



PRELIMINARY PLAT REVIEW PUBLIC HEARING

FOR: Rolling Stone Subdivision
WHERE: 4621 S 500 E, NE of the city of Victor
PREPARED FOR: Planning and Zoning Commission
Public Hearing of September 10th, 2024

APPLICANT/OWNER: Bruce Derize
ENGINEER: Civilize PLLC

OVERVIEW: The application is proposing a 4 lot residential subdivision on 10.21 acres of land. There is an existing home on lot 1 with its own well and septic. The lots will meet the County zoning size requirements for the 2.5 acre minimum lot size in the A/RR 2.5 zone.

APPLICABLE COUNTY CODE: Subdivision Preliminary Plat Review pursuant to Title 9, Chapter 3-2-C, Teton County Subdivision Ordinance, (revised 5/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

LEGAL DESCRIPTION: SEC 24 T4N R45E
PARCEL NUMBER: RP04N45E247802
LOCATION: 4621 S 500 E, NE of the city of Victor
ZONING DISTRICT: A/RR-2.5
PROPERTY SIZE: 10.21 Acres

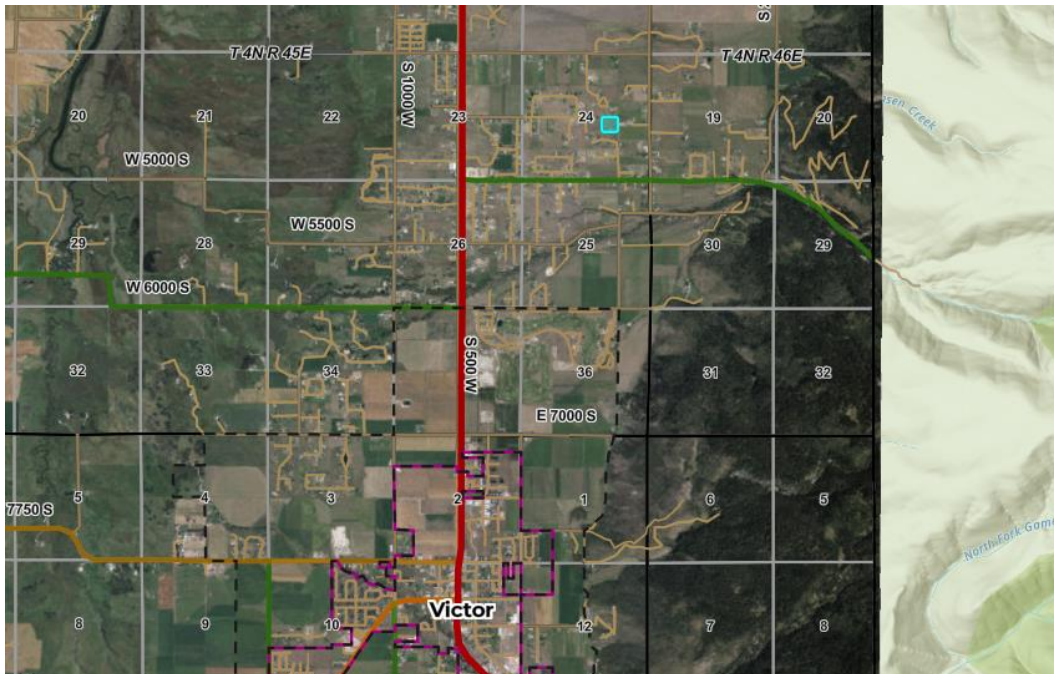


Figure 1. Vicinity map; Subject Parcel Highlighted Blue (NE of Victor)

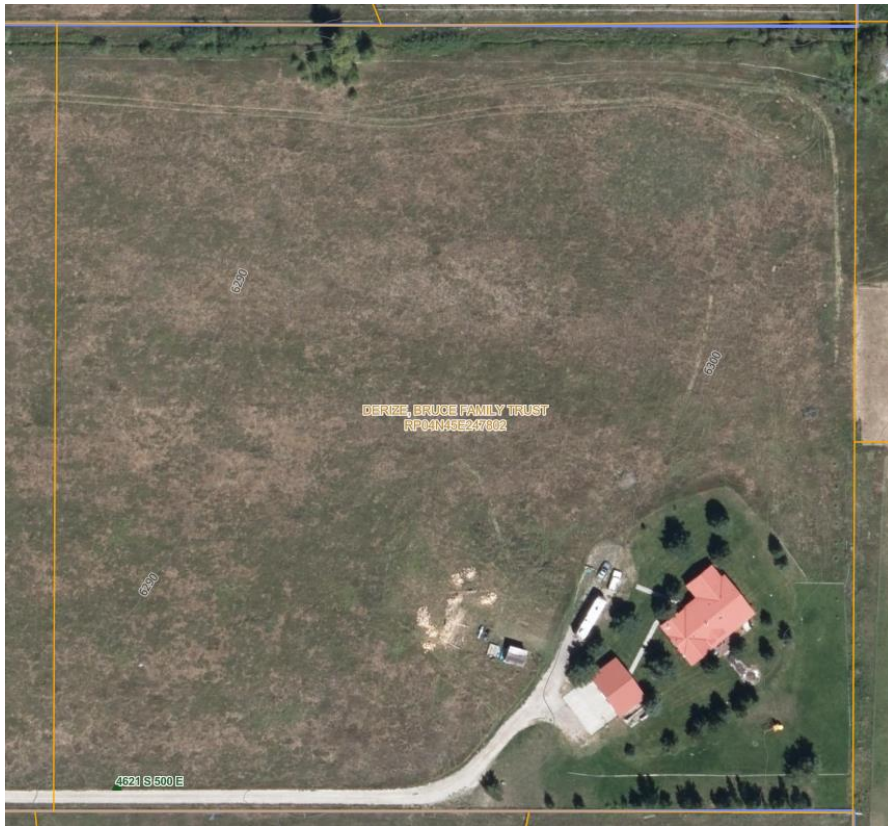


Figure 2. Aerial Image

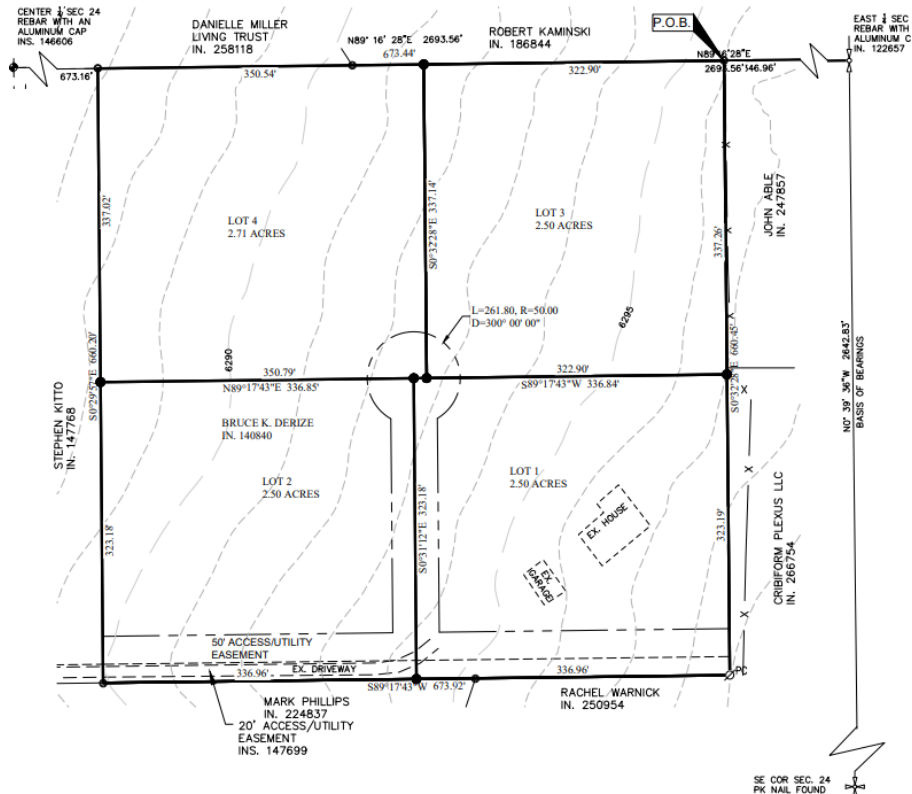


Figure 3. Preliminary Plat Layout

PROJECT BACKGROUND & REVIEW HISTORY

PRE-APPLICATION:

The Pre-Application conference requirement was satisfied by a signed form on March 8, 2022.

CONCEPT PLAN:

The Concept Plan was reviewed and approved by the Planning Administrator on July 27th, 2022 with the following motion and recommendations:

*"I **APPROVE** the Concept Plan for Rolling Stone Acres Subdivision as described in the application materials submitted June 21, 2022 with the condition to address all comments from the Public Works Director and that the applicant will work with the Eastern Idaho Public Health and Teton County Fire Marshal for necessary approvals".*

Conditions of Approval

The following items need to be addressed before submitting a preliminary plat application. These are conditions of approval on the application:

1. Address all engineering comments:
 - a. Interior road will need to be constructed to County local road standards
 - b. Public Works is recommending that a condition for approval be improving the following roads to County local road standards:
 - i. Access road west to S500E
 - ii. S500E to E4500S
 - c. An Improvements Plan should be submitted, approved and referenced in the final Development Agreement. Submit this with the preliminary plat application.
2. Identify and confirm an adequate water source and method of fire suppression with Teton County Fire Marshal.

Staff Comment: All conditions have been addressed.

PLANNING AND ZONING COMMISSION PRELIMINARY HEARING: The Preliminary Plat Application was submitted on June 27th, 2024.

KEY ISSUES & INTER-AGENCY COMMENTS:

The County has solicited comments from other agencies and has received comments from the following entities.

- **ROADS & UTILITIES:** The public works director made comments on a Letter dated September 3rd, 2024:
 - Cul-de-sac minimum right-of-way should be 60' radius.
 - Rolling Stone Acres improvements will be required to extend to termination of Bertin Ranch Subdivision improvements.
- **FIRE PROTECTION:** (LETTER DATED AUGUST 27TH, 2024)
 - Preliminary, approval for a fire pond and access from S 500 W with final approval of fire pond details.

- **WASTEWATER TREATMENT:** Applicant has received preliminary approval from EIPH as of May 14th, 2024
- **PLANS & STUDIES:** No plans or studies were required.
- **PROPOSED LAYOUT:** General building envelopes have been provided on preliminary plat. They are just the required County setbacks. The improvement plans show a new lined fire suppression pond. The public works director, Darryl Johnson, made the comment that Bertin Ranch is also proposing a new fire pond. These ponds will be less than 1,000 feet apart. Sharing a single fire pond should be considered.

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. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on August 21 and August 28, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on August 19, 2024. A notice was also posted on the property providing information about the public hearing on August 29, 2024.

PUBLIC COMMENTS:

The staff has not received any written public comment as of September 4th, 2024.

OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):

The preliminary plat phase is a two-step process with review by both the Planning and Zoning commission and Board of County Commissioners, where the fact-finding details and specific requirements of the ordinance and law are determined. All of the issues surrounding required infrastructure will be resolved, or have a clear solution acceptable to the County, before scheduling the final plat review.

CRITERIA FOR APPROVAL

The Planning and Zoning Commissioners shall only approve if it finds that all of the following criteria (9-3-2(C-8)) have been met (or if it finds that some of the criteria have not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria).

<p>Objective: 1. The application is consistent with the Comprehensive Plan.</p>
<p>Under the 2012-2030 Comprehensive Plan Framework, this proposed development is in the Rural Neighborhood area.</p> <p><i>Rural Neighborhood:</i> Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. The unincorporated town of Felt is also considered a Rural Neighborhood area. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Desired future character and land uses for the Rural Neighborhoods include:</p> <ul style="list-style-type: none"> • A transitional character in between that of Town Neighborhoods and Rural Areas • Medium density single family neighborhoods with large open spaces and provisions for clustering • Amenity-based neighborhoods • Safe and convenient street and pathway connections within these areas and, when practical, to Towns • Well-defined open space areas that connect to provide corridors • A clear distinction between residential development and open space/agricultural areas

These requirements can be accommodated by the proposed lot sizes.
Objective: 2. The application complies with all applicable county regulations.
The application appears to comply with all applicable County regulations. All setbacks can be met. The fire suppression requirement is also met.
Objective: 3. If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).
N/A
Objective: 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.
N/A. There are no mapped trails or pathways per the Teton County Recreation Master Plan nor any proposed with the project.
Objective: 5. The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.
A Nutrient Pathogen Evaluation was not required. The parcel is not within the Wetlands & Waterways overlay and the other four triggers for an NP study were not found in the EIPH review.
Objective: 6. The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.
Kathleen Price with EIPH indicated that all lots are suitable for sub-surface waste disposal systems to serve residents. A copy of the final plat will need to be provided to the Health District at the time the Health Certificate is signed.
Objective: 7. The application is consistent with any Traffic Impact Study required for the property and will not result in a decrease in the level of service (for example, from the level of service B to C) on any State Highway or a maintained county road and includes any mitigation measures recommended in the Traffic Impact Study.
A Traffic Impact Study was not required for this project as the application is for a 4-lot subdivision. Traffic Impact Studies are triggered by 10 or more lots.
Objective: 8. If the application is for land that is not adjacent to a state highway or a maintained County road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one state highway or a maintained county road, and adequate for anticipated traffic, and will be constructed to County Road Standards.
The interior road will be constructed to Teton County Local Road Standards. The improvement plans have been provided for the road component. A road maintenance agreement has been signed, notarized, and recorded to service the private roads of E 4500 S and S 500 E.

Objective: 9. If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.

A Natural Resources Analysis was not required as the parcel does not contain any natural resource overlays.

Objective: 10. The required Public Service/Fiscal Analysis shows that all public services provided to the proposed subdivision or PUD have adequate capacity to service it, or if they do not, the applicant has committed to mitigation or financing to ensure that those services and facilities will be provided within two (2) years after the first unit in the development is occupied and that any shortfall of tax revenues below the costs of providing the services or facilities will be covered without cost to the County.

A Public Service/ Fiscal Analysis for this proposal was not required because it is for less than 20 lots.

Objective: 11. The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.

All applicable fees based on the Impact Fee Program (2008 CIP) will be assessed at the time of building. The 2008 adopted CIP indicated this area was suitable for 50-80 units per 100 acres or .8 du/ acre. 4 lots on 10 acres could meet this density ratio.

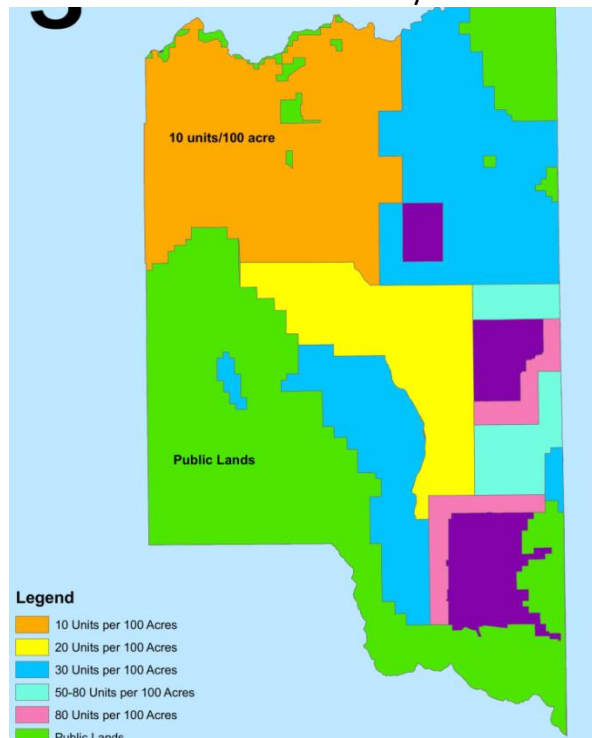


Figure 5. 2008 CIP Densities

Objective: 12. An adequate institutional structure has been created to ensure that long-term

maintenance costs of roads, water, sewer, and drainage systems will be collected from within the development and used to maintain such items. If the chosen structure relies on payments of dues (for example, through a homeowners' association) rather than taxes, the county shall be granted the institutional power to enforce payments of those dues in the event the organization fails to do so.

There are CC&Rs established for this subdivision. Commercial endeavors, setbacks, height restrictions, septic maintenance, lighting, noxious weeds, Right to Farm Act, and general maintenance are addressed.

Objective: 13. If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C- 3), the application shall meet as many of the criteria as possible.

N/A

Objective: 14. In addition to the above, for a Planned Community PUD, the application is consistent with the recommendations of any report on the adequacy of the school system to accommodate school-aged children anticipated by the development and includes any recommended mitigation measures identified in that study. If the applicant is obligated to pay an impact fee for schools, then mitigation measures identified in the report will not be required.

N/A

CONDITIONS OF APPROVAL

1. Financial Surety of 125% of the cost estimate is required with the final plat application.
2. Cost Estimate Subtotal is to be revised and show the correct amount. Applicant suggests total is \$140,000 with contingency. Staff finds that the number is \$178,663 without contingency costs. The cost estimate should also show the improvement costs for each section of roadway being improved to county local road standards.
3. Address public works comments:
 1. Cul-de-sac minimum right-of-way should be 60' radius.
 2. Rolling Stone Acres improvements will be required to extend to termination of Bertin Ranch Subdivision improvements.
4. Consider a shared use agreement regarding fire ponds with the neighboring pending subdivision (Bertin Ranch).
5. Building envelope should be provided for lot with development to confirm setbacks. All envelopes should be on the plat of record, not the improvement plans.
6. Plat be updated:
 1. To include the Planning & Zoning Chair as the required PZC signature.
 2. To correctly spell Flood Plain.
 3. It correctly reflect the number of lots in the narrative.
 4. Show the location of the fire pond
 5. Indicate that all lots will be accessed from DeRize Lane, the interior subdivision road.
 6. Show the interior subdivision name on the plat (DeRize Lane).

PLANNING & ZONING COMMISSION ACTIONS

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

MOTIONS

The following motions could provide a reasoned statement if a Commissioner wanted to approve or deny the application:

APPROVAL

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to RECOMMEND APPROVAL of the Preliminary Plat for Rolling Stone Acres Subdivision as described in the application materials submitted June 27th, 2024 and additional information attached to the staff report. With the following conditions of approval...

DENIAL

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C have not been satisfied, I move to RECOMMEND DENIAL of the Preliminary Plat for Rolling Stone Acres Subdivision as described in the application materials submitted June 27th, 2024 and additional information attached to the staff report, based on the following findings... The following could be done to obtain approval...

CONTINUATION

I move to continue the public hearing for Rolling Stone Acres Subdivision Preliminary Plat in order to obtain additional information from the applicant or other agencies *to the following hearing date and time...*

Prepared by:

Torin Bjorklund, Associate Planner

Jade Krueger, Planning Administrator

ATTACHMENTS:

- | | |
|---|------------------------------------|
| A. Application (6 pages) | H. CCRs (13 pages) |
| B. Preliminary Plat (1 page) | I. Public Works Review (1 Page) |
| C. Supplement Materials (37 Pages) | J. EIPH Approval Letter (12 pages) |
| D. Development Agreement (20 Pages) | K. Fire Marshal review (1 page) |
| E. Cost Estimate(1 page) | L. Well Driller's Report (2 Pages) |
| F. Improvement Plans (13 Pages) | M. Deed (3 Pages) |
| G. Road Maintenance Agreement (2 Pages) | |

End of Staff Report