is NOT a level 2 evaluation, it is a level 1 evaluation. The technical consultant has also asked that we base our report off of a "centralized wastewater system" where it is not but rather an "individual septic" system.

We have been subjected to requirements well beyond what the code requires and there is not an endless amount of restrictions that the county can put on an applicant with countless delays, only to be presented to the PNZ and BOCC to be negatively reviewed based off of the information listed above showing it to be "unsupported and incomplete". I would suggest that you have your legal review team take a serious close look at this and advise you on how your own title 9 code reads, how you are applying it to the applicants like us and follow it so we can move forward.

Our team is willing to meet with anyone to clarify if this is not so we can move forward so please advise.

Curt

On Wed, Feb 14, 2024 at 1:53 PM Jade Krueger <jkrueger@tetoncountyidaho.gov> wrote:

Harmony is the consultant for the County. The applicant's comments are related to the County's review based on the requirements for the NP study (which again were triggered by the County's regulations). I don't believe DEQ or EIPH are necessary for this meeting.

We're trying to accommodate your request as timely as possible.

On Wed, Feb 14, 2024 at 1:49 PM Glen Lent <glen@alpine-development.com> wrote:

Thanks Jade. We'll just need to confirm that EIPH and the DEQ are available as well. Will Harmony be your consultant?

From: Jade Krueger <jkrueger@tetoncountyidaho.gov>

Date: Wednesday, February 14, 2024 at 1:10 PM

To: Glen Lent <glen@alpine-development.com>

Cc: Curt Behle <curtbehle@gmail.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jer Zung <jen.zung@harmonydesigninc.com>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards

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Jade Krueger, AICP

Pronouns: She

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Jade Krueger <jkrueger@tetoncountyidaho.gov> Tue, Mar 5, 2024 at 4:47 PM
To: Curt Behle <curtbehle@gmail.com>
Cc: Jen Zung <jen.zung@harmonydesigninc.com>, Glen Lent <glen@alpine-development.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Tina Shang <tshang@co.teton.id.us>, Brent CROWTHER <bcrowther@civilize.design>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Hi All,

I'm finalizing all the materials for the BoCC meeting on Monday (by tomorrow morning is really my deadline to get this out for the County Manager). I know Husk, Jen and Ted were able to connect yesterday on 3/4 and will document that. Husk, were you going to send an email following up on your proposal for moving forward or looking into a different model?

Just let me know.

Thank you,
Jade

[Quoted text hidden]
Jade Krueger, AICP
[Quoted text hidden]



[Quoted text hidden]

Brent CROWTHER <bcrowther@civilize.design> Wed, Mar 6, 2024 at 1
To: Jade Krueger <jkrueger@tetoncountyidaho.gov>, Curt Behle <curtbehle@gmail.com>
Cc: Jen Zung <jen.zung@harmonydesigninc.com>, Glen Lent <glen@alpine-development.com>, Ted VanHolland <ted.vanholland@harmonydesigninc.com>, Tina Shang <tshang@co.teton.id.us>, Jade Krueger <jkrueger@co.teton.id.us>, Ken Edwards <ken.edwards@libertycapco.com>, Bailey Smith <baileysmith@co.teton.id.us>

Jade,

We were able to meet with the County's technical consultant and chart a path forward upon which we could agree. I discussed the meeting with the Applicants and have been advised they are comfortable with the materials submitted to date relative to the N-P Evaluation.

Thank you for the inquiry and reminder.

Husk Crowther