



September 30, 2008

Teton County Planning & Zoning Commission
89 N. Main Street Suite 4
Driggs, ID 83422

RE: Signatures required to proceed with the October 14, 2008 hearing.

Dear Commissioners:

At the September 9, 2008 Planning & Zoning hearing, this commission gave a clear directive to developer Travis Thompson “to clean up the authorization issues by next month in order to move forward.”¹ This message was also abundantly clear to all of those sitting in the audience that night, including the Teton Valley News which reported that “[t]he P&Z told developer Travis Thompson that he had until next month to obtain all the letters of authorization from the landowners in the project.”²

As reflected in the draft minutes for this hearing, Valley Advocates for Responsible Development (VARD) presented a detailed description of which parcels do not have letters of authorization as required by county ordinances, and this raises the question of whether these parcels can even be included in the Mahogany Ridge preliminary plat. Attorney Julie Stomper reminded this commission that a letter of authorization is only legal if all the names that appear on the deed are represented in the authorizations. In the case of Mahogany Ridge, there are many missing signatures, and in particular, many spouse signatures are missing. Planning administrator Vaile agreed with Stomper’s assessment, and this commission directed the developer to clean up these authorization issues by the next month in order to move forward.

VARD hereby respectfully submits a list of all of the missing signatures that need to be obtained to fulfill your September 9, 2008 directive to developer Travis Thompson.

¹ Draft Planning & Zoning meeting minutes from September 9, 2008; page 10.

² See Attachment A: “Commission considers halting Mahogany Ridge” by Rachael Horne, Teton Valley News, September 18, 2008.

PART I

A review of all the deeds the developer provided in the record for this preliminary plat application reveals that there are many missing signatures on the letters of authorization. By our estimation, the record reveals that there are 15 missing signatures. This is a list of the people included on deeds for land in the Mahogany Ridge project who have not signed letters of authorization as required by the county statutory checklist:

- **Steven Bates:** Instrument # 117884, dated October 14, 1994.
- **Mary Bates:** Instrument #'s 117884 and 167425, dated October 14, 1994 and April 14, 2005 respectively.
- **Ben Bates:** Instrument #'s 162707 and 184768, dated August 6, 2004 and January 31, 2007 respectively.
- **Angela Bates:** Instrument #'s 162707 and 184768, dated August 6, 2004 and January 31, 2007 respectively.
- **George Bates:** Instrument 152212, dated January 2, 2003.
- **Kerry Buxton:** Instrument #'s 140245, and 155882, dated November 7, 2000 and July 8, 2003 respectively.
- **Kathy Buxton:** Instrument # 140245, dated November 7, 2000.
- **Jay Farrell Buxton:** Instrument #'s 127417 and 155882 dated June 11, 1997 and July 8, 2003 respectively.
- **Helen Jean Buxton:** Instrument #'s 127417 and 155882 dated June 11, 1997 and July 8, 2003 respectively.
- **Vera Dustin:** Instrument # 183910, dated January 2, 2007.
- **Deanne Whiting Kunz:** Instrument # 176234, dated April 20, 2006.
- **Oren Furniss:** Instrument # 110885, dated September 4, 1992.
- **Eva Furniss:** Instrument #110885, dated September 4, 1992.

- **Michelle Evans:** Instrument # 133879, dated May 13, 1999. This appears to be a deed to a Victor Townsite lot, and potentially included in the file by error.
- **Judy Buxton:** Jay Dell Buxton and Judy Buxton are husband and wife. Their property is owned jointly. They have conveyed several parcels of property jointly. (See instrument #'s 182125 and 180098, dated November 3, 2006 and August 31, 2006.) Jay Dell has signed a letter of authorization to Mahogany Ridge Holdings LLC, but there is no authorization from Judy Buxton. There are no deeds on file to indicate what property included in the Mahogany Ridge plat is still owned by Jay Dell and Judy Buxton.

PART II

The record also reveals that the developer has not provided certain deeds for several parcels of land included in the Mahogany Ridge project. There are however, signed letters of authorization for these particular parcels. This creates the problem of not being able to identify all of the record landowners included on each deed who need to provide written authorization for this project. Without seeing the deeds, it is unknown if these parcels are owned jointly with a spouse/partner. The developer needs to provide the deeds for the land owned by the following people who have signed letters of authorization:

- **Darwin Josephson**
- **Aaron Jenkins**
- **Mike Furniss**
- **Thomas Hill**
- **Penny Schiess**
- **Kelly Schiess**
- **Verl Furniss**
- **Marie Furniss**
- **Robert Todd Harris**
- **Hopkins Norwthwest LLC**

Once the developer has provided these deeds, this commission will be able to ensure that all the appropriate signatures have been obtained from every record landowner.

PART III

Finally, the record reveals three parcels of land included in the Mahogany Ridge project where the developer has not provided a written authorization or a deed. While the onus is on the developer to provide this kind of information to the county before being scheduled for a hearing, VARD is providing copies of the deeds for the properties as a courtesy to this commission.

- **The Miller Parcel:** Instrument # 110193 dated May 29, 1992.³ This is the 99.53-acre parcel in the south end of the project that is owned by the seven (7) Miller brothers. In order for this property to be included in the project, written authorization must be obtained from the seven (7) Miller brothers whose names appear on the warranty deed. Those names are: David W. Miller, Ronald K. Miller, Larry J. Miller, Ralph P. Miller, Phillip Miller, Lewis J. Miller, and Daniel D. Miller.

Discussions with Ronald Miller revealed that there would not be unanimous consent to committing this parcel to the Mahogany Ridge project, and that three (3) of the Miller brothers were under the impression that only forty (40) acres of their property would be potentially used in the project. Thus, if written authorization is ever obtained from the seven (7) Miller brothers, the authorizations should clarify what Miller lands would be included in the Mahogany Ridge project.

- **Del Ray Bevan Living Trust Parcel:** Instrument # 174523, dated January 11, 2006.⁴ This is the 35-acre parcel with the deed restriction in place. In order for this property to be included in the project, written authorization must be obtained from Del Ray Bevan and Reta Bevan.
- **John D Merrill Family Trust Parcel:** Instrument # 180493 dated September 18, 2006.⁵ This is the 20-acre parcel with the deed restriction in place. In order for this property to be included in the project, written authorization must be obtained from John Merrill and Patricia Merrill.

³ See Attachment B: The Miller parcel warranty deed, dated May 29, 1992.

⁴ See Attachment C: The Bevan parcel warranty deed, dated September 18, 2006.

⁵ See Attachment D: The Merrill parcel warranty deed, dated September 19, 2006.

CONCLUSION

There is clearly a lot of work that needs to be done before this commission's September 9th directive is fulfilled. While the developer may argue that his application was stamped complete by the former interim Planning Administrator Laurie Grebe, the county is not bound by earlier oversights and omissions. Section 9-3-1 of the Teton County Code clearly states:

At each phase, if the application is found to contain deficiencies by the Planning Administrator, it will be returned to the applicant with a written explanation for the basis for its return and a public hearing shall not be scheduled until the deficiencies are corrected and the complete application is resubmitted.

Moreover, the developer has had two (2) month's notice that these deficiencies existed in his application, and he was granted extra time to remedy these deficiencies. As of September 29th, the developer *has not turned in a single document* to the Teton County Planning Office since before the August 12, 2008 hearing that would address any of these outstanding issues.

This is an incomplete application, and despite repeated requests address these issues, the developer has simply not taken the appropriate actions to make it complete. **At this point in time, it is most appropriate to table this application until all of the deficient items are corrected.**

Sincerely,

Anna Trentadue
Valley Advocates for Responsible Development
Program / Staff Attorney