



P. O. Box 8578, 140 E. Broadway, Suite 23, Jackson, Wyoming 83002; voice: (307) 733-4216 • fax: (307) 733-1245

November 6, 2013

Board of County Commissioners  
150 Courthouse Drive  
Driggs, ID 83422

Dear Members of the Board:

Biota Research and Consulting, Inc. of Jackson, Wyoming was retained in April by the River Rim development team, at the behest of Ms. Angie Rutherford, staff planner of Teton County, Idaho. On April 5, 2013 I met with Ms. Rutherford and representatives of the applicant at the County Courthouse to discuss the proposed amendment to the River Rim Ranch PUD Master Plan and Final Plat for Division II. At this time Ms. Rutherford informed the applicant team that the amendment would be reviewed under the definition established in Title 9, Chapter 7: Substantial Changes/Vacations – Decrease Scale, Impact. However, staff requested confirmation that the proposed amendment met the findings for the “Decrease Scale, Impact” definition, from a qualified professional biologist. Therefore, Biota performed a Wildlife Habitat Overlay (WHO) Assessment at that time, to evaluate the revisions to the Division II Master Plan in the context of what was initially approved, and whether the amended Plan constitutes a decrease in scale and impact to protected natural resources as identified by the WHO. The only other extenuating question outside of the revised footprint in Phase 6 addressed in our assessment was whether the proposed treatment of the golf course, Division II, Phase I, would sufficiently address the proliferation of noxious weeds.

As of April 5<sup>th</sup>, 2013 the amended Final Plan included an increase of proposed acreage within the WHO in Phase 6 of Division II. The Biota analysis included an evaluation of the existing landscape, the available wildlife habitat, specifically wildlife habitat indicator vegetation, wildlife sign and evidence of current usage within Phase 6, the South Canyon Area. It was fully understood and so stated by County staff that Phases 1 through 5 of Division II were not to be included in the WHO assessment, as the reductions of density, development rights, and associated infrastructure throughout Phases 1-5 of Division II irrefutably represented changes of decreased scale and impact.

The findings of the Biota WHO assessment in April were based on incremental expansion into the overlay (6 acres) and a preserved big game movement corridor of 800-1,000 feet. Through the revision process and several meetings with the Planning and Zoning commission, as well as input from public entities including Valley Advocates for Responsible Development (VARD), the applicant has subsequently reduced the overall footprint of Phase 6 development, maintained the original number of

approved lots, removed all additional impacts to the WHO, and increased proposed open space. The proposed amendment as of November 2013, specifically the layout of Phase 6, would not have triggered the assessment that Ms. Rutherford called for in April.

I am presenting this cover letter as an introduction to a packet that includes the Biota Assessment prepared in April of 2013, the subsequent review comments by Idaho Department of Fish and Game (IDFG, June 20, 2013) and the Biota response to IDFG comments (June 27, 2013). These materials were based on the Final Development Plan prior to an iterative revision process that has taken place over the past 6 months. The changes to the Division II Master Plan over the intervening 6 months in my appraisal have further reduced potential future impacts to wildlife, wildlife habitat, and the existing movement corridor that lies along the north boundary of Phase 6 of Division II. Our assessment of April 2013 remains applicable to the current Master Plan design, though I would like to highlight the increase of the wildlife movement corridor width from a minimum of 530 feet as of 2006, to a currently protected minimum width of 1,150 feet. I support the review of the amended Division II Master Plan under definitions provided in Chapter 7, for substantial changes, with decreased scale and impact.

Sincerely,



Hamilton Smith  
Senior Ecologist/Certified Professional Wildlife Biologist

[hamilton@biotaresearch.com](mailto:hamilton@biotaresearch.com)

**From:** Dave Abbott <[REDACTED]>  
**Date:** November 2, 2013 at 6:59:59 PM MDT  
**To:** <kpark[REDACTED]>, <krenaldi[REDACTED]>  
**Cc:** Kathy Spitzer <[REDACTED]>, John Fedders <[REDACTED]>, Jerry Wirkus <[REDACTED]>, Kate Ohlandt <[REDACTED]>, Lou Caravella <[REDACTED]>, Chad Phillips <[REDACTED]>  
**Subject:** River Rim Ranch Amendment Application

Dear Kelly and Kathy,

Thank you for your time and consideration on the above Amendment. I am thankful for the opportunity to express my views.

As you know, this has been an extremely long and difficult process, beginning, I believe, in March of 2013. I attended all of the P&Z Commissioners meetings, typically representing as many as 20 property owners in River Rim Ranch. Although most of them are Division I owners, several also own property in the failed part of the development, Division II. We have consistently spoken out against the Amendment, believing that the sole beneficiary is Big Sky Western Bank. Many improvements have been made in the application since the beginning, driven primarily by comments and recommendations made by the P&Z Commission and Staff. For that, we are very thankful. We still have a ways to go, however.

I remain very concerned about several aspects of the Amendment and would ask your consideration of my points as you prepare for your next meeting on River Rim, scheduled for November 13.

- The issue of "primary purpose" or "intent" of the PUD is a huge concern. Through the many iterations of previous Amendments, the intent of the development has clearly remained a residential community with a golf course as the center of Division II. A number of incidental commercial uses were approved, linked to the development of the golf course. The Amendment seeks to allow the sale and conversion of the Sales Center in Division II into a Bed and Breakfast with 16 units, owned and operated by a hunting outfitter, Lars Magnusen of Blixt and Company. Mike Potter, representing the Bank, has repeatedly stated that the master plan always included a 30 unit lodge, so this is no big deal. What he fails to recognize and include in his argument is that the 30 units were not to be developed until the golf course was completed. Now, since the golf course is thing of the past, this commercial use, as well as others linked to the golf course, should be extinguished and the Bank should be required to start over, in terms of incidental commercial uses. Mr. Potter admitted, at the Commissioners meeting on Monday night, that their "intent" was always that the Sales Center would be a sales/administrative center...an office building. Please don't give them the right to stray from that intended purpose. They must be forced to address the issue of intent of the new PUD, the question you rightfully, and thankfully, raised at the last meeting, Kathy.
- As you consider the primary purpose/intent of Division II of River Rim, please do not approve anything that "commercializes" Division I. We all bought into a gated, residential community. By leasing our Overlook Lodge to Lars Magnusen exclusively over the past 3 months, the Bank unilaterally made the decision to take a step in the direction of commercializing Division I. This is a step that needs to be reversed. River

Rim Ranch Division I is NOT a commercial development...the Lodge is not a commercial property. Division I is a wonderful residential community that can be "revived" if it is protected from selfish actions by the Bank. Your decision on the 13th will impact the future of Division I greatly, contrary to the comments of the applicant that "This is only about Division II." That is simply not true. What is decided will have a lasting impact on the only successful part of River Rim, Division I...positive or negative.

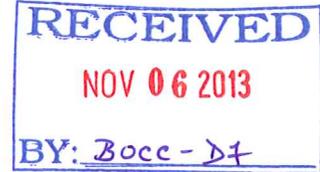
- I'm very concerned that because we (a large group of Division I owners) have filed a lawsuit against the Bank, West Rim LLC and the River Rim Ranch Owners Association, our comments and concerns are being disregarded. We understand clearly and agree that the County has no interest or business getting in the middle of our dispute. We are not asking you to do so. We are simply asking to hear us as residents and Teton County taxpayers. Our concerns are valid and deserve consideration. The Bank, Mr. Potter, their attorney, as well as others, would like you to ignore us and they continue to use the comment that "This is only about Division II" as their shield. This is not about a lawsuit. It's about tax paying residents of Teton County having legitimate concerns about an amendment to a PUD that will have a huge impact on us as well as other taxpayers in Teton County.
- Please consider the fact that the majority of support for the Amendment comes from those on the Bank's payroll, the original developer and, most interesting, those who individually stand to benefit financially from the approval of the Amendment. One of the few property owners who wrote a letter of support "retracted" it at the Commissioners meeting, stating that he did not have all of the facts when he wrote his letter. Another letter of support is from Rick Katz, a cabin lot owner, who, incidentally, worked for the Bank as a consultant, soon after the Bank took the deed to River Rim in lieu of foreclosure. The majority of your tax payers in Division I of River Rim Ranch are very opposed to the Amendment and many have made their concerns known.
- With a few changes in the Amendment application, Division I owners could support the Amendment and help the Bank and the County move forward. We have made many efforts to reach out to Mr. Chery, only to find that he has no interest in our input. That was pretty clear in his closing comments in the meeting last Monday. His "screw Division I" attitude is inappropriate, unacceptable and insulting.
- Approving the Amendment because "It's time to move on" is not a valid reason. I've heard that from a number of people including, P&Z Commissioners and individuals offering public comment. We CAN and MUST get this right. We can not afford to approve something that will hurt us all in the future, just because "It's time to move on".

I am available to discuss any of this at your convenience by phone or in person. Thank you both for your consideration and your service to Teton County.

Respectfully,

David L. Abbott  
9685 River Rim Ranch Road  
Tetonia, ID 83452

~~08-156-2345 or 913-787-702~~



November 5, 2013

**Teton County Board of Commissioners  
150 Courthouse Drive, Room 107  
Driggs, Idaho 83422**

10 S. Main St.  
Victor, ID 83455

PO Box 109  
Victor, ID 83455

RE: Amendment to River Rim Ranch PUD Application

Dear Teton County Commissioners,

My husband Lars and I are the interested party in the River Rim Ranch Sales Center. We are residents of Victor, Idaho and I am a native of Jackson, Wyoming. We are also tax payers of Teton County.

We want to provide some clarification for our intended use of the Sales Center as it relates of the proposed amendment and respond to some of the concerns raised.

We would like the opportunity to convert the existing, vacant River Rim Sales Center into a 10 bedroom luxury boutique lodge with a small 12-20 seat fine dining restaurant and intimate library style pub. We are inspired by the charming country inns and pubs in rural England, that are frequented by visitors as well as locals, with classic decor and an intimate, cozy atmosphere. This would not be a hunting lodge, although I assume that some sportsmen would stay and enjoy our hospitality.

- I. **River Rim Ranch is not only a golf community but a sporting community**, including fishing, equestrian, pathways etc. In this context a lodge with a restaurant and pub is not outside of the concept. Many golf and sporting communities feature a restaurant for use by visitors and residents alike and is an appropriate use in the commercial zone.

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2. This area is a **commercial zone and does not encroach on the residential areas** of Division I or II. The amendment would allow already approved uses of the commercial zone to be independent of the golf course completion without changing the already approved use. We are not proposing to extend or change the commercial area.
3. We want to **optimize the existing building and current infrastructure**, reducing waste and preventing the decay of the existing building. We can revive this iconic building, bringing life and energy to the area.
4. We would **pay our share of the HOA dues** as outlined in the CCR's.
5. This would be an **independent company** and operation that has no relationship to our Sporting Agency, Blixt & Co, that produces high-end Traditional English Driven Shooting, other than clients of Blixt & Co could elect to book and stay at the lodge. **This would NOT be headquarters for Blixt & Co.**
6. We would be **open to the public, including residents and owners of River Rim**. We hope that they would be customers of the lodge and restaurant and enjoy a drink by the fire. We would serve a variety of guests from fishermen, neighbors, tourists, food and wine enthusiasts, brides and grooms, artists, musicians, chefs and sightseers to name a few.
7. **The conversion of the Sales Center into a Lodge does not, in any way, impede or restrict the current owners and residents** use of their land to build or hold. This will not threaten their ability to enjoy their personal property or that of any of the existing, future or current owners and residents. This will not restrict their right to buy or sell land within the development as stated publicly and on record. We are not restricting owners use of amenities, but providing a public use of a building that is currently not used nor considered an amenity.
8. This is a lodging solution. We are **not proposing to hunt** in the development or, as it has been implied, to stockpile firearms or explosives. Any firearms or ammunition that guests may have

legally with them, will be stored in a manner that protects guests and the public alike. As with any lodging facility, safety is a primary concern and customary measures will be taken for the **safety of all visitors.**

9. Our guest demographic is a **high-end client, looking for a luxury experience with a food and wine destination.** We will host some of the finest chefs from around the globe to showcase some of the world's most sought after cuisine. We want to feature the wide variety of food producers in the valley and region, highlighting farm to table experiences and showcasing local agricultural producers.
10. **This is not a hunting lodge.** We want to produce a wide range of events and diverse offerings including, but not limited to; music in the field, sunday brunch, naturalist days, artist workshops, profile of a farm, wine events, guests chefs, rod making, fly tying, ski packages, workshops and clinics, BBQ feasts, artists in residence, writer in residence, bicycling tours, holiday getaways and cheer.
11. **Guests will be exposed to the real estate and land purchase opportunities** which will help the River Rim project progress and new land owners that buy, build and help revitalize the project. We believe we can help River Rim be vital, not impede that process.
12. We anticipate a significant economic impact created by the conversion of the vacant Sales Center into a vibrant, welcoming lodge, and this includes the residents of River Rim Ranch. Since June of 2013, **we have spent over \$85,000 directly with owners of Division I and the Homeowners Association of River Rim Ranch.**

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13. In addition to the tangible economic assets spent in the community this project will:

- Create jobs, both direct and indirect
- Generate tax revenue
- Use local area small businesses
- Highlight Teton Valley
- Generate sales leads for River Rim and local real estate
- Highlight and utilize local outfitters and guides

At the heart of any lodge is warmth and hospitality. An elegant ease, where everything is considered and efforts are made for comfort and relaxation. We want to create such a place. A place to meet friends, discover the area and relish in food worth the travel.

We believe that our proposed use of the vacant Sales Center will be an asset to the development, the residents and our community. We urge you to take our vision into consideration when making your decision and approve the amendment to the PUD.

Respectfully Submitted,

  
Jennifer Magnusson

  
Lars Magnusson

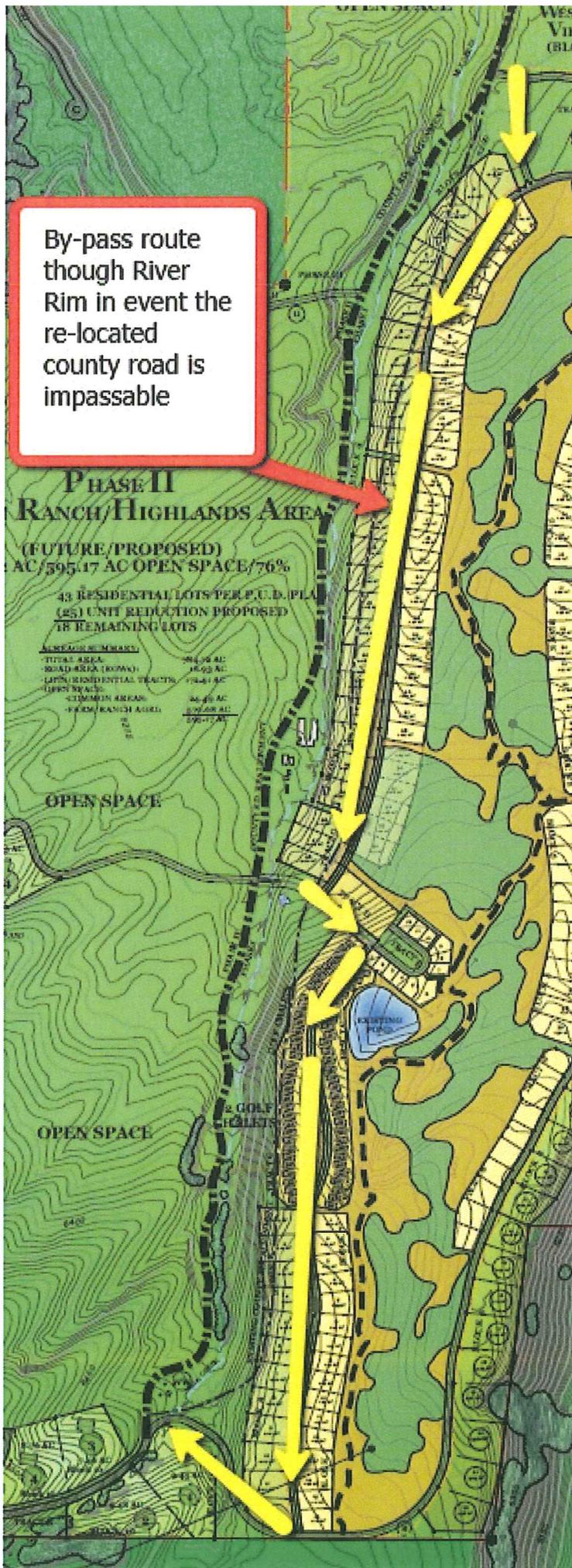
By-pass route  
through River  
Rim in event the  
re-located  
county road is  
impassable

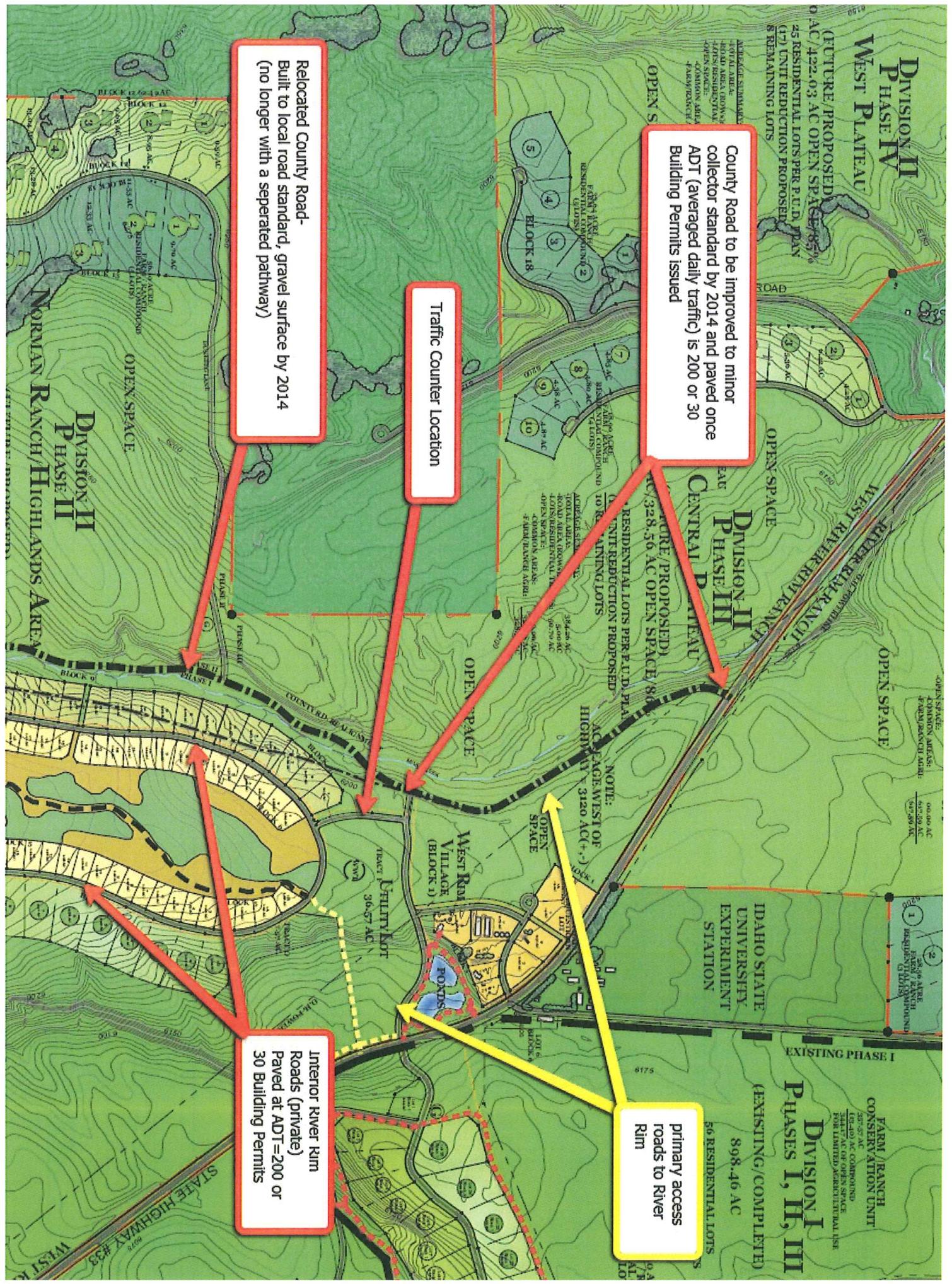
### PHASE II RANCH/HIGHLANDS AREA

(FUTURE/PROPOSED)  
AC/595.17 AC OPEN SPACE/76%

43 RESIDENTIAL LOTS PER P.C.D. PLAN  
(25) UNIT REDUCTION PROPOSED  
IN REMAINING LOTS

GENERAL SUMMARY	
TOTAL AREA	595.17 AC
ROAD AREA (R.O.W.A.)	18.22 AC
LAWN/RESIDENTIAL TRACTS	174.41 AC
OPEN SPACE	566.54 AC
CLIMAXIN AREAS	44.45 AC
FARM/RANCH AREAS	279.68 AC
	296.17 AC





County Road to be improved to minor collector standard by 2014 and paved once ADT (averaged daily traffic) is 200 or 30 Building Permits issued

Traffic Counter Location

Relocated County Road- Built to local road standard, gravel surface by 2014 (no longer with a seperated pathway)

primary access roads to River Rim

Interior River Rim Roads (private) Paved at ADT=200 or 30 Building Permits

**DIVISION II PHASE IV WEST PLATEAU**  
 (FUTURE/PROPOSED)  
 0 AC / 422.03 AC OPEN SPACE/85%  
 25 RESIDENTIAL LOTS PER P.U.D. PLAN  
 (17) UNIT REDUCTION PROPOSED  
 8 REMAINING LOTS

**DIVISION II PHASE III CENTRAL PLATEAU**  
 (FUTURE/PROPOSED)  
 0 AC / 328.56 AC OPEN SPACE/86%  
 10 RESIDENTIAL LOTS PER P.U.D. PLAN  
 10 UNIT REDUCTION PROPOSED  
 10 REMAINING LOTS

**DIVISION I PHASES I, II, III**  
 (EXISTING/COMPLETED)  
 898.46 AC  
 56 RESIDENTIAL LOTS

**FARM/RANCH CONSERVATION UNIT**  
 152.57 AC  
 152.57 AC COMPOUND  
 34.47 AC OF OPEN SPACE  
 FOR LIMITED AGRICULTURAL USE

**DIVISION II PHASE II NORMAN RANCH/HIGHLANDS AREA**  
 (FUTURE/PROPOSED)  
 0 AC / 11.53 AC OPEN SPACE/100%  
 1 RESIDENTIAL LOT PER P.U.D. PLAN  
 1 UNIT REDUCTION PROPOSED  
 1 REMAINING LOT

**WEST RIM VILLAGE (BLOCK D)**  
 36-57 AC  
 CHURCH LOT

IDAHO STATE UNIVERSITY EXPERIMENT STATION

NOTE:  
 AC PAGE WEST OF HIGHWAY 3120 AC (+/-)

STATE HIGHWAY #33

EXISTING PHASE I

OPEN SPACE

OPEN SPACE