



**A CONCEPT PRESENTATION  
FOR AN RV PARK TO BE ADDED TO THE LINKS AT TETON  
PEAKS GOLF COURSE**

Planner: Curt Moore

Prepared January 28<sup>th</sup> for the Planning & Zoning Commission  
Public Meeting of February 8, 2011

**APPLICANT:** Lloyd (Bud) E. Surles

**OWNERS:** Robert & Sharman Wilson

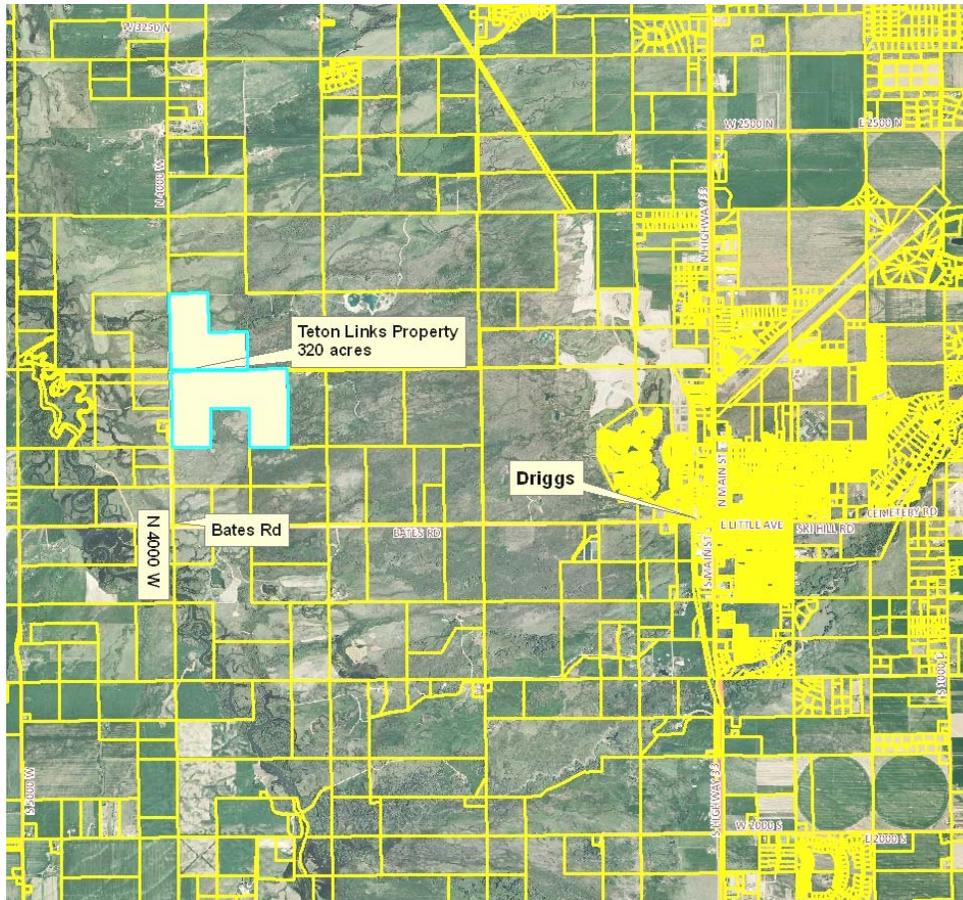
**APPLICABLE COUNTY CODES:** Teton County Zoning Ordinance Title 8, Section 8-6-1 Conditional Use Permit will apply for a future application.

**REQUEST:** A concept presentation by the applicant seeks Planning Commission, agency and public input in order to identify issues and develop an acceptable future Conditional Use Permit application.

**PROJECT DESCRIPTION:** Redesign and redevelop a portion of the golf course to accommodate 115 Recreational Vehicles. This includes:

- 62 back-in sites, 41 pull through sites, and 12 buddy sites;
- Remodel the existing entrance cabin for golf & RV registration and a limited supply store;
- Construct two new bathhouses and a laundry facility for campers;
- Remodel existing golf clubhouse into a small guest meeting space;
- Enlarge an existing pond, build a dock and stock fish;
- Add more trails for visitors;
- Add additional internal road, at least 24 additional parking spaces;
- Additional onsite potable water storage and distribution lines;
- Sewage system to collect, hold and pump effluent to trucks for offsite treatment at an approved facility;
- Install electrical, and Wi-Fi utilities.

**VICINITY MAP**



**LOCATION:** Township 6 North, Range 43 East, Section 13  
**PARCEL NUMBER:** RP06N43E132700  
**ZONING DISTRICT:** A-20  
**OVERLAY:** Wildlife Habitat Overlay, Wetland & Watercourse Overlay  
**PROPERTY SIZE:** approximately 320 acres

## **BACKGROUND:**

- The Wilsons commenced construction of non-commercial golf playing surfaces on their land without applying for any County or Federal permits in the 1990's. Wetlands were apparently impacted without obtaining the U.S. Army Corp of Engineers (Army Corp) Clean Water Act 404 permits.
- A more extensive golf course was largely built and no County permits had been granted.
- There was a 3-5 year period of disagreement and discussion between the Army Corp and Wilsons about the wetland issues.
- The Army Corp was joined by the U.S. EPA and federal Clean Water Act violations were cited and enforcement actions were commenced.
- July 10, 2000, a nine-hole links-style course was approved by Teton County. There was still a dispute over wetlands with the Army Corp on the additional golf holes 10, 11, 12, and 13.
- The wetland violation issues were resolved and there was no court order resulting from the enforcement actions.
- An approved wetland delineation was made with EPA oversight. Rob Tiedemann PhD., a respected scientist, performed that delineation. (The applicant proposes to use him again for an updated delineation).
- April 2003, an additional nine holes was approved by the County, bringing the total to 18 holes and a driving range.
- To date, the County's Conditional Use Permit file does not document any violations of the permitted operation to date.
- The property was sold to another owner and it eventually was fore-closed upon.
- The Wilson bought back the property at a Sheriff's sale.

## **IDENTIFIED CONSIDERATIONS & ISSUES:**

1. ***Wetlands. Jurisdictional wetlands lie in close proximity to and are commingled with the areas proposed for redevelopment; are the RV pads likely to produce significant negative impacts to jurisdictional wetland or watercourses? What type of spill containment-pollution prevention measures would be employed in the RV areas?***

Planning Staff comments: The applicant should have a wetland professional update the wetland delineation and create a working map of all jurisdictional (and non-jurisdictional) wetlands onsite. The high value Woods Creek Fen wetland is broadly mapped in this part of the Valley and may be found on portions of these 320 acres. It would be important that all existing wetlands and watercourses be avoided and accurate inventory and mapping is key to this. Adding 15 to 50 feet of buffer next to any wetland is best management practice often employed in storm water management plans and erosion control plans. BMP often use detention basins, silt fences, straw bales and more specialized devices. If development takes place near wetlands, sufficient setbacks should be placed between the wetlands and the higher traffic upland areas where redevelopment and modifications to the existing golf course site are proposed. While the County may not have strict wetland setbacks, a C.U.P. project near a wetland could be conditioned to provide reasonable terrestrial buffers. Where new areas of disturbance would be created, a construction management plan would have to include erosion control as well as provisions for long-term storm water management. Such improvements would typically include prescribed BMP (best management practices). Bonding/surety for installing these BMP measures and re-establishing vegetation would likely be a pre-condition for any permit approval. Oversight and site inspections by the County Engineer/ record P.E. throughout the construction period would also be mandated, especially during wet periods.

2. ***Wildlife. The plan would convert upland golf surfaces (tee-boxes and fairways-used seasonally) to RV pads and hardscape, which would not be rented during the winter. Would these changes of the existing ground cover and changes to the "summer" land use characteristics and intensity likely produce significant degradation to how wildlife presently use the site? If there is diminishment to the habitat, is it a significant impact on wildlife given the overall Valley habitat?***

Planning Staff comments: Golfers use the site primarily during the summer days while RV campers will be there day and night during similar warm-weather months. RV campers might have pets that would need to be contained day and night. Moose, deer and elk would not depend on this area for browse during the summer months. During the winter, the site would continue to be unused by customers. There would be a relatively small acreage conversion from turf grass vegetation to hardscape RV surfaces; existing willow habitat would not likely be significantly reduced.

If Yellowstone Cutthroat Trout use the onsite tributaries as spawning or feeding habitat, then what physical and/or temporal protection measures could reduce the risk of damage to an acceptable level? What type of consultant is needed to address these concerns? What risks-of-damage can be mitigated by installing BMP and placing other restrictions on the development? If the project moves forward,

Staff recommends that a fisheries and/ or water quality professional be consulted regarding the site-specific protection measures that are warranted, especially during grading and construction periods. If non-native fish are stocked in the ponds, then flooding or hydrologic connections could introduce them to the river system.

**3. Mitigation Questions. *What mitigation measures would likely be employed to reduce the possible impacts to wildlife and to wildlife –vegetation-habitat to an acceptable level?***

Avoiding impacts to the Woods Creek Fen is very important to IFGD. The potential for pollution from the existing golf course and the RV units is also a factor IFGD considered in their letter.

During the campground/ golfing season, adherence to Idaho Fish & Game Department guidelines should be part of the conditions of approval of a C.U.P. The IFGD did not submit specific recommendations

- IFGD commonly prescribe the restraint of dogs and cats to prevent harming large game, smaller mammals, as well as killing songbirds and waterfowl. The applicant has submitted a pet policy in anticipation of such measures.
- Secure containment of garbage, which attracts scavengers and predators.
- Seasonal closures or restrictions for critical habitat, which might be expected for the winter.
- Campground rules reinforcing the State fishing/ hunting restrictions and restrictions about the stocked fish proposed for a pond.

**4. Economic Benefits. *What will be some of the expected offsite positive impacts to the local economy?***

- The applicant is targeting the higher-end RV niche so it is not unreasonable to assume that multi-week campers will come into town to grocery shop, buy fuel, get repairs, dine at restaurants, and attend entertainment events. It is not expected that the RV visitors will have children in school.

**5. Economic Downsides. *What will be the expected offsite negative impacts to the local economy?***

The county road may have accelerated wear and tear. There may be medical or domestic situations at the RV campground that will require the services of the ambulance or sheriff's department.

**6. Flooding. *How would a 100 year flood event (or more frequent recurrence interval event) affect the RV area and particularly the onsite sewage treatment/holding tank facilities?***

The golf course area has been observed with considerable standing water during the run-off period. A flood event is most likely during this period, which coincides with time of use for the RV park and golfing. Depending on the sewage treatment system, flood events could either be a couple weeks of inconvenience or it could cause considerable damage. Moving flood waters and standing water might damage both the onsite sewage facilities and contaminate the surface waters. The applicant should provide an engineer's assessment of the floodplain extent and propose how sewage treatment facilities would be protected in the event of flooding.

**7. Roads. *What new and additional road impacts are expected on North 4000 West and Bates Road? What stipulations or road improvements would be warranted for accommodating the additional traffic to and from this development?***

- It is a given that heavy RVs would accelerate the wear and tear on Bates Road and especially on North 4000 West. North 4000 west is a dirt road, although classified as a minor collector. It does not have adequate structural road sub-base material in it and consequently numerous soft spots exist. In fact, the road was swampy enough in springtime that a District fire truck became stuck in the mud there. Presently the road has a low traffic count and is therefore not a high priority to improve, according to Louis Simonet, County Engineer. Engineer Simonet told staff that 4000 West is unpaved and in poor shape and that the County would expect that extra road surface improvements and periodic dust treatments would be needed to maintain the road from further degradation. The heavier RV vehicle weights would likely experience problems in the typically wet conditions found on 4000 West. The applicant should have a P.E. to consult with the County Engineer on the extent of road improvements needed. The traffic analysis presented at this stage probably underestimates the traffic generated from the RV park. Engineer Simonet estimated that there would be 4 trips per day per RV in addition to the golf-related traffic.

**INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS**

Teton County Engineer: The County Engineer will provide a detailed letter providing feedback on the project. In discussions with staff, engineer Simonet noted the following: North 4000 West is a low traffic volume road, and because it is a dirt road, it would be four or more years before having any road improvements commenced. It is important that no further degradation take place on the roadway,

especially from RV traffic. Given this, all road improvements that are needed would have to be installed by the applicant, at their expense, prior to construction traffic and use by RV as an RV park.

City of Driggs:

A comment letter was received and is attached to this report. In general, the City foresaw some possible economic benefits since the RF park is relatively close to Driggs and some additional shopping and entertainment revenues would be expected in-town.

U.S. Army Corp of Engineers:

A letter is expected in early February from the Army Corp. Bob Brochu of the Corp, in a telephone conversation with staff, recited the long history that the Army Corp and the Wilsons have had since the 1990's. The Corp only has jurisdiction within the delineated wetland and not one-foot beyond it. Where wetlands are not directly affected, the Corp can impose no restrictions. Mr. Brochu noted that upland buffers are a good practice but are not mandated by the Federal authorities. The Corp has worked with the applicant's proposed wetland consultant and believes that an update of the wetland is advisable. He noted that changes in irrigation practices on the golf course and RV area could affect hydrology on the nearby wetlands.

Idaho Fish & Game Department:

A comment letter was received January 28; see the attachment. The IFGD comments noted the Woods Creek Fen is a high-value, biologically diverse environment and implied that protecting it is an important consideration. The letter noted that the Griffith Creek and unnamed tributary onsite may shelter a species of special concern, the Yellowstone cutthroat trout. Regarding the FEMA floodplain, the letter stated that "These waterways could be compromised if the septic waste management system is not built to withstand a 100-year flood." The letter also mentions the Huntsman Springs project and a conservation easement that was used for mitigation.

Idaho Department of Environmental Quality:

A solicitation for comment was sent and no response has been received to date.

EPA-Idaho Operations Office:

A solicitation for comment was sent and no response has been received to date.

Teton County Soil & Water Conservation District:

A solicitation for comment was sent and no response has been received to date.

Idaho Department of Water Resources:

A solicitation for comment was sent and no response has been received to date.

Teton County Emergency Management:

No comment letter was received at the time of writing this report.

**COMMENTS FROM NOTIFIED PROPERTY OWNERS & NGOs & PUBLIC AT LARGE**

**WARD:** A letter was received and is attached to this report. Anna Trentadue asked several good questions, here are some of them: "*How a will this RV Park impact the health, viability, and overall water quality of Woods Creek Fen, the Teton River, and the abutting wetlands... How will this RV Park impact this habitat and wildlife populations?... There are multiple, contiguous conservation easements that would abut this RV Park to the west, as well as the Huntsman and Woods Creek Fen easements nearby to the southeast. How will they be impacted if this permit is approved, and how will the RV Park affect future easements in this area?... What is the overall economic consequence of water quality deterioration and habitat loss of Woods Creek Fen, the Teton River, or the abutting wetlands?*"

**Friends of Teton River:** The FTR letter offered five good recommendations regarding moving forward in a responsible manner with any development onsite. The Planning Staff endorses all five of the recommendations and believes the applicant will be better served to use scientific investigations and qualified professionals that are suggested in their letter; see attached.

**Teton Regional Land Trust:** The staff called the Teton Regional Land Trust because there are large areas of conservation easements close by and there has been in-depth biological assessments done on these properties. The Wilsons have donated and encumbered developable land to conservation easements. Understanding where conservation protections have been placed on nearby properties is

Several adjacent or nearby land owners also provided comment and their letters are attached to this report.

- Craig Chenoweth provided detailed engineering response about the sewage treatment issue.

- Toni Hill listed eight objections/ concerns and cited the poor condition of the existing road, its soft spots and the need for paving it to accommodate RVs. Of note, she also noted wetland and wildlife impacts and had water supply concerns. She also brought up concerns about the scale of the retail uses and the sale of items from “the store”, particularly as it evolves in time. Weeds and dust control were also mentioned.
- Alice Stevenson believed that the RV use was not in keeping with the sensitive environment at this location and should not have a Cup approved there.
- Carole and Norm Hofley sent an email that expressed strong opposition to the RV expansion. The Hofleys have protected nearly 300 acres of land under conservation easements nearby.

### **CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE TETON COUNTY COMPREHENSIVE PLAN 2004-2010**

The 2004 Comprehensive Plan proposed a vision and policies for the Valley that are listed below. The Commission should examine these statements and consider how the Teton Links RV expansion relates to them. It is worth noting that the upcoming Comp-Plan process may be more restrictive or more permissive than what was formulated in the early 2000’s.

#### **Chapter 2 Purpose of the Plan**

- *To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.*
- *To ensure that adequate public facilities and services are provided to the people at reasonable cost.*
- *To ensure that the economy of the state and localities is protected.*
- *To ensure that the important environmental features of the state and localities are protected.*
- *To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fiber, and minerals.*
- *To encourage urban and urban-type development within incorporated cities.*
- *To avoid undue concentration of population and overcrowding of land.*
- *To ensure that the development on land is commensurate with the physical characteristics of the land*
- *To protect life and property in areas subject to natural hazards and disasters.*
- *To protect fish, wildlife, and recreation resources*
- *To avoid undue water and air pollution*
- *To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.*

#### **Staff Analysis:**

- The introductory chapter’s Purpose statement contains somewhat nebulous statements that can be interpreted and emphasized differently and are sometimes at odds with other policy statements. Basically, it is not clear whether the environment or the local economy should be emphasized more in this situation.

#### **Chapter 5 Property Rights**

*Policy 1: The Teton County Comprehensive Plan acknowledges private property rights are protected under the 5<sup>th</sup> and 14<sup>th</sup> amendments of the United States Constitution and sections 13 & 14 of article 1 of the Constitution of the State of Idaho.*

*Policy 2: The Teton County Comprehensive Plan acknowledges the right and responsibility of Teton County to reasonably regulate land use.*

*Policy 3: The land use ordinances and actions of Teton County, including the policies, restrictions, conditions and fees, shall not violate private property rights, shall minimize adverse impact on property values and minimize technical limitation on the use of property consistent with state and federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law.*

- **Staff Analysis:** Policies 1 and 2 relate to the U.S. Constitutional sections and statements regarding private property and the balance of the police powers of states. Property rights for an existing parcel and speculative development proposals do not receive the same protections under law. This subject has been the subject of dozens of Supreme Court cases. In fact, the Supreme Court has been handling land use takings and police power claims for at least 90 years and has interpreted how the Constitution and local use laws apply or where they become overextended in numerous complex situations. If a person wants to understand how the U.S. or Idaho Constitution applies in a particular situation at the local land use level, then the relevant case law and findings need to be researched. A blanket

statement about the Constitution is not sufficient information to make detailed determinations on an individual local land use application- one must consider legal precedents and the settled law from the various courts.

- Policy 3 seems to support real estate development that meets Federal and State law and sends a caution about having excessive local restrictions on private property.

### **Chapter 7 School Facilities & Transportation:**

**Staff Analysis:** The Teton Links RV expansion is not expected to contribute to the school-age population. The transportation considerations, however, are a major obstacle for Teton Links RV. The County cannot redirect precious taxpayer funds to this little traveled road, install pit-run and gravel layers, and not be reimbursed. Even with reimbursement, the County cannot redirect the Road & Bridge workers to this project when other road improvements have much higher priority for the foreseeable future. Unless the applicant can bring 4000 West to an improved engineering standard, this policy cannot be met.

### **Chapter 8 Economic Development**

**Policy 3:** *One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.*

**Policy 4:** *Employment opportunities are vital to a sound local economy. Support proposals that provide a variety of jobs for existing and future work forces without sacrificing quality of life.*

**Policy 5:** *To predict infrastructure costs, it is imperative that the County adopt a capital improvements plan as defined in the Idaho Code.*

**Staff Analysis:** Policies 3 and 4 encourages getting economic value out of views, clean water and air and recreational activities. These statements suggest keeping the environment clean is important for attracting tourist activity. Supply tourist accommodations and providing more jobs, while keeping the environment clean is encouraged, not discouraged in these statements. It suggests a positive view toward the expansion of the golf course to accommodate RV tourists.

### **Chapter 9 Land Use:**

**Policy 1:** *Protect open space throughout the county. Enhance the mechanisms available to incorporate the same in developments.*

**Policy 2:** *The scenic corridor is valued and view corridors should be maintained and protected. Guide development along the county's highways so that a sense of open space is protected. It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. It is desirable to maintain view corridors.*

- The Scenic Corridor would not be impacted from 4000 West.

**Policy 3:** *Accommodate new residential growth in the county using methods that preserve Teton Valley's pristine qualities and foster efficient provision of services. Concentrate higher-density development in the cities or in their areas of impact. (See Implementation 10)*

- Teton Links RV expansion is not residential growth and it is arguable whether it is too far from services in town. Clearly, the Road 7 Bridge Department cannot spend tax dollars to improve the road for the primary benefit of Teton Links commercial activities. The return on economic benefits from the RV park is not expected to compensate for the road building outlays needed to bring 4000 West to a passing level of service.

**Policy 4:** *Higher density developments should be located within or near the cities or within or near their areas of impact. Developments in the unincorporated county may be based on the density based zoning concept which will provide significant open space.*

**Policy 7:** *Foster the economic viability of the cities by encouraging development of most types of commercial enterprises in or near the cities or their impact areas. However, a limited amount of commercial development is appropriate and necessary within the county because it is not suited for cities or their impact areas.*

### **Chapter 10 Natural Resources:**

**Policy 2:** *Protect the County's surface and ground waters, wetlands and riparian areas through responsible development and incentives to help landowners conserve important water resources. This policy will apply to all surface waterways, underground waters, and areas shown as wetlands within*

*the National Wetlands Inventory as prepared by the U.S. Fish and Wildlife Service in June 1993, and any updates of the National Wetlands Inventory that might be provided. The National Wetlands Inventory Map shall be used to update Map No.5 Critical Overlay Areas for waterway and wetland resources and shall be modified periodically to help reflect the current understanding of water resources as necessary.*

*Policy 4: Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands.*

*Policy 5: Encourage the conservation and protection of important plant, fish and wildlife habitats. (See Implementation 10, Land Use)*

*Policy 6: Ensure that noxious weeds are consistently and effectively controlled in compliance with state regulations and guidelines.*

*Policy 7: As development occurs, consideration should be given to the wise and beneficial use of water to assist in recharging the aquifer.*

*Implementation 5: Ensure that development respects the integrity of the streams, stream channels and riparian areas.*

*Implementation 4: Encourage the Board of County Commissioners to fund a weed supervisor and have funds available to control weeds. Enforce existing ordinances on weed control to ensure compliance with state regulations and guidelines. The landowner should be notified of the condition on the land and be given the opportunity to eradicate the weeds. If the landowner does not comply, the County will do the work and charge the landowner*

**Staff Analysis:**

#### **Chapter 11 Hazardous Areas:**

*Policy 2: Encourage incentives that work to reduce the threat of personal injury, loss of life, and or damage to private property from flooding.*

**Staff Analysis:** The Teton Links RV expansion should provide a plan for protecting any sewage treatment facilities onsite as well as have a plan that predicts the frequency, duration and affects of flooding onsite.

#### **Chapter 12 Public Services & Utilities:**

*Policy 5: Encourage continued study of the county domestic water systems in conjunction with the state departments and agencies that monitor them.*

*Policy 6: Investigate methods for disposing of solid waste including recycling, transfer, expanded landfill, and alternative uses.*

**Staff Analysis:**

### **SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE**

#### **1. Location is compatible to other uses in the general neighborhood.**

The concept plan materials, responses of nearby landowners, and this staff report provide considerations for making determinations about this standard. It is essential that impacts to the road system, wetlands and watercourses, and wildlife be thoroughly weighed against the neighborhood impacts.

#### **2. Use will not place undue burden on existing public services and facilities in the vicinity.**

Improvement of the County Road for the sake of facilitating access to the golf course and RV park would place an undue burden on the Road & Bridge Departments' efficient delivery of services. Unless the applicant can propose an acceptable engineering and finimprovement to the County Road, this

#### **3. Site is large enough to accommodate the proposed use and other features of this ordinance.**

#### **4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.**

This staff report and the application discussed the factors related to the comprehensive plan.

**SECTION 8-6-1-B-8-D ADDITIONAL CONDITIONS (For Conditional Uses)**

**Eight fishing cabins**

*“Upon granting of conditional use permit, conditions may be attached including, but not limited to: (inapplicable bullet points omitted)*

- *Requiring the provision for on-site or off-site public facilities or services;*
- *Requiring more restrictive standards than those generally required in this ordinance:*

The following conditions are recommended:

1. **In order to**
2. In order to comply with
3. In order to comply with
- 4.
5. In order to comply with the Section 8-4-6-H Operation of Lighting, and to reduce undesirable visual impacts in this rural part of the County, no employees are working at the site. A written
6. In order to be consistent with the Comprehensive Plan’s policy and implementation statement  
.....discussed in this report,

**PLANNING COMMISSION CONSIDERATIONS AND ACTIONS:**

**A.** Offer feedback about the following: Is the conversion of some golf course surfaces into RV pad, and the associated development, an appropriate land use at this location? If the use is theoretically acceptable, but would depend on various conditions and mitigation measures, then what technical information and assurances would be needed to be provided in a Cup application? The working assumption would have to be that a fully engineered plan and CUP application would address all environmental protection requirements plus offer to improve and not further degrade the existing substandard road infrastructure situation. The Commission should weigh the risks of having any proposed environmental BMP measures fail and there being negative impacts to the water resources onsite. The Commission should consider IFGD whether the amount and type of wildlife habitat impacted is significant and whether critical winter habitat would be changed times. The Commissioners could weigh these environmental risks against the possible economic benefits of a new business potentially contributing a financial multiplier effect to the local economy.

**B.** Continue the Conceptual review framework to a future Planning Commission Public Meeting prior to application submission and provide reasons for the continuation and /or specific additional information that is needed.

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Attachments:

- Application with narrative
- Site plan attachments labeled 1 and 2
- Emergency Management letter
- City of Driggs comment letter
- Teton County Fire Protection District letter
- Email from Hofleys
- Tony Hill letter
- Alice Stevenson letter
- Craig Chynoweth letter
- Friends of Teton River Letter
- VARD letter
- County Engineer letter
- Idaho Fish & Game letter

End of report