

TETON COUNTY
PLANNING & ZONING

OCT 23 2013

RECEIVED

October 22, 2013

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

Dear Teton County Commissioners,

Re: Opposition to River Rim Ranch PUD Amendment Application

We, the undersigned are property owners in Division I of River Rim Ranch, Teton, ID. We are taxpayers in Teton County.

We have attended Planning and Zoning Commission meetings and expressed our opposition to the proposed amendment. We have written numerous letters indicating the same. We continue to oppose the Amendment Application and urge you to deny it. Please consider the following:

- The Amendment would further depress values of River Rim Ranch properties, driven by the failure of the Bank to fulfill its promises and obligations. River Rim Ranch is already a failed development. We respectfully ask the Commissioners NOT to take steps that would impede our ability to revive the hope of a strong and vibrant community in Division I of River Rim Ranch.
- The Amendment is a blatant effort on the part of Big Sky Western Bank to escape the financial liabilities (to Teton County and to the property owners in Division I) it assumed when it received the deed to River Rim Ranch in lieu of foreclosure. The Bank is attempting, through its Amendment Application to shift its financial burden to the backs of the Division I property owners and the tax paying residents of Teton County.
- The Amendment would potentially burden Division I property owners with the future costs of Division II through a proposed "pyramid" HOA structure. Division I owners should have no financial liability for any actions or decisions relative to Division II or any other Division. We continue to ask the Bank to release us from this future liability by granting us separation through the formation of our own Division I Homeowners Association, something we were promised when we purchased our lots.
- The Amendment would allow for increased density in the South Canyon (Phase 6) of Division II, the most environmentally sensitive and most valuable remaining part of the development.

- The Amendment would allow for the “commercialization” of River Rim Ranch by enabling the sale of the Sales Center to become a “Bed and Breakfast” and to serve as headquarters for a commercial bird hunting operation. The only commercial developments envisioned for Division II were to be ancillary to the golf course.
- On September 16, 2013, a group of 15 different property owners in Division I of River Rim Ranch, as plaintiffs, filed a lawsuit, in Teton County, against Big Sky Western Bank, West Rim LLC and the River Rim Owners’ Association. The complaint alleges, among other things, that the Defendants breached their contract with the plaintiffs, established and ran a Home Owners Association illegally and inappropriately, failed to complete promised amenities for which the plaintiffs had already paid, etc. **We urge you to read the complaint (Case No.: CV-13-314) and understand the issues as we believe it definitely impacts your decision on the Amendment Application.**

We thank you for your consideration and respectfully ask you to vote to DENY the Amendment Application before you.

Respectfully Submitted,


David Abbott


John Fedders


Nona Thornton *DA*

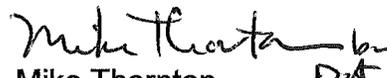

Lindsay Brehm


Kate Ohlandt *DA*


Patti Saylor *JMF*


Patricia Caravella *JMF*

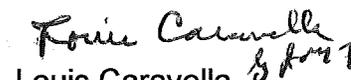

Penelope Abbott


Mike Thornton *DA*


Kristy Brehm


Jerry Wirkus *DA*


Roger Saylor *JMF*


Louis Caravella *JMF*

From: Info :: Anglers Inn
Sent: Friday, October 04, 2013 3:02 PM
To: PZ
Subject: FW: Rough Draft

From: Doug Gemmel
Sent: Friday, October 04, 2013 2:55 PM
To: [Info:: Anglers Inn](#)
Subject: Fw: Rough Draft

----- Original Message -----

From: [Mark LaJohn](#)
To: [Doug Gemmel](#)
Sent: Thursday, October 03, 2013 4:22 PM
Subject: Rough Draft

Dear Teton County Board of Commissioners,

I am writing this letter in support of the amendment to the Development Agreement of River Rim Ranch. I believe you will be voting on this amendment on 10/15/13.

I would hope the Commissioners would take the time to consider the request within the context of the bigger picture. As you are all well aware, in the past 5 years our country has experienced the worst economic crash since the Great Depression and Teton County Idaho was no stranger to this event. In fact it would not be an overstatement to say the county's overall economy was decimated at one point, real estate & it's associated ancillary economies in particular. The county experienced one of the highest foreclosure rates (per capita) in the Rocky Mountain region. I'm sure you are well aware of what the effect the the last five years of economic stress has had on the county's sales tax revenues. Being associated with the commercial operations at the airport I can attest, first hand, to effects of which I speak.

The requests in the amendment are not inconsistent with responsible planning & the quality view you and rest of the County's citizens have for the future. They aren't asking to replace the golf course with anything outlandish, simply open space...a reasonable alternative. I also understand the former Sales Center is in the process of being sold and used as a high end Hunting Lodge, and this sale and usage may be in danger as well. As part of the big picture I mentioned earlier, consider the economic profile of the Hunting Lodge's customer base and the potential for their economic impact on the county. i.e. restaurant, bar, rental cars, fuel and the list goes on. Not to mention increasing the exposure to our wonderful valley for future visits & possible real estate sales.

The changes requested in the amendment are not emanating from a developer trying to break a promise in order to save a few bucks. It's a result of a world wide economic collapse & the fact that the markets which have risen from those ashes are significantly different than what was in place when the County & the previous River Rim developers were negotiating the current Agreement.

Those who have survived the past five years did it by adapting & accepting change. Those that didn't adapt & change are either gone or on their way out. Teton County needs to do whatever it can to breath life into it's struggling economy, as we by no means are out of the woods yet. Please make the right decision and vote to approve the amendment and to also allow the Hunting Lodge to continue it's operations.

Sincerely,

Mark LaJohn

Mark LaJohn
President
Teton Management, Inc
(307) 733-9251

Fremont Associates
P. O. Box 1247
Jackson, Wyoming 83001

Board of County Commissioners
Teton County, Idaho

Dear Commissioners,

I am writing this letter in support of the amendment to the development agreement of River Rim Ranch that is coming before you in the near future.

River Rim Ranch along with Teton county and the nation, for that matter, has gone through dramatic changes in the last six years. I understand that when initially approved River Rim Ranch committed to build a golf course as part of their development. Currently there are six golf courses in Teton County, none of which is making any money. To continue the requirement for construction of River Rim Ranch golf course would not only put undo hardship on Glacier Bank Corp. it would also cut the golf pie into even smaller bits making it even harder for the six current golf courses to survive. The proposed golf course can be returned to natural grasses and when the time is right in the future and there is sufficient demand the course can be built.

The sales center is under contract with the purchaser intending to transform it into a high-end hunting lodge. This could be a huge positive not only for River Rim Ranch but also for Teton County. This could be a shot in the arm for Teton County and possibly a beginning of a turn around. What we in Teton County need is the infusion of new businesses bringing a new economic base. This economic base could then increase the tax base for the county.

As a current landowner trying to promote business so I can rent my properties, the possibility of bringing in a new economic base is critical to the healthy future of Teton Valley. I encourage you to support Glacier Bank Corp in their efforts to sell their holdings in Teton County. They are only holding the property to sell. They are not developer and will not bring in new business or investments. Help them sell to those that will have a stake in Teton Valley's future.

Sincerely,

E. J. Ned Thomas II
Managing Member



October 14, 2013

Teton County Board of County Commissioners
150 Courthouse Drive
Driggs, ID 83422

RE: River Rim Ranch Continuation

Dear BOCC,

I wanted to make the effort to voice my support of the River Rim Ranch PUD, and to ask that you as a Board of County Commissioners continue to support this ongoing project. River Rim Ranch was one of the few PUD's proposed and approved during the growth years of this county that had a solid vision and a plan for the build out of the project. A tremendous amount of time and resources were involved in the design, engineering, and entitlement process, just to get the project to the point to be presented to the County for approval. When the County granted the entitlements for this project they in effect put their support behind it, with all of the language of the presented developer's agreement at that time. Since that time significant design, engineering, and construction costs have been invested in making this project a success. There is a lot of potential with the project, and it will take the support of the County, not the hindrance on the County's part, to make sure that this is valuable asset to the community. Uncertainty has held this project up from moving the project forward.

The project was planned and marketed to appeal primarily to second home owners. These are the types of people that can be great for a community, as the tax revenues come in on these homes but typically there are fewer services required. With River Rim Ranch, potential buyers have and will continue to purchase these lots based on their location, their views of the valley, and the uniqueness of the project. Whether the project continues exactly as planned is unknown, but the potential is there for an amazing high end community. As the economy comes back, these lots will regain their values and the project will prove to attract more people to either visit or move to the valley.

The amount of infrastructure that has already been constructed is enough to consider alone. Over \$30M in infrastructure for the project is significant. Everything was designed to the highest standards and I can personally attest to the fact that it was built, tested, and approved to meet and exceed those design specifications. The project is very close to having the entire main infrastructure completed. Only the remaining road work remains for providing the infrastructure that the County is responsible to oversee. Everything else has been accepted by DEQ. There are many existing landowners that have invested significant amounts of money that are willing to see this through but they need to have the County support the project to help protect their investments. Further friction from the county will only make it harder for the project to be successful. A game plan needs to be finalized as to how all parties involved can work together to make this project a success. I encourage you to consider the potential for this process to be a success and to be an asset to the community. I think you will agree that Teton Springs has been very valuable for this community, and River Rim Ranch can bring the same value to the County.

Sincerely,

A handwritten signature in black ink that reads "David Owen". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

David Owen
Owen Construction
307-413-8457

EASTERN IDAHO SUPERVISORY AREA
3563 Ririe Highway
Idaho Falls, ID 83401
Phone (208) 525-7167
Fax (208) 525-7011
pbrown@idl.idaho.gov



STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Tom Luna, Sup't of Public Instruction

October 21, 2013

Wendy Danielson
Teton County
Planning & Zoning Department
150 Courthouse Drive – Room 107
Driggs, ID 83422

via e-mail: pz@co.teton.id.us

**RE: River Rim Ranch PUD Division II Master Plan and Phase I Final Plat Amendments
Parts of sections 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 20, 21, 22, 29 T6N R44E BM**

Dear Ms. Danielson:

Thank you for the opportunity to review and comment on the request submitted by Big Sky Western Bank (Glacier Bancorp) to amend the River Rim Ranch PUD Division II Master Plan and Phase I Final Plat.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (Endowment Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate and is overseen by the State Board of Land Commissioners. Endowment Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

IDL's review of the River Rim Ranch amendment applications has identified the following area of concern:

IDL's research indicates that portions of the River Rim Ranch development are situated on land where there is split estate ownership, meaning that the State of Idaho has retained the subsurface mineral rights. While this split estate does not preclude development of the land, mineral resources within this land may not be extracted, used or sold without authorization from IDL.

Therefore if the Teton County proceeds with approval of these amendments, IDL requires the following conditions to be included in those approvals:

1. The River Rim Ranch PUD Division II Master Plan amendment shall include the following note:

"Portions of the River Rim Ranch PUD Division II development are situated on land where there is split estate ownership, meaning that the State of Idaho has retained subsurface mineral rights. While this split estate does not preclude development of the land, mineral resources within this land may not be extracted, used, or sold without authorization from the Idaho Department of Lands."

"Trusted Stewards of Idaho's Resources, From Main Street to Mountaintop"

2. River Rim Ranch Phase I Final Plat note to be added as follows:

"Portions of the River Rim Ranch Phase I development are situated on land where there is split estate ownership, meaning that the State of Idaho has retained subsurface mineral rights. While this split estate does not preclude development of the land, mineral resources within this land may not be extracted, used, or sold without authorization from the Idaho Department of Lands."

Thank you again for the opportunity to review and comment on these applications. Please contact IDL's Eastern Area Manager Pat Brown at (208) 525-7167 or myself if you have questions or need more information.

Sincerely,



Julianne Shaw
Assistant Planner
(208) 334-0262
jshaw@idl.idaho.gov

Ecc: Don Chery, Glacier Bancorp via e-mail at investor@glacierbancorp.com
Patrick A. Brown, Eastern Area Manager
Kate Langford, Bureau Chief, Strategic Business Bureau



Valley Advocates for Responsible Development

October 22, 2013

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

RE: Comments on the River Rim submittals for the October 28, 2013 hearing.

Dear Commissioners:

With over 150 property owners, 5,400 acres of land, and millions of dollars in partially completed infrastructure, there is no doubt that River Rim is a Gordian Knot. It is exactly the type of problem that the Teton County Replatting Ordinance (Chapter 7) was intended to solve. For over three years, we have attended all of the public hearings and work meetings on this incredibly complicated re-plat proposal. I can say with total confidence that there are many hard fought, very positive attributes to this replat proposal that we encourage this Board to uphold:

1. Significant reductions in housing densities and increases in open space.
2. An expedited schedule to re-vegetate the golf course by December 31, 2014.
3. Large reductions in road mileage throughout the development.
4. A requirement that all future phase owners sign the Development Agreement to ensure that the originally promised open space will be preserved.
5. Updating the letter of credit to 125% to ensure incomplete infrastructure will be finished.

However, for the sake of reducing risk and uncertainty for current property owners, future property owners, Teton County, and the community at large, we have two additional comments:

- a. **Revegetation of golf course should be a pre-requisite in the Development Agreement:** In order to avoid abandonment of the golf course in its present state, revegetation of the golf course by the mutually accepted December 31, 2014 deadline should be included in the Development Agreement as a prerequisite to being able to develop any later phases.
- b. **Identify incidental uses by scenario and carefully define them:** There are two potential scenarios for River Rim: a golf course development, or a parkway development. Each scenario creates a different set of incidental uses. (For



Valley Advocates for Responsible Development

example, there is no need for a pro-shop if River Rim becomes a parkway development.) In order to ensure that all incidental uses are truly “*incidental, necessary, or desirable and appropriate with respect to the primary purpose of the PUD*”¹ that is someday built, all incidental uses should be identified and very carefully defined under either scenario. (i.e. What uses are allowed if the golf course is completed and what uses are allowed if the park is constructed instead?)

We at VARD heartily appreciate the ongoing effort of this re-plat negotiation. It appears that many of the conditions proposed in this re-plat are consistent with the requirements of Chapter 7 and create a workable solution to what is an incredibly complicated problem.

Sincerely,

Stacey Frisk
Executive Director
Valley Advocates for Responsible Development

CC/: Mr. Robert Ablondi, Kathy Spitzer

¹ T.C.C. 9-7-5-A (2005, 2006).