



RENDEZVOUS ENGINEERING, P.C.

Civil Engineers and Planners in Wyoming and Idaho

Rendezvous Project No: 05-003

April 23, 2013

Angie Rutherford
Teton County Planning Administrator
Teton County Courthouse
150 Courthouse Drive - Room 107
Driggs, ID 83422

RE: River Rim Significant Change Reduced Impact Amendment

Dear Angie:

The following information is submitted in response to comments and questions listed in your email message dated April 19, 2013.

- 1 It is confusing to go from sub phases to tracts and blocks. I would prefer it all in sub phases with the blocks in parenthesis: Phase 1A (Block 1, Lot 8)- or vice versa. Additionally, Exhibit A (not labeled as Exhibit A, but it should be) should somehow identify the sub phases as page 2 of the DA says it will. Please make the two naming systems mesh better. *Sorry for this confusion as these names and labels grew out of past discussions about creating phases for the completion of infrastructure as compared to the block and lot designations which are required for the plat. I believe the best option is to make sure that the phasing table (Exhibit B) correlates both phases and lot-block designations. We can also add some references to blocks and phases on Exhibit A to help clarify this also. The Exhibit A map was originally prepared for presentation purposes and does need some additional descriptions for use as the Exhibit that will accompany the development agreement.*
2. The Lodge: is it a lodge or is it condominiums? Please remove the word condominium unless you intend for each room to have separate ownership- which does not seem to be the intent of the potential buyer. Section 2 A (g) (ii) talks about 16 additional units in addition to the lodge. This is not what we discussed, but rather that the lodge itself would have 16 units. This whole section needs to be clarified: For example- the existing headquarters building will be converted to a lodge with 8 overnight units and a kitchen, dining room, and lobby. In addition to these 8 overnight units, 8 additional units may be built in two four-plex buildings. These buildings will have guest accommodations including sleeping and bathroom quarters only (i.e. no restaurant). Anyway, the proposed language for the lodge area is too loose and the implication is for a lodge plus 16 condominiums which isn't what we want. *We have corrected the language in most of the revised narrative to indicate "lodge units" rather than condominiums however there is some carryover from the earlier version. The intent is to allow for an 8 to 10 unit lodge (current administration building) with an additional 6 to 8 units in a separate building or*

buildings for a total of 16 units that would be located on Lots 6 and 8 of Block 1. Additional clarifying language can be added to the development agreement to insure this is properly documented.

3. You talk about putting the 21 units into Tract E in the event the golf course is built. What are “cluster units?” are these back to the cabin lots? *These units were a part of the original plan and could involve single or multi-unit buildings on portions of Tract E. See attached concept that was previously prepared for this property, showing these units on what would become Lots 1 through 6. The remaining commercial would be located on Lots 7 through 12. These units would only take place if a golf course was constructed.*
4. I do not see anything that will need to be done in 2014. The road that will act as 9400 W needs to be upgraded at least to County gravel standards by 2014. *We have talked internally about setting this date back to 2016, mostly because use on this road is so limited. However, it sounds like the County would prefer to have the county road portion upgraded by the end of 2014. This can be modified in the development agreement and phasing table.*
5. I understand that 578 units were originally approved, but only 558 are currently approved. *In all of our comparisons for this project, we have referenced the original plan approved in 2006-2008 which included 578 units. We have also mentioned in the narrative that the bank has completed several amendments since they took ownership in 2009 that have allowed the unit count to be reduced, including the elimination of 20 cabin units that was done with amendment # 3. We believe that this comparison is appropriate and that the bank as the current applicant should be given recognition for these changes, all of which have provided the groundwork for the reduction in units. There is no intent to go back to 578 units at this point in time however this has been the bench mark for comparison throughout this process.*
6. In the narrative under section C. it fails to mention that the majority of the golf course will be used as farmland. Seems like a large omission. *We did not mention the breakdown of land uses in our current narrative as the reclamation plan was still in progress at the time the narrative was prepared. As we discussed in our last meeting, the option to create more habitat area did not make practical sense in this location due to the surrounding higher density development associated with Phase I and potential for a future golf course. In this latest concept, it has been suggested that about 40 percent of the open space area be used as productive farmland for the reasons that it: 1) is suitable for this use as it was historically used in this manner, 2) is compatible with the farming of adjacent open space lands, and 3) puts the land to productive use. About 50% of the open space land would be native grasses as noted with the remainder as pathways and water features.*
7. Sections G and D of narrative- I am unclear if you are breaking the loop road into two- the part that will become the County Road which will be done (you suggest) in 2016 (I would like to see 2014) and the rest, which would be upgraded to gravel in 2016 but paved at 30 homes. Would the County Road only be paved with the rest or 2026 or would that be paved sooner? *The loop road would be divided into two portions as you have noted with the “county road” section on the west side and the private section on the east. As noted in No.4, we are open to completing the county road portion to a gravel surface by the end of*



2014. In our plan, paving of the county road, like the rest of the project, would not be required until there were 30 homes with occupancy permits.

8. Section E of the narrative- condominium is used. *See response to No. 2. The intent is for a lodge facility assuming no golf course is constructed.*
9. Development agreement: 2. A. 1. There are 340 approved units – I’m not super concerned about what was originally approved, we are changing what is currently approved. *As noted in Table 1 of the narrative, the 360 unit count is based upon the original development agreement and Master Plan Amendment #2, Instrument # 198983. As mentioned in the response to Item No. 5, the comparisons made are based upon the original approved plan.*
10. DA 2. A. 2(a) Tract A Phase I- there are, at present, 20 cabin units. And the additional open space that was added to tract Z-1 (I think) was added during the last amendment. *This follows the same reasoning expressed in Item No. 5 and No. 9 in that the original plan was based upon the total 578 units, including 40 units on Tract A. Regardless, with this latest proposed amendment, Tract A will have 8 single family lots.*
11. DA2.A.2(g)(i), I think you need an “acres” in the first line. *Correct as the word “acres” is missing in this draft.*
12. DA 2.A.2.(g)(ii)- discussed- please be more clear about the lodge facility. *This would be the place to include the clarifying language discussed in comment No. 2.*
13. DA2.A.2.(h)- Tract I- seems like this should be called a “lot” if it is going to include a building site. *Tract I has already been platted. The intent here is to allow for one residence in addition to the farm operation already permitted mostly to provide housing for those running the farm. We would recommend that it remain as Tract I with only the allowed use modified for this purpose.*
14. DA2.B and C- We won’t issue building permits (as previously discussed) until the infrastructure is in so (ii) should be eliminated. *This language was included in the event someone wanted to get a building permit on one of these lots prior to 2016. The utility stubs would need to be added even though all other facilities are available at this time. We do not see where it is detrimental to include this language and would only make it clear to future owners.*
15. All spots in DA where it talks about the “issuance of 30 building and occupancy permits for the lots..” Change to building permits only (or building or occupancy permits). *There does need to be a correction made to the Draft Development Agreement as it should say that paving is required when there are 30 “**occupancy**” permits. We believe that it makes more sense for there to be a tie to the actual number of occupancy permits as this is when there will be regular users of the road and impacts on the road.*
16. DA2.E.1. it needs to be clear where the pathway will be. I am understanding that the summer pathway will be via the subdivision road and the winter pathway will be via the easement. Please make clear so that public access is ensured. Last line should



probably be a “may” instead of “shall”. *There is no plan to build a pathway along the easement, however, with adequate snow cover, the easement can be used for winter time snowmobile or cross-country ski access. The location of the easement can be marked to allow for this use. At other times, the pathway would be along the road within the River Rim Subdivision. The roads along the west side of Division II Phase I were constructed to a wider width to allow for a future pathway that would be parallel to the road as a part of a wider pavement section.*

17. DA2.E. 5. And 2F- These should be tied together. If you are paving the inside loop, the turn lanes should be put in. *The road paving is based upon 30 occupancy permits, which even if fully occupied, will result in a relatively small traffic volume (120 to 250 trips per day) for a recreational second home development. This type of volume would not require the turning lanes onto highway 33. However, it may make some economic sense to build the turning lanes at the same time the roads within the development are paved, given the mobilization in place to pave roads. The preference is to give the future owner the option unless there is a need or requirement identified by the county or ITD.*
18. DA2.G- How is the fund going to be maintained. Tap fee money will be collected at the building permit phase- do you have a plan for how that will happen? *The plan is to establish an interest bearing escrow account that is reserved for the construction of a second wastewater module. This would be the responsibility of the future owners to administer as it would also be their responsibility to build the next phase of the wastewater treatment plant, since this could be 20 years or more into the future. The account would also require authorization from the county before any withdrawals are made. We can discuss the specifics of this plan in more detail as to where the account is held, how contributions are made and when funds can be withdrawn.*
19. DA2.I. Letters of credit will be released on a phase-by-phase basis (hence, the sub phasing). *The letter of credit estimate is itemized by phase (or sub-phase) so that partial releases would be possible as infrastructure is completed. There does however need to be a clear understanding of the release process to insure there is no confusion in the future.*
20. DA2.J. I would like to see all commercial uses, outside of those directly related to the subdivision and the lodge, subject to the completion of the gold course. So the property owners' Assn Operations/Barn/Equipment, and the property management office and the fire station could go, but all else would need the golf course to be built. Obviously, existing buildings could stay. *There should be a conversation about what types of non-residential uses would be allowed without the golf course, as intended in the original development agreement. In addition to the uses you mentioned, there is potential for items like small retail shops, local convenience services, office space, property management offices, and other miscellaneous services that may make sense even if there is no golf course constructed -- particularly as additional homes are constructed in the development.*
21. DA3.8. All final plats must be approved by the BOCC (not just the planning administrator). It also needs to be clear throughout that any amendments are made to the most recent recorded documents (the originally recorded document really doesn't



matter any more). *The draft final plat document has signature lines for the planning and zoning commission as well as the board of county commissioners as this most recent amendment, (Amendment No. 5) will not be an administrative process as were the previous four amendments.*

22. DA3.11. Division I is irrelevant to this project. *Division I was mentioned as there are certain amenities and benefits that are shared by both Division I and Division II which Section 11 discusses.*
23. DA.3.12. Phases II – VI may be completed in any order, but may only start improvements (or be platted) after Phase I is complete. *Based upon the proposed plan to delay paving until there are 30 occupied homes, we believe that this requirement that limits the start of future phases until after the completion of Phase I should be revisited. We would suggest that as long as the future infrastructure for Phase I was covered by a letter of credit, that there should be no concern to the county to allow other phases to move forward. The county road would be completed to a gravel surface by the end of 2014 (as discussed in items No. 4 and No.7) and after which there would be no other infrastructure component that would affect development in the future phases.*
24. DA 3.14. this voluntary impact fee would need to be in addition to the impact fee a homeowner will pay at the time of building permit. *As you may be aware, River Rim has already voluntarily contributed a total of \$358,000 for the originally listed 358 lots in the Development Agreement for Phase I of Division II. Therefore with the change to 322 units with this amendment, there is a net credit of \$36,000 of voluntary impact fee that can be applied to 36 future lots in Phase VI. All future units would also be required to pay the county impact fee in effect at the time they build as you have noted.*
25. DA3.18- again, it needs to be clear that any amendments happen to the most recent approval. *We have attempted to make it clear that the new Amendment No. 5 would become the basis for future changes relative to Phase I. For Phases II through VI, a final plat would be required. If the future phases do not comply with the master plan and development agreement, these properties would be subject to the county rules in effect at the time.*
26. In your table, you talk about 22 “units transferred from Norman Ranch.” What are these. I don’t see them on the original approved plan in Phase II (I am assuming this is the Norman Ranch Phase). Were they also “floaters?” I see that there were 45 units approved in Phase II, you have 43. Also, I see 22 “reserved units” on the original plat- I consider these the floaters, but it seems like there are 28 additional floaters too. Anyway, I’m confused by the numbers. *As noted in the table, the original approved plan for the Norman Ranch Estates also included cluster cabin sites similar to what was shown for Tract A of Phase I. They were modified to single family lots when Amendment No. 2 was completed. You will see the cabins if you look at Instrument #180225 where a total of 67 units were planned for the Western Highlands area. The number then became 45 when a revision was prepared for Instrument # 198983. This number became 43 when 2 of the units were shifted to Block 10 of Phase I. The units were maintained as a part of the project even after the changes were made. They are listed separately from the 28 flexible*



units which were allowed in the original development agreement based upon 5% of 550 permitted units.

Let us know if you have any further questions or need additional information as you complete your review of the amendment and supplemental information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Ablondi', enclosed within a light blue rectangular border.

Robert T. Ablondi, P.E.

Cc: Don Chery
Mike Potter
Dan Green

Attachments: Tract E Schematic





NORTH

GOLF VILLAGE AREA - WORKSHEET 8

- 12 Residential Lot Alternative 02,
- 21 Cluster Units on Tract E1 only,
- Club Facilities on Tract E9, E3 and,
- Common Facilities Tract E1

NOTE:
CHECKING VILLAGE PLAN/GOLF FACILITY LAYOUTS
FROM NOV. 2007 PUNCH INFORMATION

Applicant Response
to
Planning Staff Report
River Rim Ranch PUD- Division II
-5/9/13-

Owner- Big Sky Western Bank (Glacier Bancorp)

Applicant- Don Chery

Applicant Representatives:

- Dan Green, Attorney
- Bob Ablondi, Engineer
- Mike Potter, Planning/Design
- Sean Cracraft, On Site Manager

Introduction

Outlined below is our response to the Updated Staff Report of 5/6/13. We have only addressed items that we felt needed clarification or further information. We compliment the staff on a very thorough and professional report and offer our comments in a constructive and cooperative spirit. The Staff report includes a certain amount of repetition regarding topics which is normal and so the applicant response also follows the repetitive format. We follow the sequence of the Staff Report and offer the following:

■ Page 3,4- Staff Analysis:

•Item #1- Decrease Impacts-

The Applicant wants to reinforce the position that the application meets the criteria for a Significant Change, Decrease Scale, and Decrease Impact Application. In reviewing the County Subdivision Regulations, application definitions and criteria, this “Decrease Impact” application is clearly appropriate for the amendments being proposed. The staff suggested that the revised lot configuration in South Canyon (Phase VI) could create “further encroachment” into the Wildlife Habitat Overlay” and could trigger an “Increased Impact” application, has been evaluated by Biota Research and Consulting. Biota’s findings clearly state that the revised plan layout within South Canyon will not create increased habitat impacts.

•Item #1a. Golf Course:

The Applicant wants to point out that the strategy to defer the golf course for now does not rule out the opportunity for course completion sometime in the future. The proposed open space reclamation for the course area that will be implemented in the near future retains the underlying grading and shaping of the course which was previously completed. These existing improvements constitute approximately one third of the total cost for the course. The open space reclamation plan is addressed in detail within the application.

Staff uses rather strong language regarding weed control within the course area

and the larger project area. The applicant is sensitive to these issues and has worked diligently year after year to manage noxious weeds throughout the project and has never been cited for a noxious weed violation. We remain committed to an ongoing, aggressive weed management plan in both Division I and Division II.

•Item #1b. County Road-

The Applicant has committed to a reasonable plan to accommodate the needs of County Road 9400 W without the major realignment which would create duplicate parallel roads with very low traffic flows for the foreseeable future. As with the golf course, the strategy to defer the realignment for now does not rule out the opportunity for realignment in the longer term future.

•Item #2. Unit Calculations-

The 20 cabin lot reduction (Tract A) completed previously by administrative amendment was accomplished to achieve additional agricultural open space within the Farm/Ranch Conservation Unit (Block 3). This resulted in the sale of this Farm/Ranch Unit to a farming interest which will perpetuate the agricultural use of this open space. We appreciate the County's support for this previous amendment. This plan refinement was envisioned as a step consistent with this larger plan amendment application and the applicant feels that it is appropriate to point out that this 20 unit reduction has always been envisioned as an important component of the overall density reduction strategy. Staff is correct in their observation that this 20 unit reduction has already occurred but the reality remains that the overall density reduction is:

-Previous Administrative Amendment	(20 Units)
-This proposed amendment	<u>(130 Units)</u>
Total reduction	150 Units

Applicant will clarify this 20 unit situation as the application progresses.

•Item # 3. County Portion of Loop Road to Gravel Standards by 2014-

The Applicant is responsive to this strategy and willing to accept staff's recommendation to upgrade the proposed County Road alignment from Highway 33 to the south west corner of Division II to County Road to crush gravel standards by the end of 2014. Financial surety will remain.

•Item # 4. Paving Turning Lanes (Hwy. 33)-

The Applicant agrees with staff and agrees to complete the turning lanes both at the main intersection and north intersection at the time the loop road is paved (30 Building Permits). Financial surety will remain.

•Item # 5. BOCC Approvals fo Future Phases-

Applicant agrees that future phases (II-VI) are subject to BOCC final subdivision plat approvals.

•Item #6. HOA Comments-

The Applicant has maintained communications with both Division I and Division II property purchasers since mid year 2009. More recently in March, update letters which included notice of meeting, were sent to all owners and adjacent owners. On Friday, April 5th, the informational meeting was held at the Overlook Lodge and many owners and surrounding property owners were present. A follow up letter was also sent out after the meeting for all who could not attend and suggested written testimony be provided to the County Planning Office. It's fair to say that the River Rim property owners are very appreciative of the Bank's responsible management of the project thus far and understand the reality and magnitude of the challenge to keep Division II progressing forward on a financially viable course. As with any community group, there are varying opinions on different topics but the underlying consensus was to support the bank (applicant) regarding the proposed amendments. This constructive consensus recognizes that the Bank cannot achieve the project's "Mission Impossible" conditions currently in place and that practical and reasonable amendments to the Division II- PUD Plan and Development Agreement are critical for survival of the project. It is in no one's best interest to see Division II fail and that is clearly the sympathy of the property owners.

•Item #7, #8. Clarification on Commercial Area/Lodge Units-

The Applicant is proposing 3 changes within the West Rim Village (Block 1) Commercial Area:

1.) Lot 1 (6 acres) would be divided to allow lot 1A of 2 acres for a future Fire District Sub Station and lot 1 would be reduced to 4 acres.

2.) The proposal for the Lodge includes the following:

- The Applicant would reduce the previously approved 30 condominium units to 16 Lodge units, a reduction of 14 units.

-The 16 Lodge units would be used on Lot 8 (existing administration building) and Lot 6- contiguous lot.

-Lot 8 would allow for up to 10 of the Lodge units, some located (renovated) within the existing administrative building and others detached on vacant portions of the lot.

-Lot 6 would allow for the remainder Lodge units, not to exceed 16 total units on Lot 6 and Lot 8.

-Lot 8 would allow for Lodge dining and kitchen facilities.

-The Lodge facilities would be subject to standard County Building Permit application procedures and occupancy permits .

-The previously approved 30 condominium units which were subject to golf course completion would be eliminated in favor of the 16 Lodge units which would not be condominiums.

3.) The “incidental” or support uses allowed for Block 1, Lots 1-8, would no longer be subject to the golf course completion and would include:

- Equestrian Facilities
- Fire Sub Station
- Existing Agricultural Buildings (Lot 7)
- Existing Residence (Lot 5)
- 16 Lodge Units (Lot 6, Lot 8)
- Other Allowable Uses- Lots 1-8
 - Cafe/coffee shop
 - Support retail shops
 - Support office uses
 - Self storage units
 - Office/shop units
 - Multi purpose conference space
 - Recreational facilities
- Limitations- Other support commercial uses, “incidental uses,” such as a general store, gas pumps, car-wash, etc. will require specific approval by the Board of County Commission.
- Incidental commercial facilities would be subject to standard County Building Permit procedures and occupancy permits.

•Item #9. 21 Lots or Units/With Golf Course Without Golf Course-

The amendment application leaves the door open for completion of the golf course in the future and should that occur the following single family residential lots would be vacated and relocated as cluster units within Tract E- Golf Village Lots 1-6:

- 6 - Block 6 Lots (Practice range)
- 3 - Lots- Tract G (O+M Lot)
- 12 -Lots- Tract E (Golf Village Lot)

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The Applicant concurs with Staff that this process would need to be reviewed and approved only by the BOCC.

•Item #10. Highway 33 Access Permit for South Canyon (Phase VI)

Applicant is addressing this request with the Idaho Transportation Department and will provide permit copy when obtained which is normally required at time of Final Subdivision Plat.

•Item #11. Timing Restrictions on Future Phases Subject to Phase I Completion-

Applicant does not agree with the Staff proposal as it creates an imposition for the farming interests who have purchased Phases II, III, IV, V. Applicant is bonding for all incomplete infrastructure in Phase I, thus committed to maintain its previously proposed position that only South Canyon (Phase VI) is restricted from development until Phase I is complete.

■ Page 4-11- Consistency with the applicable policies of the Teton County Comprehensive Plan, Subdivision Codes, Idaho Code-

Applicant does not agree with all of the Staff interpretations and questions the relevance of Staff only referring to the updated County Comprehensive Plan rather than what was in effect in 2006 which was the basis for the overall River Rim PUD plan when Division II was approved. Rather than an item by item response, the Applicant offers the following:

2.3 page 5- Does not support “smart growth”-

The 2006 PUD Master Plan was approved with overwhelming support by the County and the currently proposed amendments are common sense strategies to maintain the integrity and financial viability of Division II. “Smart Growth” has to do with infill projects within existing towns and is not a relevant policy in this situation.

2.5- Environmental Impacts-

The applicant believes that there are reduced environmental impacts if the County road is not relocated and the golf course not completed.

2.6 page 5- Land Values Assumptions/Farming Paradigms-

River Rim Ranch is a blend of relatively vast agricultural open space areas and clustered residential and recreational facilities. From the plan inception, River Rim Ranch stressed the value of maintaining viable agricultural units while clustering other uses on less productive land areas. This tradition continues and is enhanced with the proposed amendments which result in 75% open space, most of which is prime agricultural areas. This presents a win-win relationship where the agricultural open space and other open space set aside for protection of natural features, such as the Teton River Canyon area, create a highly desirable and compatible blend of land uses. Such a blend diversifies and enhances overall land values.

Goal ED3- Lifestyle/tourism dependent on healthy natural resources-

The Biota report referenced is an objective analysis of potential habitat impact of the proposed South Canyon (Phase VI) plan refinements. Biota’s professional opinion states the facts that the refined plan does not create additional impacts and that the refined plan actually reduces overall habitat impacts within Phase VI. On a broader scale, the Biota report also states that the overall plan amendments proposed for Division II reduce wildlife habitat impacts.

3.1 page 5- Golf course area as habitat area or recreational/agricultural area

Applicant has stated repeatedly that the reclamation plan for this area which is surrounded by residential uses will include native grass areas, ponds, a trail system and some agricultural uses all of which stress a more active recreational theme which leaves the door open for golf course completion in the future.

3.2 page 5- Conserve Teton County's natural resources/enhance economic development-

The River Rim Ranch PUD Plan protects 2.5 miles of the Teton River and River Canyon, provides for continuation of several thousand acres of prime agricultural land and protects other natural features. This original PUD plan and more-so the proposed amended plan, truly showcases Teton Valley's natural resources which has and will continue to be very attractive to potential buyers and continue to enhance economic development.

4.2 page 6- Support local retail/density in close proximity to businesses-

River Rim Ranch has been very supportive of local businesses and pumped many millions of dollars through the local economy. This support includes professional services, suppliers, contractors as well as local businesses throughout Teton Valley.

Goal NROR 8, page 8- Respect sensitive habitat and migration areas for wildlife-

Applicant would like to point out that removal of the most northerly lot in South Canyon increases the wildlife corridor from 600' to 800' wide.

8.9 page 9- Potential impacts on the Teton River Canyon-

Without the protected open space corridors provided along the Teton River by the River Rim PUD, there conceivable would be no protection or public access to the river. Removal of the dense cabin cluster and substituting 10 residential lots reduces potential habitat impacts.

1.3 page 9- Ensure that open spaces are managed responsibly-

The Applicant has managed the open space areas within River Rim Ranch successfully for a number of years, including weed management, trail maintenance, hay cropping and other agricultural practices. The proposed reclamation plan for the golf course area will be of additional benefit and the financial surety will be 3 times the current amount of the existing letter of credit for golf reclamation.

1.4 page 9- Maintain scenic corridors-

A basic principal of the River Rim Ranch PUD layout was to maintain a pastoral (agricultural) and open space them along Highway 33 which has been achieved.

Goal ARH 5, pg 10- Reduce weed infestation/introduction of invasive species

River Rim Ranch PUD has had an aggressive weed management program since 2004. Division I attests to the success of this program. All housing development disturbed areas within Division II, Phase I have been top soiled and seeded with a native grass mix formulated by a specialist. These areas are progressing well but native grasses take hold, infill and mature slowly over a number of years. An annual spot spraying, removal and cutting program has been successfully employed in these areas.

The golf course area has intentionally not been re-seeded to date due to the fact that the applicant wishes to keep the option for golf course construction available to the

next owner of this property. However, the noxious weed management has been a part of the Division II annual eradication program and the entire area is sprayed each year for thistle control. The proposed golf area reclamation plan proposed in this amendment application will further meet the weed management challenge. Applicant previously provided the County with \$25,000.00 in weed eradication funds in Dec of 2011 which was for problems independent of River Rim Ranch.

Page 10- Subdivision Code/ Decrease Scale, Impact

The River Rim Ranch, Division II plan amendment application clearly meets the Subdivision Code Definition of Substantial Changes- Decrease Scale, Decrease Impact.

- Open space is increased from a required 60% to 75% with the addition of 588 acres of prime agricultural area.
- Density is reduced by 150 units:

-Previous Administrative Amendment	20 units
-This Amendment	<u>130 units</u>
	150 units
- All other preceding PUD plan and development agreement terms and conditions are being met or mitigated through this current amendment process.

- Wildlife Habitat Impacts have been reduced within the larger project area as well as South Canyon (Phase VI)

Page 11- Agency and Departmental Technical Comments-

Applicant will respond to these items as the review process proceeds and information becomes available.

■ Page 11-12- Staff Recommendation/Proposed Conditions-

•Condition #1: Golf Reclamation by 2015-

Applicant is committed to a staged reclamation plan as follows:

-Weed eradication	By Fall 2013
-Site grading/top soiling	By Fall 2014
-Agricultural practices	By Spring 2015
-Native grass seeding	By Fall 2015
-Trail system	By Fall 2016
-Water features/ponds	By Fall 2016

•Condition #2: Golf Course Area Primarily Wildlife Habitat rather than Farming-

Applicant remains committed to the multi use open space reclamation plan for the 270 acres which includes approximately:

114 Acres, 40% Agricultural Practices

136 Acres, 50% Native Grass

17 Acres, 10% Water Features/Ponds

The trail system entails approximately 18000 lineal feet of 8' wide crush gravel trail which interconnects with the existing Division I river trail and West Rim Village trails. As stated previously, the golf reclamation program is intended to preserve the grading and shaping of the course for potential future completion while creating a pleasant, recreational and aesthetic amenity in the meantime. While this plan will no doubt improve habitat values, this is a secondary benefit. Please refer to the Biota report which addresses the specifics of this plan.

•Condition #3: County Portion of Loop Road to County Gravel Standards by 2015-

Applicant agrees to this condition.

•Condition #4: Road Access Permit from ITD for Phase VI Access from Highway 33-

Applicant agrees to this condition.

•Condition #5: Turn Lanes on Highway 33 tied to the Paving of the Loop Road-

Applicant agrees to this condition.

•Condition #6: All Future Final Subdivision Plat Phases must be approved by the BOCC-

Applicant agrees to this condition.

•Condition #7: Weed management needs to be more aggressive. A weed management plan needs to be approved by the Teton County Weed Supervisor and recorded with the Final Master Plan-

Applicant agrees to this provision for the golf course area but does not want to be singled out and expected to perform to some higher level of weed control than is required by code and law.

•Condition #8,9: A More Concise Plan for the West Rim Village Commercial Area and Proposed Lodge (Block 1)-

As spelled out previously (pg 3), clarification on commercial area/Lodge units-

The Applicant is proposing 3 changes within the West Rim Village (Block 1)

Commercial Area:

1.) Lot 1 (6 acres) would be divided to allow lot 1A of 2 acres for a future Fire District Sub Station and lot 1 would be reduced to 4 acres.

2.) The proposal for the Lodge includes the following:

- The Applicant would reduce the previously approved 30 condominium units to 16 Lodge units, a reduction of 14 units.

-The 16 Lodge units would be used on Lot 8 (existing administration building) and Lot 6- contiguous lot.

-Lot 8 would allow for up to 10 of the Lodge units, some located (renovated) within the existing administrative building and others detached on vacant portions of the lot.

-Lot 6 would allow for the remainder Lodge units, not to exceed 16 total units on Lot 6 and Lot 8.

-Lot 8 would allow for Lodge dining and kitchen facilities.

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3.) The “incidental” or support uses allowed for Block 1, Lots 1-8, would no longer be subject to the golf course completion and would include:

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- Fire Sub Station
- Existing Agricultural Buildings (Lot 7)
- Existing Residence (Lot 5)
- 16 Lodge Units (Lot 6, Lot 8)
- Other Allowable Uses- Lots 1-8

-Cafe/coffee shop

-Support retail shops

-Support office uses

-Self storage units

-Office/shop units

-Multi purpose conference space

-Recreational facilities

• Limitations- Other support commercial uses, “incidental uses,” such as a general store, gas pumps, car-wash, etc. will require specific approval by the Board of County Commission.

- Incidental commercial facilities would be subject to standard County Building Permit procedures and occupancy permits.

- Condition #10: If a golf course is built, a Plat amendment would be required to move the residential lots to Tract E-

As stated previously, (pg 4) this PUD Plan Amendment leaves the door open for completion of the golf course in the future and should that occur the following single family residential lots would be vacated and relocated as cluster units within Tract E- Golf Village, lots 1-6:

-6 - Block 6 Lots (Practice range)

-3 - Lots- Tract G (O+M Lot)

-12 -Lots- Tract # (Golf Village Lot)

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The Applicant concurs with Staff that this Plat amendment specific to the 21 units would need to be reviewed and approved only by the BOCC.

- Condition # 11: The road paving is tied to 30 building permits, not occupancy permits-
The Applicant agrees with this condition

- Condition #12: A clear plan for public access along the “County Road” both for winter and summer-

Applicant proposes that an 8' wide gravel pedestrian path be built contiguous to the standard County Road section. This pedestrian path would be located on the western and then southern edges of the County Road alignment.

- Condition #13: A comment Letter from the HOA-

Several letters have been received and discussed previously (Item 6, pg 3) and for convenience, restated below:

The Applicant has maintained communications with both Division I and Division II property purchases since mid year 2009. More recently in March, update letters were sent to all property owners and on Friday, April 5th, an informational meeting was held at the Overlook Lodge and several dozen owners were present. It's fair to say that the River Rim property owners are very appreciative of the Bank's responsible management of the project thus far and understand the reality and magnitude of the challenge to keep Division II progressing forward on a financially viable course. As with any community group, there are varying opinions on different topics but the underlying consensus was to support the bank (applicant) regarding the proposed amendments. This constructive consensus recognizes that the Bank cannot achieve the project's “Mission Impossible” conditions currently in place and that practical and reasonable amendments to the Division II- PUD Plan and Development Agreement are critical for survival of the project. It is in no one's best interest to see Division II fail and that is clearly the sympathy of the property owners.

- Condition #14: All lots in Phase I must be eligible for certificates of occupancy before final Plat of any other future phases shall be considered. Future phases may be completed in any order after Phase I.

Applicant finds this condition unreasonable. As spelled out previously (#11, pg4), applicant does not agree to Staff Language proposed as it creates an imposition for the farming interests who have purchased Phases II, III, IV, V. Applicant is committed to maintain its previously proposed position that only South Canyon (Phase VI) is restricted from development until Phase I is complete. All of the remaining completion items for Phase I are covered by financial surety.

- Condition #15: All comments from the Engineer and the Prosecutor shall be addressed-

Applicant has consistently been cooperative with and responsive to County Staff comments and will continue to do so as long as comments or requirements are consistent with standard application requirements.

- Condition #16: All comments from outside agencies shall be addressed-

Applicant has consistently been cooperative with and responsive to outside agency comments and will continue to do so as long as comments or requirements are consistent with standard application requirements.

■ Conclusion:

- Other areas of Applicant response under separate cover from this response to the Planning Staff Report include:

- Response to County Engineer comments
- Response to VARD comments
- Response to County Attorney comments