



RENDEZVOUS ENGINEERING, P.C.

Civil Engineers and Planners in Wyoming and Idaho

Rendezvous Project No: 05-003

May 28, 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
Response to Comments from Planning and Zoning Meeting, 5-14-13

Angie:

The following responses are submitted on behalf of the applicant, Big Sky Western Bank (BSWB), to the specific comments and questions you have summarized from the May 14, 2013 Planning and Zoning hearing.

1. Would the applicant be willing to reallocate resources that will not be spent on the relocation of the road on other ways to support the Comprehensive Plan, such as establishing a presence in Teton or assisting with streetscapes in Teton? **River Rim has to date voluntarily contributed \$380,000 to Teton County to use for a range of possible community benefits. In addition, River Rim is committed to contributing \$1000 per lot for each additional lot platted, which is in addition to any other exaction fee required by the county for new developments. Also equally important, River Rim has kept current with its property taxes resulting in total payments of \$1,724,960 since 2006 while causing limited impact on county services during this time. River Rim has also paid an additional \$118,000 in application fees. Through these efforts, River Rim has provided significant financial benefits to the community. In addition, the primary purpose of this amendment is to make River Rim economically viable to future owners going forward so that both developers and individual landowners continue to pay property taxes. A successful project will in the long term provide significant tangible benefits to Teton as residents construct homes, use services and become residents of the area.**
2. Would the applicant be willing to submit for certification to the Yellowstone Business Partnerships Framework for Sustainable Development? **BSWB, as has been discussed in the application materials and testimony at the public hearing, is primarily focused on an amendment that will enable River Rim to succeed in an extremely difficult real estate market. In order for the project to succeed, it will need to be transferred to a new owner who has the financial capability and desire to take on this significant project which will have numerous ongoing commitments and obligations. The benefits of getting the project certified under the Yellowstone Business Partnership program and the additional commitments required for this certification should be weighed by the future owner of this project. Many of the requirements associated with this certification process will extend**

well beyond the time that BSWB intends to own this development and are more appropriate for a more permanent land owner and developer.

3. Please provide an analysis of the visual impacts of Phase VI, particularly of the additional lots. The attached site plan shows the differences in the footprint between the original Phase VI plan and the current plan. As discussed during the planning commission meeting, the additional units in Phase VI were sited primarily to take advantage of existing infrastructure (the proposed road alignment in this case), minimize impacts to identified habitat areas (based upon the NRO mapping), and utilize lands previously disturbed by agriculture. In addition, the plan replaces the 24 cluster cabin units with 10 single family units along the Teton River. When these factors are incorporated into the design, it is inevitable that some units will be closer to State Highway 33 as shown with the current proposal. Even with the additional units, the closest building envelopes will be approximately 900 feet from the State Highway. Based upon these criteria, the applicant believes that it has taken into consideration the most significant components in the siting of these additional units.
4. Show resolution to the concerns from the Division I homeowners which should include an innovative approach to outreach. BSWB representatives continue to work with the Division I homeowners to address their concerns about the Division II project. However it is important to understand that Division I is a separate development and not a part of the overall master plan for Division II or proposed plat amendment. The only shared facilities are the pathways that are located on common land owned by BSWB and the existing lodge facility which is also owned by BSWB. In addition, the attorneys are looking into possible changes to the CC&Rs that would clarify the financial exposure to future costs associated with Division II, one of the main issues expressed by the Division I owners, while insuring access to the lodge and pathways.

BSWB is also developing an open space plan which will allow the construction of a golf course in the future. There was general consensus among most all Division I owners, even those who strongly favor the golf course, that this would not be the appropriate time to build such a major facility that would be costly to build and operate. A requirement to construct a golf course would be significantly detrimental to the financial success of the River Rim development which ultimately would negatively impact the Division I owners.

5. Provide the gravel road engineering that will support truck traffic for the portion of the road that will become 9400 W. See attached response to County Engineer's comments which includes this item.
6. Provide a plan that states clearly when each section of road, including the turn lane from HWY 33, will be paved and/or brought to County gravel standards. See attached phasing plan, which will be an exhibit to the development agreement and provides specific dates for the required infrastructure.
7. Please provide better definition of the commercial uses that would be allowed in the commercial area that would not be tied to the golf course. See attached development agreement along with the May 10th response to the staff report where these small "incidental" commercial uses are described in greater detail. The following incidental



uses are primarily intended to serve the needs of the local residents and guests at the River Rim development and are appropriate even without the golf course.

The following incidental 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.

8. Provide a precise proposal for the existing sales building (proposed to become a lodge). Last night, it sounds like you will propose “related retail” to the lodge facility. Please be explicit and complete, including number of units, number of potential future buildings and potential future uses. [The attached description is provided in the response to the staff report submitted on May 10th.](#)

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.

9. Please address the impacts to Division I (this is likely a narrative) and explain clearly what portions of Division II they are tied to and which portions they are independent of. As noted in the response to comment #4, there are limited ways in which Division II impacts Division I. There are provisions in the master covenants to share amenities which presently include the lodge facility and pathway system. The Division I owners would also potentially be responsible for the shared maintenance of any future amenities in which they also would share the use. However, discussions are underway with the Division I owners as to what if any future amenities constructed in Division II will be shared. Attorney Dan Green provides additional commentary on this subject in his letter dated May 30, 2013 to the Board of County Commissioners.
10. Please provide a timeline and specific plan for reclaiming the golf course area. The desire is for this area to be reclaimed as soon as possible to reduce the weed infestation issues. See the attached dates below which have also been added to the development agreement phasing table. This plan is a compromise that attempts to address weed issues in 2013 with follow-up grading in 2014 and seeding in 2015 using a phased approach:

DESCRIPTION	DATE
-Weed eradication	Summer 2013 (ongoing program)
-Site grading/top soiling	Fall 2014
-Agricultural practices	Spring 2015 (continued in future years)
-Native grass seeding	Fall 2015
-Trail system	Fall 2016
-Water features/ponds	Fall 2016

11. Provide a larger or more clear map for the proposed plan for the golf course area (the 11x17 is too small to read). See attached updated plan which provides additional details but is still considered a preliminary plan.
12. Please provide completion dates for all infrastructure improvements including roads and the golf course area. See attached updated phasing plan that will become part of the development agreement.
13. Provide a clear proposal of timing of completion of future phases- especially Phase VI as it relates to the completion of Phase I. The overall phasing is discussed in the development agreement however is based upon the premise that any future phase or phases (i.e. Phases II, III, IV, V, and VI) may begin as soon as the roads within Phase I are completed to county gravel standards. Once the Phase I roads have a gravel surface, the remaining item would be asphalt pavement which we believe would not be



necessary or beneficial until there are occupied units using the roads. As previously discussed, the applicant agrees to make paving a requirement after 30 building permits are issued as opposed to 30 occupancy permits as originally suggested.

14. Provide a new, clean Development Agreement that can replace all existing versions. See attached revised development agreement that is intended to be a stand-alone document.
15. Provide a specific proposal for how the tap fees would be enacted, collected and implemented to pay for the next phase of the waste water treatment facility. The tap fees would be required at the time that a building permit is issued and would be paid to an established interest bearing escrow account. This account would be set up by the owner but would require county approval before funds are withdrawn. The funds could only be used for the construction of a future phase of the wastewater system. Current cost estimates suggest that the tap fee of \$7500 (or \$25 per gallon of anticipated daily use) would be appropriate for one single residential equivalent assuming 300 gpd per equivalent. The requirement for such a fee would be incorporated into the development agreement and into the CC&R's to insure long term enforceability.

Based upon actual usage rates that are typical for a single family residence in a resort development, the current phase of the wastewater treatment system, with a capacity of 30,000 gpd, could accommodate more than 100 residential units. Even if the pace of development increased significantly, it would be more than 10 years before the next module is required.

16. Would the applicant consider increasing the distance from building envelope to river in Phase VI? River Rim has modified its plan to reduce the total number of units along the river corridor. In addition, there will be a minimum of 150 feet from the ordinary high water level to the edge of the building envelopment in this area. The actual set back from buildings is expected to be more than 200 feet. This is the same river setback used on the Snake River and other major rivers in Teton County Wyoming. The 150 foot width has over time provided a suitable habitat corridor along major rivers while enabling landowners reasonable use of their property.
17. Would the applicant consider increasing the wildlife corridor on the north end of Phase VI? As previously discussed, the width of this migration corridor has been increased with the proposed plan to a minimum of 800 feet increasing to over 1200 feet in places. Although there is no set minimum width for such corridors, other projects have used similar sized corridors with reasonable success. Consequently the applicant in consultation with wildlife specialists Biota believes that the proposed plan is appropriate for this location and circumstances associated with this project.
18. Would the applicant consider recording an agreement on future phases that will restrict lot space and ensure open space at levels approved in this amendment? River Rim has provided to the county attorney copies of the agreements that currently restrict future development and mandate open space for future phases. Since Phases II, III, IV and V have been sold, it would be the responsibility of the individual property owners to incorporate open space requirements and restrictions on any final plat that is filed with the county. Similarly, open space requirements would also be made a part of any final



plat filed for Phase VI which is currently owned by the applicant. The County has the authority to enforce the PUD Master Plan requirements through the final plat process.

19. Would the applicant consider requiring a vegetative barrier between the building envelopes and the edge of the rim in Phase VI? The current owner does not wish to add new costs and requirements to the future Phase VI development, particularly when there is no standard for such vegetation or guarantee that the vegetation will have any wildlife benefit. The CC&R and design guidelines of record have specifications in place for fencing and pets which address the main wildlife issues of concern.
20. Please provide a copy of your weed management plan. River Rim will continue to manage weeds as they have done over the past several years. Although weeds remain a difficult issue on any construction site where land disturbances have occurred, River Rim has consulted with knowledgeable experts from J.R. Simplot who are familiar with the agricultural operations at River Rim and weed control in this area. Although this is an ongoing effort, weeds are less prevalent through much of the development as compared to several years ago when BSWB first took over operations. River Rim is also open to discussing any other recommendations that may be offered in the control of weeds in this area.
21. Please include assurances of both summer and winter pathway access through the subdivision to the USFS. The County Road through River Rim will have a widened section that will provide for pathway uses in both the summer and winter. In the winter months, the 100 foot wide County Road 9400 West easement will be available as an additional access for over snow use, however, no improvements are anticipated along this easement.
22. Please address all outstanding comments from the County Engineer and County Prosecutor. See attached letter addressing County Engineer's comments. Although there has not been any formal letter from the County Prosecutor, most of the legal issues presented to the applicant are addressed in the updated development agreement and revised letter of credit.

Also accompanying this letter are the revised development agreement with attachments, updated golf open space reclamation plan, response to engineering comments and related exhibits. Please let us know if you or members of your planning commission have any other comments or questions.

Sincerely,



Robert T. Ablondi, P.E.

Cc: Don Chery
Mike Potter
Dan Green

