



FINAL PLAT REVIEW PUBLIC HEARING

By: Refugio Engineering, Nick Mestre
For: Nick Mestre, owner
Where: 809 Cemetery Road, Driggs ID
Prepared For: Board of County Commissioners – Public Hearing on February 24, 2025

APPLICANT/ LANDOWNER/ ENGINEER: Cerro Maestri, LLC / Nick Mestre / Refugio Engineering

SUMMARY: The Torre Subdivision is proposed by Cerro Maestri LLC to split the 5-acre property into five clustered 0.36-acre lots and one larger 3.33-acre lot. The property is located east of Driggs in Teton County, ID. Access to the property is provided by Cemetery Road and an existing private subdivision road shared with the adjacent Mummford Sollis Subdivision. The property lies in the Driggs Area of City Impact (AOCI) ADR-1.0 (1.0 arce average) residential zone; it is bordered to the north by Teton County-owned conservation easement property and to the east, west, and south by both vacant and developed ADR-1.0 zoned parcels. Overlay areas affecting the property include Big Game Migration Corridor and Songbird/Raptor Habitat Overlays. A Natural Resource Analysis is included in this application. The property does not lie in any wetland, floodplain, hillside, or scenic corridor overlays.

APPLICABLE COUNTY CODE: Teton County Code Title 7 Chapter 1- Driggs Area of City Impact Ordinance specifies, under A.3., Teton-County Subdivision Regulations apply, with exceptions to include City of Driggs Subdivision Design Standards (Title 1, Chapter 4), City of Driggs Subdivision Improvement Standards (Title 10, Chapter 5), and City of Driggs PUD Regulations (Title 10, Chapter 6). Applicable County subdivision regulations are Subdivision Preliminary Plat Phase pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013); City of Driggs Comprehensive Plan (dated November 2020).

PARCEL NUMBER: RP05N45E360250
LOCATION: 809 Cemetery Rd
ZONING DISTRICT: ADR-1, 1.0 Acre Average Density Residential
PROPERTY SIZE: 4.98 acres

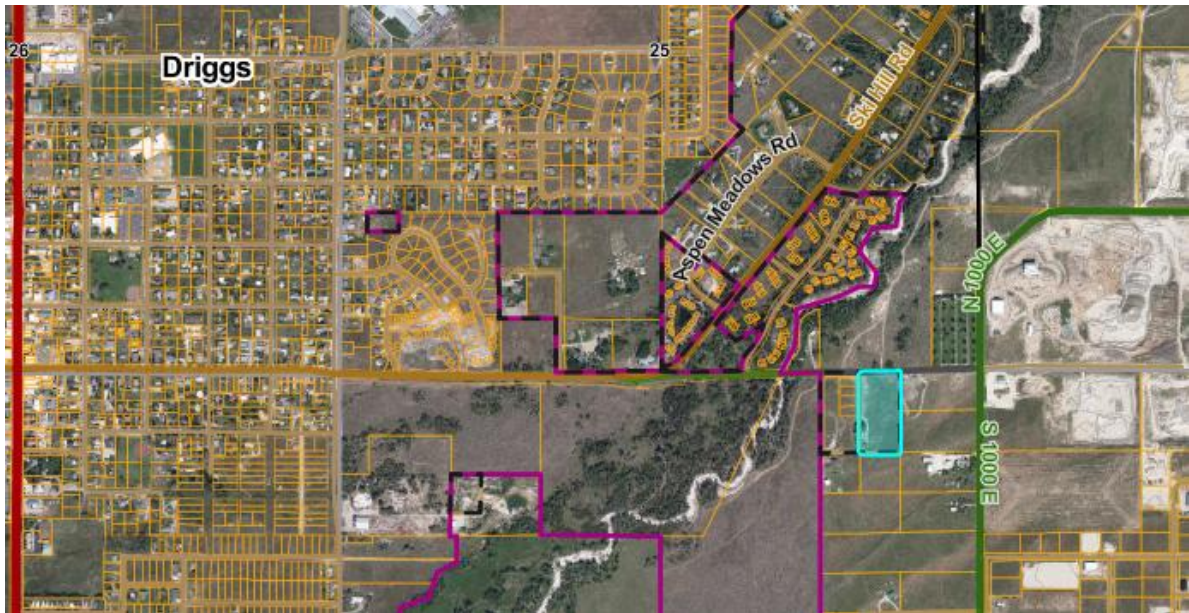


Figure 1. Vicinity Map; Subject parcel highlighted blue – SE of Driggs



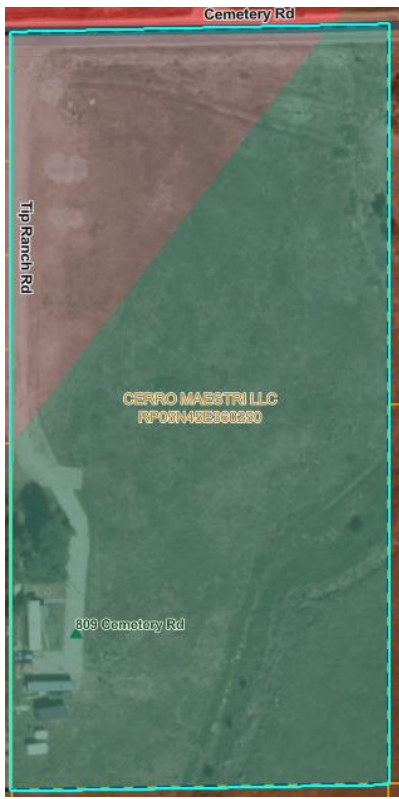


Figure 2. Natural Resource Overlay
(Big Game Migration Corridor and Songbird/Raptor Habitat)

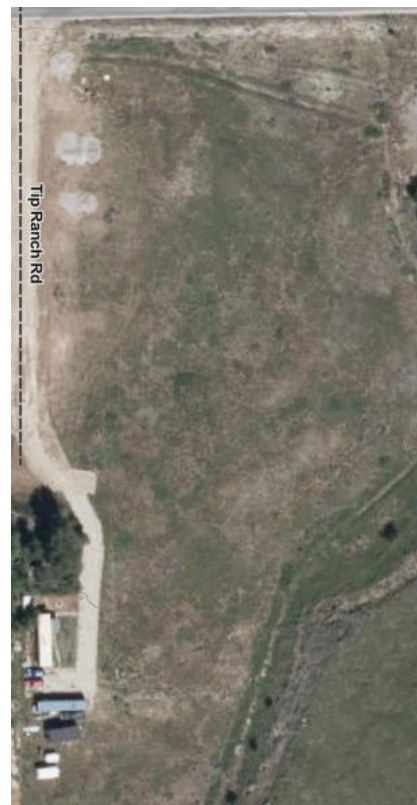


Figure 3. Aerial Image

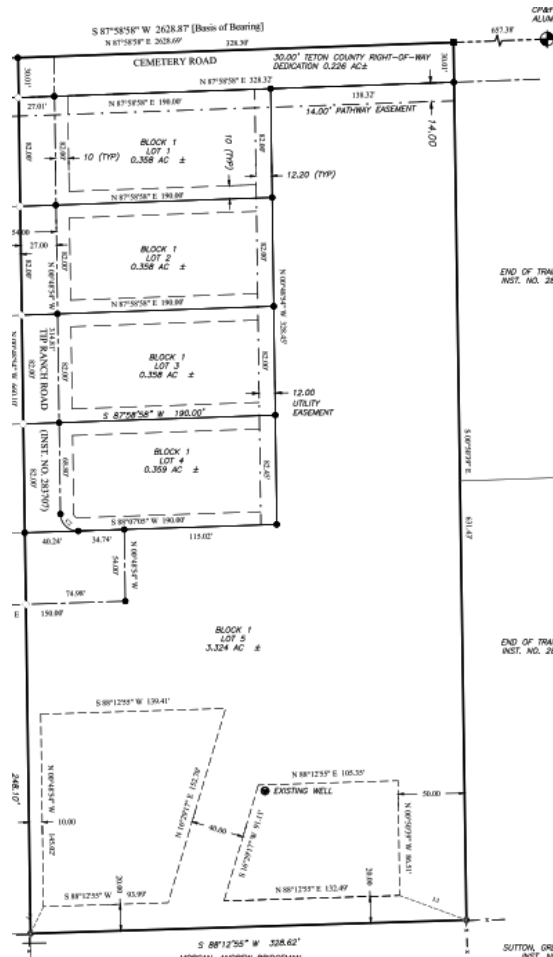


Figure 4. Final Plat Layout



PROJECT DESCRIPTION

A Joint County/City Planning & Zoning Commission approved the Concept Plan for the Torre Subdivision on September 14, 2022, stipulating that the applicant seek a will-serve letter for sewer service, as well as a will-serve for fire suppression, and the creation of a public pathway aligning with the proposed Ski Hill Road Pathway (see minutes, Exhibit K). Driggs City Council authorized the 'will-serve' letter on April 27, 2023 stipulating no more than 5 residential connections (Exhibit E). The sewer main and connection stubs were constructed in 2023 and accepted by the City. Construction of the sewer infrastructure was a shared venture with the neighboring Mummford Solllys Subdivision. Because Driggs City Council authorized sewer service, a Nutrient-Pathogen (NP) Evaluation will not be required. A Fire suppression will-serve was also granted by City Council on April 27, 2023, allowing this subdivision to utilize a nearby city fire hydrant as fire suppression. The applicant addresses the required pathway in their Narrative (Exhibit B), and has provided the necessary improvement plans

PROJECT BACKGROUND & REVIEW HISTORY

Joint PZC Review: September 11, 2024 a Joint, City and County PZC met, held a public hearing and reviewed the application.

PUBLIC COMMENTS:

See staff report and meeting minutes for complete comments.

Written comments received:

- In favor: 1
- Neutral: 0
- Opposed: 0

Comments received during Planning & Zoning Commission Hearing:

- In favor: 0
- Neutral: 0
- Opposed: 0

RECOMMENDATION: The Planning & Zoning Commission unanimously moved to recommend approval of the proposed preliminary plat with the following conditions:

1. Creation of a pathway connection from Teton Creek Pathway to Cemetery Rd Pathway, by dedicating a 12' easement south of Cemetery Rd ROW for the full length of the property, and either constructing the 10' pathway to City standards or providing a deposit for 125% of an engineer's cost estimate for the work.
2. Outdoor lighting will meet Driggs Exterior Lighting Standards and will remain off when not in use for the benefit of wildlife
3. Pets must be contained in an enclosed area contiguous with structures and taught not to chase wildlife
4. All fences will be designed to minimize impacts on wildlife, and positioned to create no wildlife movement barriers
5. Destruction of sagebrush steppe and cottonwood trees should be avoided
6. Dedication of shared roadway too future owners should be included on the final plat. CC&Rs should contain higher level of detail regarding maintenance and snow removal.
7. Driggs Public Works comments shall be addressed.
8. Lot 5 is subject to annexation

Staff comment: Applicant has submitted an additional narrative with amended CCRs and a cost estimate to address items 1-5 and 7.

Preliminary BoCC Review: On November 12, 2024 the BoCC reviewed and approved the application with the following motion:

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in Teton County Title 9-3-2(C-8) can be satisfied, I move to APPROVE the Preliminary Plat for Torre Subdivision as described in the application materials, with the following conditions...

Conditions of Approval

1. *Public works review fee-in-lieu proposal of the pathway for the connection from Teton Creek Pathway to Cemetery Rd Pathway. Joint PZC recommended this be done by dedicating a 12' easement south of Cemetery Rd ROW for the full length of the property, and either constructing the 10' pathway to City standards or providing a deposit for 125% of an engineer's cost estimate for the work.*
2. *Dedication of shared roadway to future owners should be included on the final plat.*
3. *Lot 5 be subject to annexation, and this be documented on the plat and in the development agreement.*
4. *Revise the building envelope for lot 5 to avoid both mapped cottonwood and sagebrush vegetated cover as depicted in the natural resource analysis.*

Staff comment: Applicant has submitted improvement plans for the pathway. The road share agreement is now noted on the plat. Annexation of lot 5 is not mentioned on the final plat but has been added to the development agreement. The building envelopes on lot 5 have been slightly revised.

INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS AND KEY ISSUES:

Teton County Treasurer: All taxes must be paid in full

Teton County Fire: Road and fire suppression reviewed with Mummford Solly's. (Exhibit F)

Teton County Public Works Director: Letter Dated February 19th, 2025

- This subdivision shares access with Mummford Solly's subdivision, Tip Ranch Road. The Road was recently constructed to County Local Road Standards.
- All lots must be accessed from Tip Ranch Road
- Improvement Plans do not show city sewer extending to Lot 5. Utilities should be installed to all subdivision lots.
- Public Works has been working with the applicant on pathway configuration. Improvement Plans provided for review do not included construction of the pathway. Pathway sheets need to be added to the Improvement Plans. Pathway should show merge section on east end and widened pathway easement on east end to accommodate future fill slopes.
- Improvement Plans should be clearly titled and consistent with document reference in the Development Agreement.

Staff comment: Because of the existing home, and shared subdivision access with Mummford Solly's, all physical improvements have been placed. The applicant is now going to build the pathway along the easement on the front of their property. Staff has confirmed with PW that the plans are satisfactory before Final Plat review.



SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code regulates noticing requirements. This application was duly noticed for a public hearing of the BoCC in Teton Valley News on February 5th and February 12th, 2025. Notice to property owners within 300 feet was sent on January 31st, 2025. The property was posted on February 7th, 2025.

PUBLIC COMMENTS FROM NOTIFIED PROPERTY OWNERS AND PUBLIC AT LARGE

No written public comment has been received as of February 18th, 2025.

OVERVIEW OF FINAL PLAT APPROVAL (9-3-2D):

This phase of the subdivision process is to present the Board of County Commissioners the completed documentation as required by this Ordinance for a final review before rendering a decision to approve, deny, amend or remand this application. If the Board elects to amend the application, additional findings and reasoning shall be made in writing in accordance with State code. Otherwise the findings and reasoning should be contained in the Master Plan / Development Agreement / and Final Plat. (amd. 06-05)

CONSIDERATION OF APPROVAL:

In conjunction with the decision for approval, approval with conditions, or denial of an application for a subdivision or PUD, the Board shall make written findings with respect to the items required with the submission of the application and the criteria below. Additional written findings are not necessary where the public documents or records of the public hearing already provide a written record.

- i. Each exception to otherwise applicable restrictions shall be identified and the reasons supporting the exceptions stated.
- ii. The subdivision or PUD is consistent with the public health, safety and welfare of the County and with all applicable provisions of Title 9 and Title 8 of the Teton County code. (amd. 11-14-08)
- iii. The information required in the application has been verified and is correct.

CONDITIONS OF APPROVAL

1. Plat Note stating all lots are to be accessed from Tip Ranch Road
2. Pathway Construction plans will be included in the improvement plans submitted to the County.
3. Address all public Works Comments:
 - A. Improvement Plans do not show city sewer extending to Lot 5. Utilities should be installed on all subdivision lots.
 - B. Improvement Plans should be titled and consistent with document reference in the Development Agreement.
4. Applicant submit any documentation to the City of Driggs required for water/sewer systems including but not limited to improvement plans, as-built documents, a development agreement and warranty.

BOARD OF COUNTY COMMISSIONERS ACTION:

- A. Approval of the Final Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approval of the Final Plat, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Denial of the Final Plat application request provide the reasons and justifications for the denial.
- D. Continue to a future Board Public Hearing with reasons given as to the continuation or need for additional information.



MOTIONS

APPROVAL

Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Teton County Title 9-3-2(D) can be satisfied, I move to APPROVE the Final Plat for Torre Subdivision as described in the application materials, with the following conditions...

DENIAL

Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Title 9-3-2(D) have not been satisfied, I move to DENY the Final Plat for Torre Subdivision as described in the application materials, for the following reasons...

CONTINUATION

I move to continue the public hearing *to a specific date and time* for the Torre Subdivision Final Plat in order to obtain additional information from the applicant or other agencies.

Prepared By: Torin Bjorklund, Associate Planner

ATTACHMENTS:

- A. Application
- B. Narrative
- C. Final Plat
- D. Master Plan
- E. Pathway Plan
- F. Development Agreement
- G. Cost Estimate (Pathway)
- H. CCRs
- I. Road Share Agreement
- J. Performance Bond
- K. NRA
- L. Fire Approval
- M. EIPH Approval
- N. Public Works Review
- O. City of Driggs Will Serve Letter

