

Teton County P&Z
89 North Main Street
Driggs, Idaho 83422

August 5, 2008

Re: VARD comments for the August 12th preliminary plat hearing

Dear Commissioners:

We are focusing this letter on the topics likely to be covered at the first Mahogany Ridge hearing. We respectfully submit the following comments regarding this application:

Financial Risks to the County.

It is our understanding that the developer does not currently have financing for this project. It is unclear to VARD whether a letter of intent is required for a preliminary plat application. Assuming a letter is required to get on the hearing schedule, we respectfully inquire as to whether it is appropriate to even hear this application.

Setting that issue aside, we also have grave concerns with two financial aspects of this project which may create a financial risk to the county:

- 1) The interim planning administrator Laurie Grebe recently pointed out at a county commission work meeting the frequency with which the engineer's cost estimates for projects are inadequate to cover that actual cost of labor. When this happens, the infrastructure remains incomplete and the county is left to make up the difference because the money has run out. Quite often the costs are underestimated because the numbers were crunched early on in the process and inflation has now made them inadequate. Here, the Mahogany Ridge estimate was done on March 27, 2008, and we all know it will be a long time before ground is broken this project. The county should request updated engineer estimates in the development agreement to ensure there is money to cover the project.
- 2) Even if a letter of intent is not currently required at preliminary plat, the fact that a project cannot procure funding is indicative of greater problems. The financial state of the project is a relevant point of inquiry because it helps the commission evaluate whether a proposed PUD is really a good investment for the community. Moreover, our checklist should be amended to require some form of financial surety as a preliminary plat requirement.

Risks to the County When the Land is Not Owned Or Under Contract By the Developer.

Mahogany Ridge is huge, and none of us really know what land is owned or under contract by the developer. It is our understanding that the developer does not currently own all the land in question or even have all of it under contract to purchase it. A developer is not required to own all of the land in an application, however Idaho common law does require the applicant to have control or an expectancy of control over a parcel before he can record a plat on it. If a developer is negotiating a PUD and promising amenities on parcels where he has no claim of ownership (or even a future expectancy of ownership) there is a real risk that those amenities will never happen. One justification for the high density of this project is the large contiguous tracts of open space. But what if those tracts never come into fruition? Then the county has given away density far above the underlying zoning for free!

Because of all the uncertainty regarding land ownership or lands under contract, we respectfully request the following:

- 1) The developer should provide a map of the project depicting what land he currently owns, what land is under contract. This should be matched up to the deeds and letters of authorization provided in the file. Moreover, the question should be asked: are all of these letters of authorization still valid for this proposal?
- 2) It is customary that commissions review pending land contracts that are the subject of a pending application. For example, the City of Driggs reviews these documents and requests assurances in the contract that the seller will honor the development proposal. The county should request to see all pending land sales contracts for this development.

500 W Road Re-alignment

It is a big deal to move this road, and it should not be taken lightly. Re-aligning this road will significantly impact all the landowners on 400W who now find themselves living next to the major thoroughfare for the west side of the valley. The dust and noise will be tremendous. A large change like this needs to mesh with the county's long-term transportation plan. It cannot be done to the benefit of one development. The concerns of all the neighbors needs to be given due consideration. The commission should address how this realignment will support the county's long term transportation plan, consider its impacts to surrounding property owners, and also address how it will benefit the greater community.

Traffic Impacts

We at VARD are not traffic engineers, and neither are the folks on the commission making the decisions on Mahogany Ridge. But we all know that the roads on the west side are often impassible in the winter, and that adding 4,000 new residents will create significant impacts. At first glance, these are our concerns with the traffic study:

- 1) The study was conducted for only 2 days during the midweek in February for 2 hours, and it is unclear whether the study considered the impacts of 500W in its current location vs. proposed location.
- 2) The study concludes that Mahogany Ridge will generate 7,500 vehicle trips per day and that unacceptable traffic delays will commence by 2015. However, the study does not recommend any mitigation until 2030. There is no reference to severe weather driving hazards.
- 3) The study concludes that a 5 lane cross section will need to be built in downtown Driggs.
- 4) It is unclear to us whether the background conditions analysis was done in a vacuum, or did it take into account the large number of recorded subdivisions on the west side that will also be filling up concurrently with Mahogany Ridge? All of those residents will be driving on the roads west side roads, creating more traffic as well.

The county engineer should conduct a full review of this study, or else hire another traffic engineer to review this study. Because the traffic impacts to our towns will be so huge, we also request that Driggs and Victor be asked to participate in this hearing process.

Sincerely,

Anna Trentadue
VARD Program