



CONCEPT PLAN REVIEW PUBLIC HEARING

FOR: Eddyline Ranch Subdivision
WHERE: W 4000 N & N 7000 N, SW of Teton
PREPARED FOR: Planning and Zoning Commission
Public Hearing of September 10th, 2024

LANDOWNER: STRR LLC
AGENT: Brandon Darnton
ENGINEER: Harmony Design & Engineering – Randy Blough

REQUEST: Harmony Design & Engineering, on behalf of STRR LLC., is proposing to create twelve (12) lots ranging from 32.3 acres to 39.22 acres from an existing 423.83 acre parcel. Lot 6 will be owned by the HOA to serve as the hub for community amenities including a pond and ranch camp clubhouse centered within the subdivision. A ranch manager employee housing cabin and maintenance barn will be located in the south portion of lot 6 near the intersection of Eddyline Drive and W 4000 N. The site was previously used for agriculture and is currently undeveloped.

Packsaddle Creek crosses through the southern portion of the site. Teton River flows just east of the property with a seasonal side channel entering the northeast corner of the site at two locations. The entire parcel lies within the NRO (Big Game Migration Corridors and Seasonal Range). The southern half of the property lies within the NRO (Sharp-tailed Grouse Breeding Habitat). The developer plans to initiate several habitat enhancement projects across the development including improving fisheries habitat and big game habitat.

APPLICABLE COUNTY CODE: Subdivision Concept Plan Review pursuant to Teton County Land Development Code, Chapter 6, Teton County Zoning Ordinance, (revised 8/3/2022); Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

LEGAL DESCRIPTION: TAX #7751 SEC 2 T5N R44E
PARCEL NUMBER: RP05N44E020700
LOCATION: W 4000 N & N 7000 N, SW of Teton
ZONING DISTRICT: RA-35 acre average density
PROPERTY SIZE: 423.83 acres

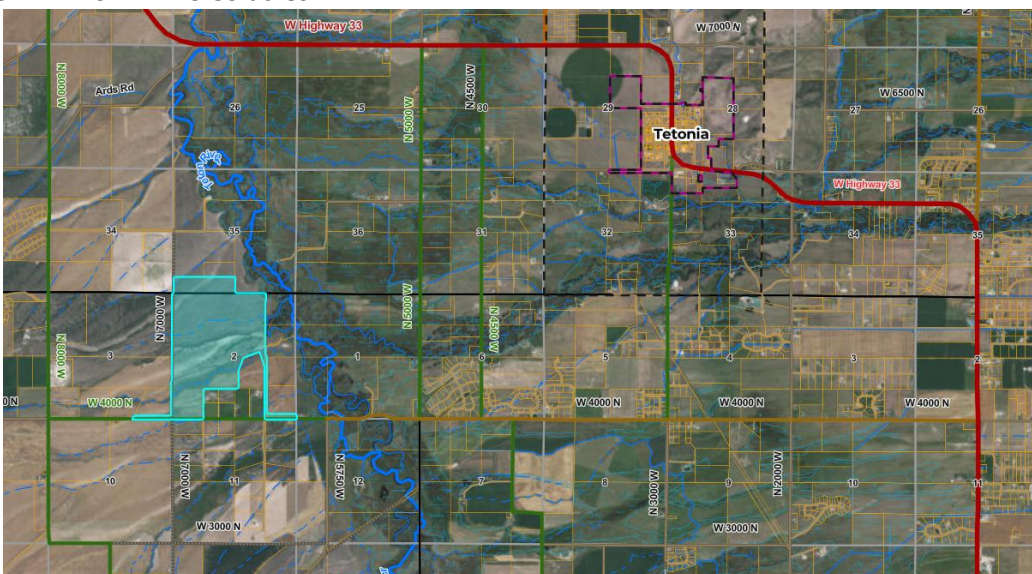


Figure 1. Vicinity Map

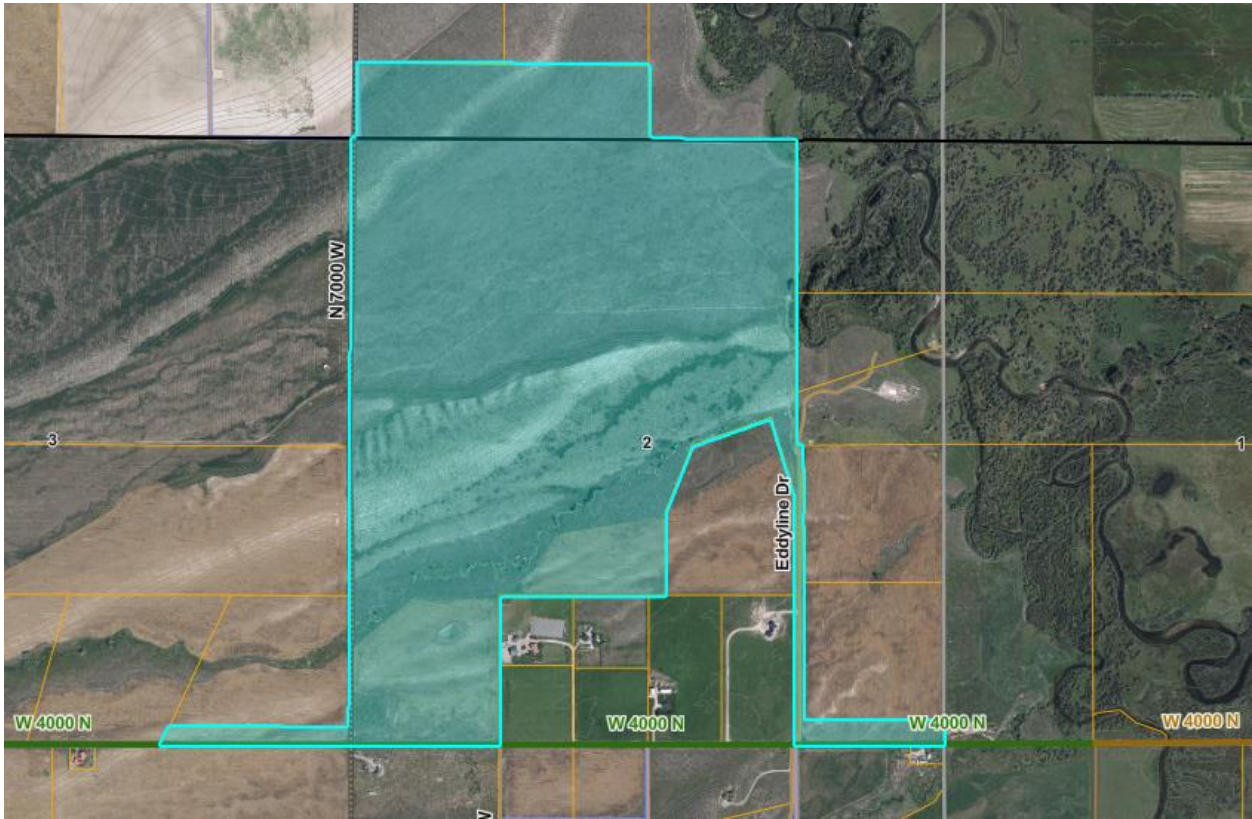


Figure 2. Aerial Image

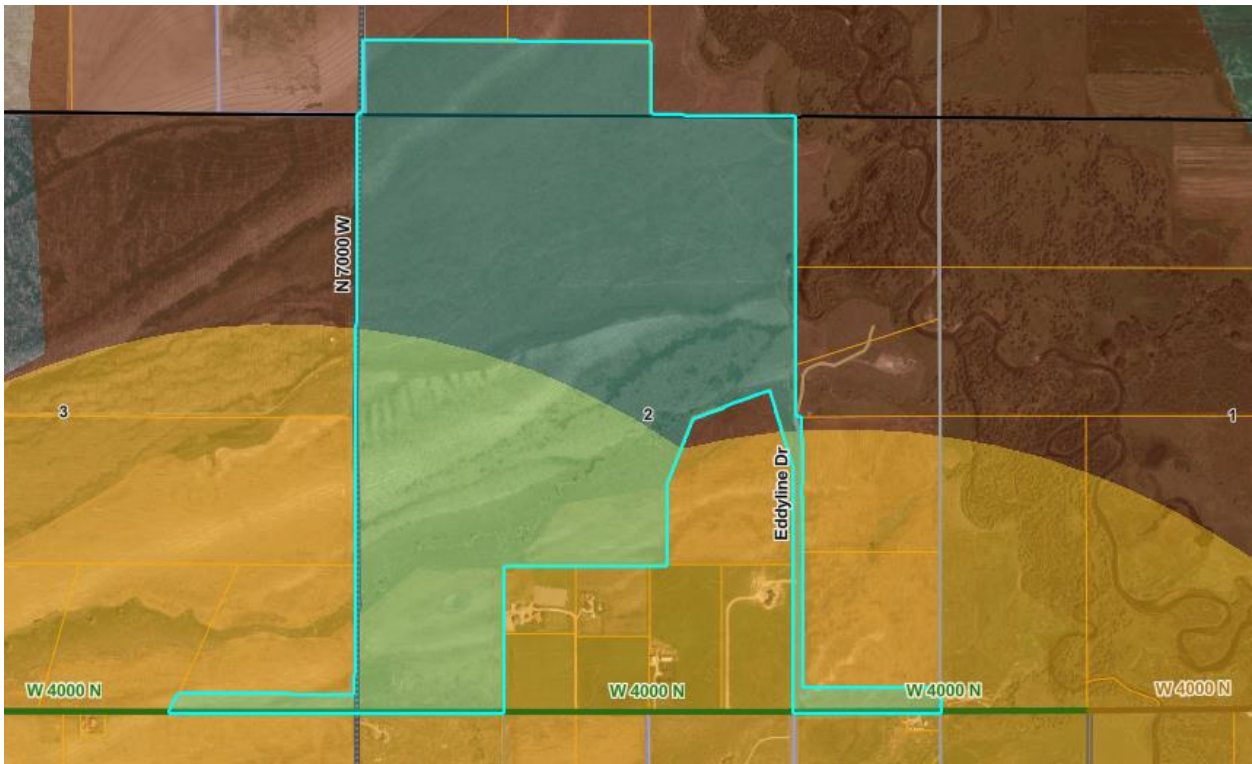


Figure 3: NROs present on parcel: Sharp Tailed Grouse, Big Game Migration Corridor & Seasonal Range,

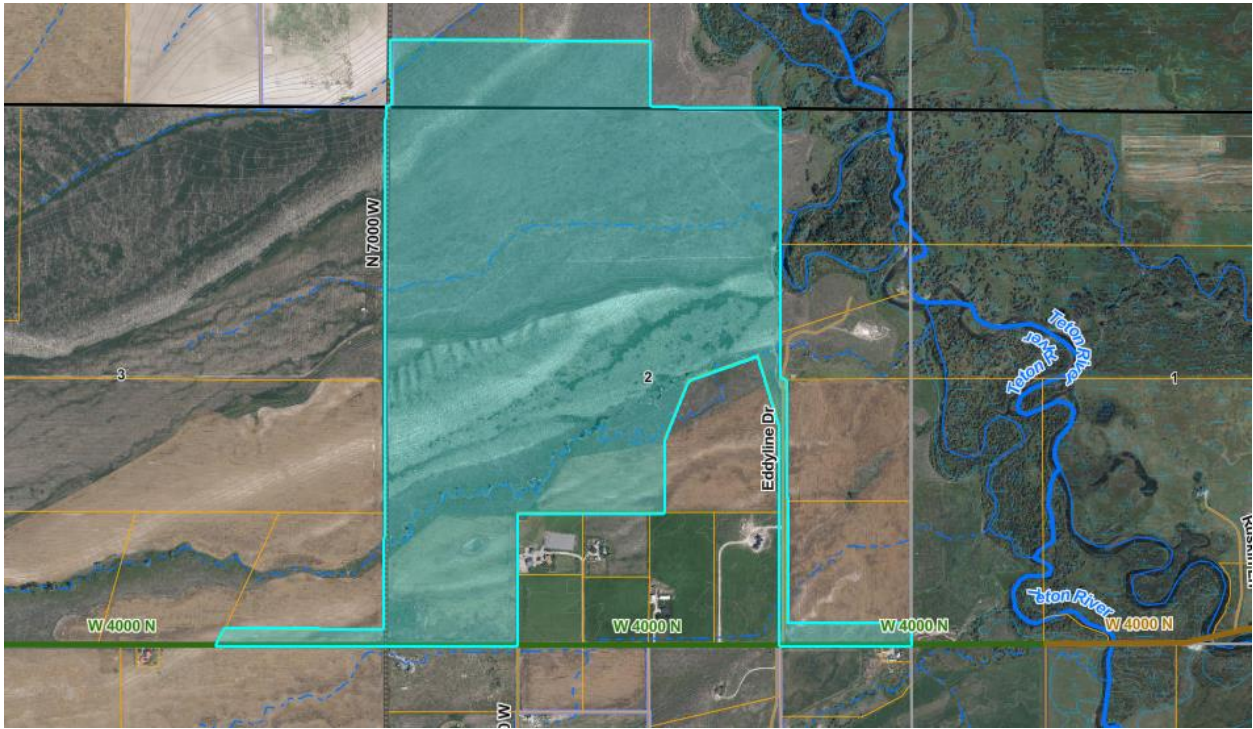


Figure 4. Hydrography / Irrigation (Canal (North) & Packsaddle Creek (South))

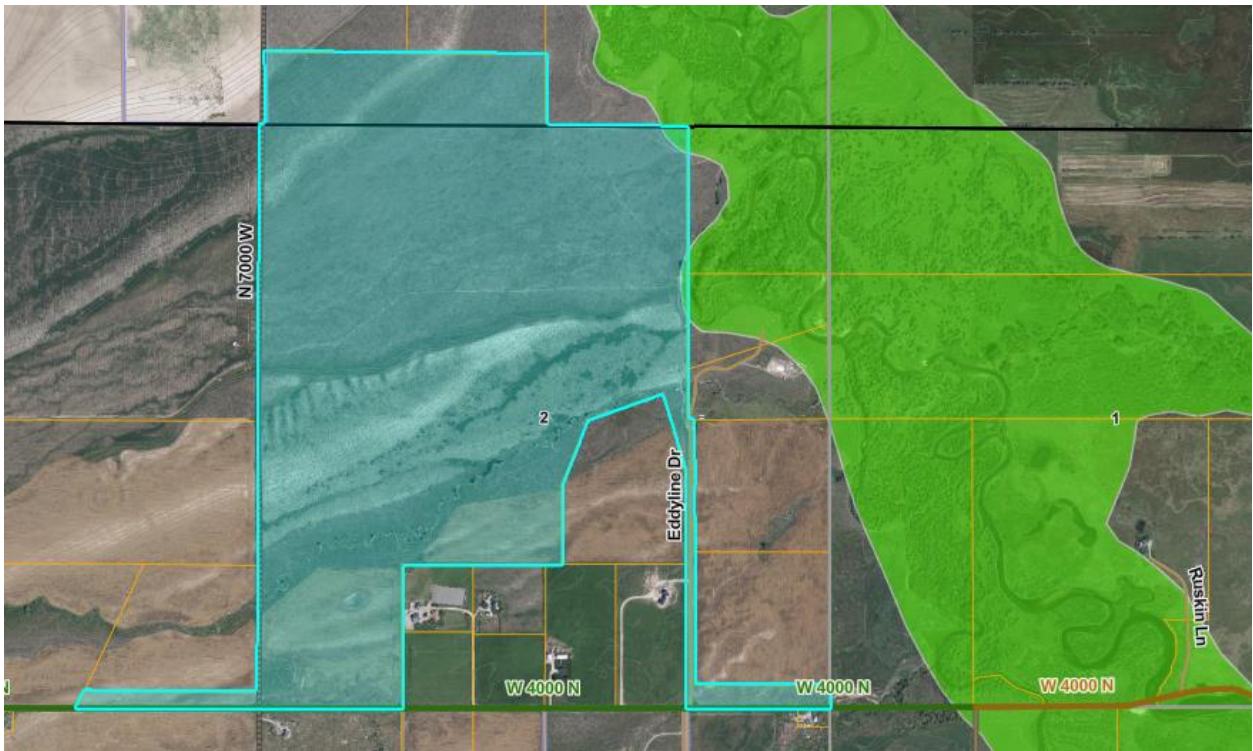


Figure 5. Effective Wetlands

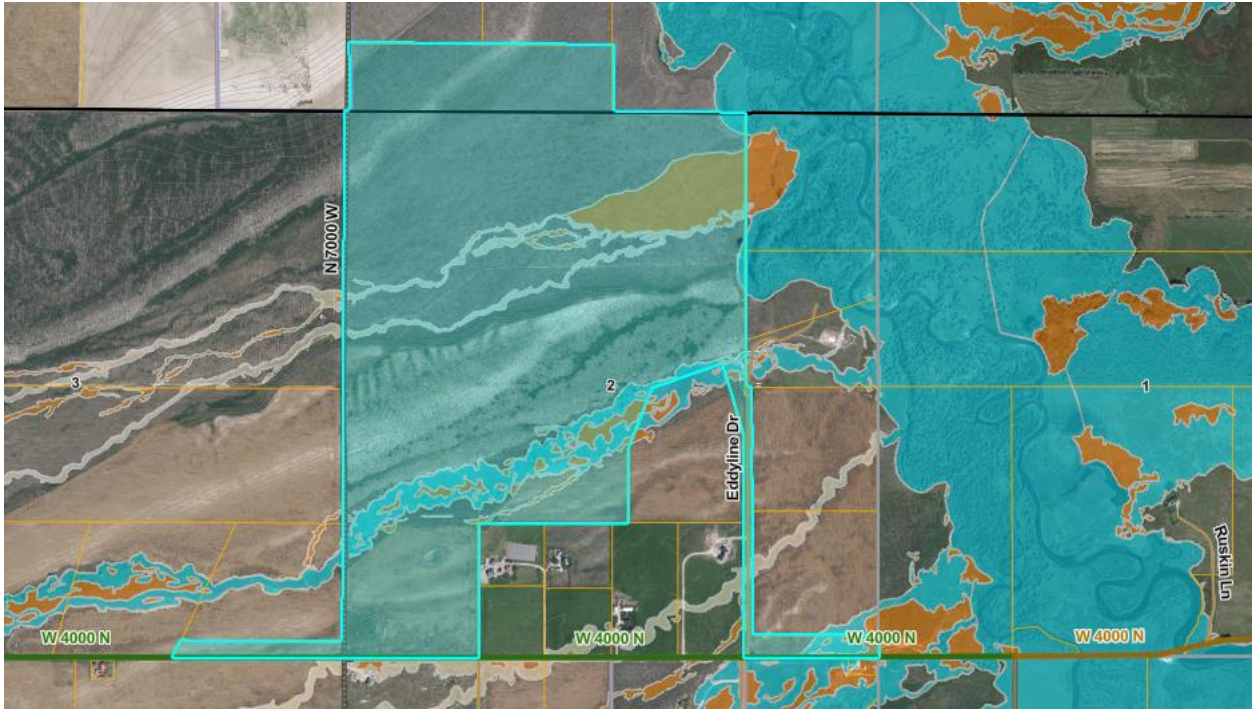


Figure 6. Preliminary Floodplain

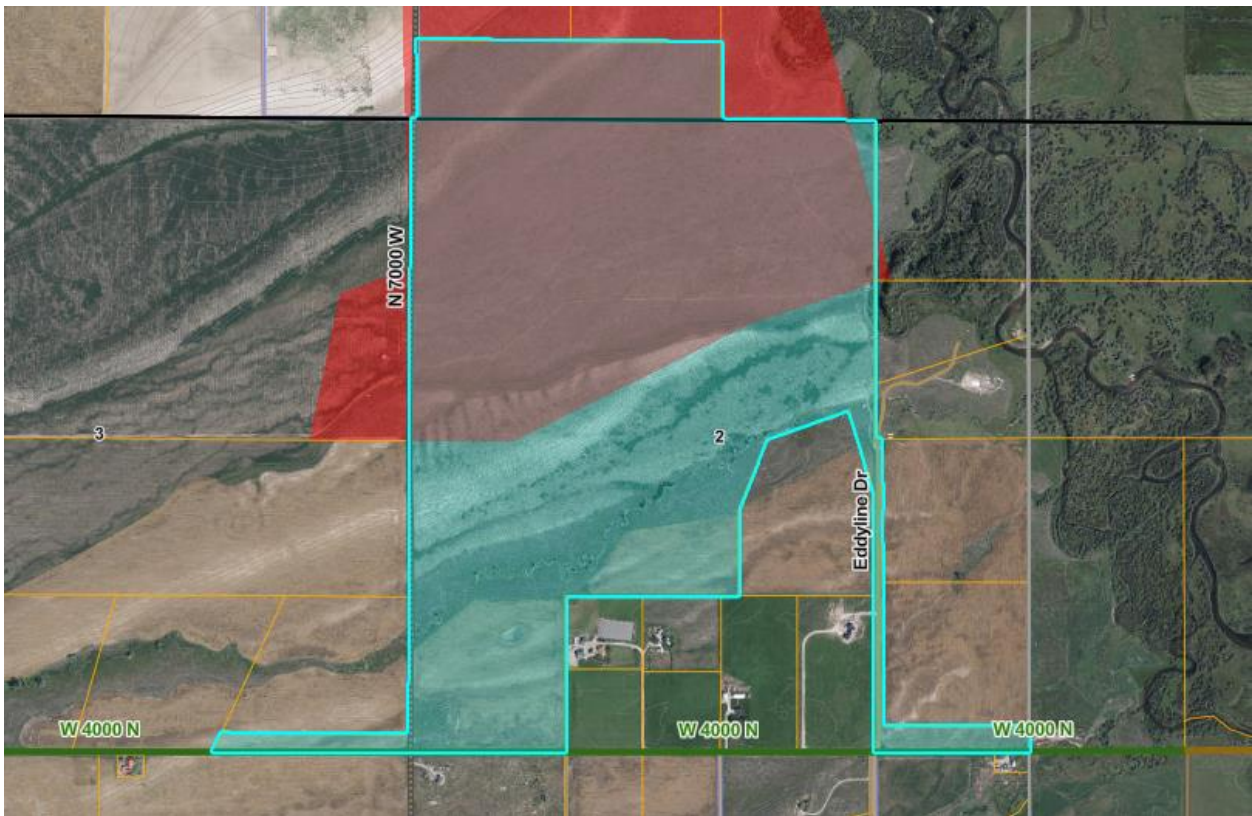


Figure 7. Wildfire Hazard Overlay (lots 1- 6 – potentially 7 and 8 are within the Wildfire Hazard Overlay)

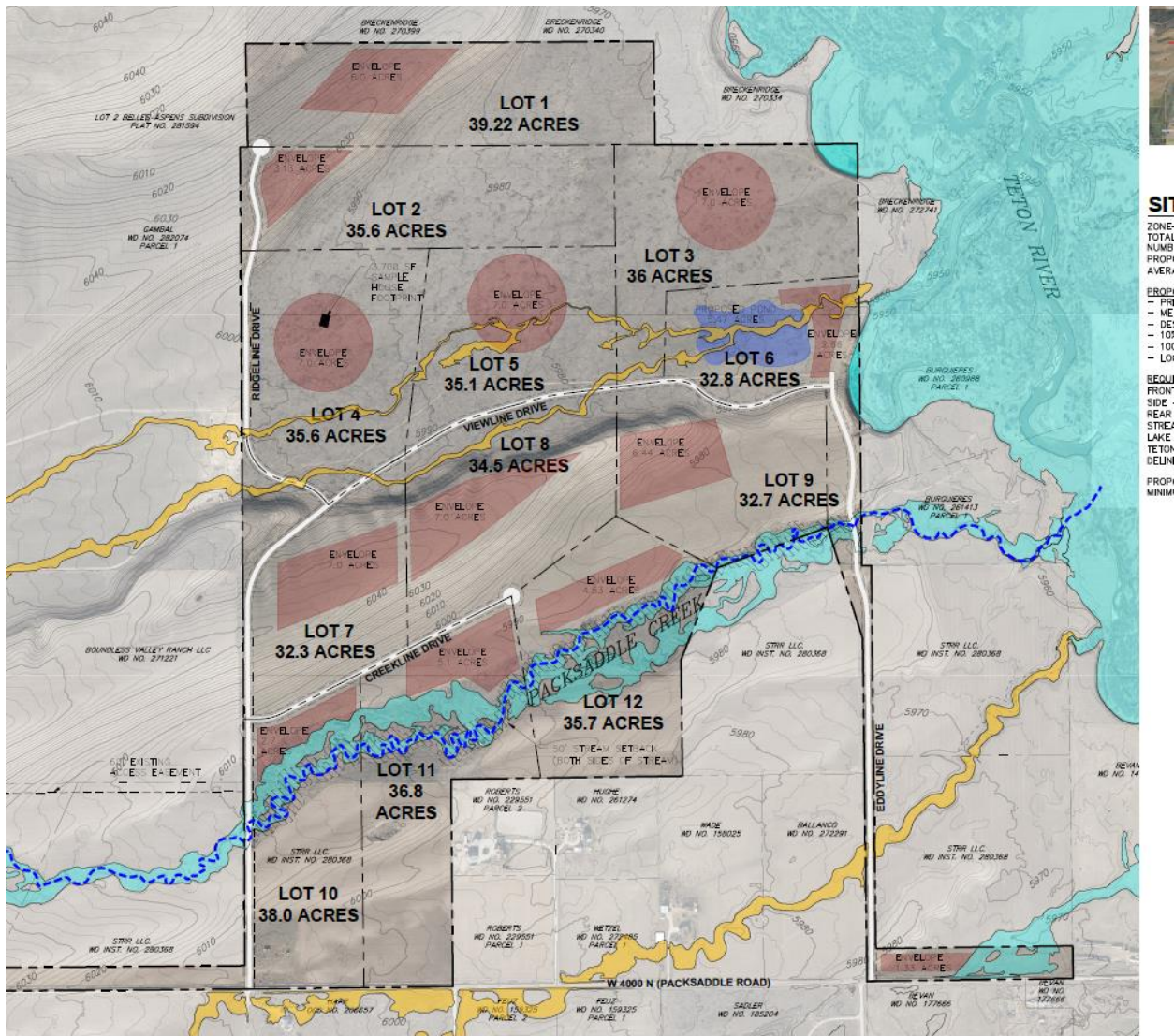


Figure 8. Proposed Concept Plat

PROJECT BACKGROUND

A Pre-application conference meetings were held with the applicant and Planning staff on January 30, 2023 as well as in April and May in 2024.

The first step in the subdivision process is a Concept Plan Review (LDC 4-1) A public hearing before the Teton County Planning and Zoning Commission is required for this proposal.

OVERVIEW OF CONCEPT APPROVAL

A Concept review with the Planning Administrator or Planning and Zoning Commission is the required first step in the development process. The purpose of this review is to:

1. Acquaint the applicant with the procedural requirements of the Land Development Code.
2. Provide for an exchange of information regarding applicant’s proposed development ideas and the regulations and requirements of the LDC, the Master Plan, and other subdivision requirements
3. Advise the applicant of any public sources of information that may aid the applicant or the application, and identify policies and regulations that create opportunities or pose significant restraints for the proposed development

4. Review the sketch plans, if any, and provide the applicant with opportunities to improve the proposed plan in order to mitigate any undesirable project consequences
5. Review the compatibility with nearby land uses, either proposed or existing
6. Provide general assistance by County staff on the overall design of the proposed development

INTER-AGENCY COMMENTS

The County has solicited comment from other agencies and entities.

- **ROADS & UTILITIES: TETON COUNTY PUBLIC WORKS** (LETTER DATED SEPTEMBER 4TH, 2024)
 - All roads (existing and proposed) will need to be built to County Local Road Standards.
 - Structures will likely be needed for waterway crossings.
 - GIS slope analysis suggests proposed road grades exceed 10% in places. Maximum vertical grade for Local Road classification is 10%.

- **FIRE PROTECTION: TETON COUNTY FIRE MARSHALL**
 - Concept, approval for a fire pond and access from W 4000 N. Will need more detailed information on the proposed water source for fire protection and interior road system and turnarounds.

- **WASTEWATER TREATMENT: EIPH**
 - The application is proposing individual wells as residential homes are built. The applicant will need to complete an EIPH subdivision application submitted for the Preliminary Review stage.

- **PLANS AND STUDIES**
 - The wildlife NROs will trigger the need for a Wildlife Habitat Assessment. Building Envelopes should be established outside of the preliminary floodplain to the best extent possible, and also placed to mitigate impacts to NROs.
 - Applicant has been working with Biota throughout the process and a memo has been submitted about the existing proposal.

- **Idaho Department of Lands**
 - The State of Idaho owns all mineral rights on part of the project. Deed #D13448 records the section of lands.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and LDC, Chapter 4-2-D. 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 27, 2024.

PUBLIC COMMENTS

No public comments have been received as of September 3rd, 2024.

CRITERIA FOR APPROVAL

For approval of Concept Review of a proposed subdivision (LDC 4-1), the County shall consider the objectives of Teton County LDC, application materials, and in a general way, at least the following:

<p>Objective: 1. The conformance of the subdivision with the Comprehensive Plan, LDC and other County Codes as well as Subdivision Development Standards;</p>
<p>Applicant Comment:</p>

Narrative states application will conform to all County codes and standards.

Staff Comment: The proposed project lies within the Rural Agriculture, Mixed Agriculture / Wetland, and Waterway Corridor areas.

Rural Agriculture: Rural Agriculture areas are located on the north and western sides of the valley and include much of the most productive agricultural land due to soils present. Some lands are better agriculture ground than others due to microclimates. Much of this area, especially the land located on the western side, is important wildlife habitat. Because the Rural Agriculture areas are located far from existing towns, public water and sewer services are not available. Desired future character and land uses for the Rural Agriculture areas include:

- Agriculture
- Ranching

Mixed Agriculture / Wetland: Mixed Agriculture Wetland areas are located immediately east of the Teton River on the valley floor and include lands that are classified as wetlands and floodplains as shown on the U.S. Fish and Wildlife Service National Wetlands Inventory and the Federal Emergency Management Agency Flood Insurance Rate Map. These areas have seasonally important wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. Desired future character and land uses include:

- Agriculture
- Ranching
- Low density residential development, with provisions for clustering/conservation development to protect natural resources
- Conservation and wildlife habitat enhancement/protection
- Development subject to all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations
- Development regulated by overlays and development guidelines to protect natural resources

Waterway Corridors: Waterway Corridors include the land adjacent to the Teton River and its major tributaries. These areas include the riparian areas, wildlife habitat, wetlands and floodplains associated with the streams and are important fish and wildlife habitats. Public access to the Teton River is currently available in limited locations. The majority of the existing parcels in this area are large, although there are a few older, developed subdivisions along the Teton River. Public water and sewer service is not available. Desired future character and land uses include:

- Agriculture
- Low to lowest residential density in the County
- Conservation and wildlife habitat enhancement
- Development subject to all applicable County, State and Federal regulations including USACE wetland regulations and County floodplain development regulations
- Scenic quality preservation
- Public access points for river recreation
- Overlays and development guidelines to protect natural resources
- Little to no (or very limited) commercial activity

- The zoning of the parcel is RA-35 acre average density. The proposed lots will conform to this requirement as the minimum lot size is one acre and the density calculation allowed is 12 lots.
- The applicant is planning to do rehabilitation and wildlife mitigation to improve fish habitats and ensure big game migration corridors stay intact to the greatest extent possible. Applicant is to work with the USACE and IDWR to ensure all work done in the floodplain and waterways is compliant with codes and regulations.
- Staff suggested more clustering in the initial review of the WHA. Applicant would like to maintain the 12, larger lot sizes.

Objective: 2. Requirements of other reviewing agencies and / or jurisdictions providing public services.

Applicant Comment:

N/A

Staff Comment:

Applicant will need to engage EIPH for individual septic reviews. The applicant will work with the Teton County Fire Marshal to confirm fire suppression for the preliminary plat stages.

Objective: 3. The conformity of the proposed development with the Capital Improvements Plan (CIP).

Applicant Comment:

No comment.

Staff Comment:

All applicable impact fees based on the Impact Fee Program (2023 CIP) will be assessed at the time of building.

Objective: 4. The public financial capability of supporting services for the proposed development.

Applicant Comment:

AVAILABILITY OF PUBLIC SERVICES

Other Public Services

The development is within the Teton County School District 401 for educational facilities. Police protection will be provided by the Teton County Sheriff's Department. Solid waste disposal will be provided by Teton County's solid waste collection provider. Hospital services will be provided by Teton Valley Health Care. Maintenance of the subdivision roads and pond will be managed by the subdivision Homeowners Association.

The property is located in Tax Code Area 0140000 which had a levy rate of .003566484 in 2023. Annual property taxes would be \$475 for the 423.0 acre properties at the above rate based on the current assessed value of \$133,083.

The projected assessed land value for the properties once subdivided and improved based upon assessed values of equally sized improved properties in the vicinity would be \$66,500 per lot. The estimated improvements value would be approximately \$650,000 per lot based upon equally sized improved lots in the vicinity thus, the total estimated assessed value per lot would be \$716,500 or \$8,595,000 for the total 423 acres. At the 2023 tax rate with the increased assessed value estimates, 12 lots would provide \$30,664.63 of annual tax revenue to the city (Figure 4.)

ESTIMATED ANNUAL TAX REVENUE								
Eddyline Ranch Subdivision								
Dated: 7/09/2024								
CURRENT TAX REVENUE (2023) - EXISTING PROPERTY								
Total Area of Property (acres):	423.00							
Current Assessed Land Value:	\$133,083							
Current Assessed Improvements:	\$0							
Current Total Assessed Value:	\$133,083							
Tax Levy Rate (2023-Tax Code Area 0140000):	0.003566484							
Tax Revenue (2023):	\$475							
ESTIMATED TAX REVENUE - PROPOSED SUBDIVISION								
LOT AREA (acres)	ESTIMATED ASSESSED LAND VALUE (PER ACRE)	ESTIMATED ASSESSED LAND VALUE (PER LOT) *	ESTIMATED ASSESSED IMPROVEMENTS VALUE (PER LOT)	ESTIMATED TOTAL ASSESSED VALUE (PER LOT)	2023 LEVY RATE	ESTIMATED TAX REVENUE (PER LOT)	PROPOSED NUMBER OF LOTS	ESTIMATED TAX REVENUE (TOTAL)
423.0	\$1,900	\$66,500	\$650,000	\$716,500	0.003566484	\$2,555	12	\$30,664.63

Figure 4. Estimated Annual Tax Revenue

Staff Comment:

Because this proposal is for fewer than 20 lots, a public services/ fiscal impact analysis will not be required with Preliminary Plat application materials.

Objective: 5. Other health, safety, or general welfare concerns that may be brought to the County's attention.

Applicant Comment:

No health, safety or general welfare concerns with this proposal.

Staff Comment:

The parcel does lie within regulatory floodplain, natural resource overlays, hydrography overlays, and the wildfire hazard overlay. However, thoughtfully placed building envelopes can avoid development in these areas. There is an area of steep slopes, but the proposal can also easily avoid those areas on the parcel.

CONSIDERATIONS

- The size of the proposed pond is 5.47 acres in size. The size should be reconsidered if the use is for a fire pond. If the pond is for recreation, permits will be required from IDWR and USACE. The WHA will need to be completed and submitted along with the preliminary plat application.
- A nutrient pathogen evaluation may be requested as Packsaddle Creek is a named stream for Teton County. Staff is unsure of applicability based on 6-6-2:

6-6-2 Applicability

A. This section applies to:

1. *Subdivision developments* in the TN, RN, IR, RA, RR, and FH *zone districts* with 30 acres or less average *density* with standard on-site septic systems or 20 acres or less average *density* with advanced nutrient reducing on-site septic systems.
2. *Subdivision developments* in the LA *zone district* with 75 acres or less average *density* with standard on-site septic system or 40-acres or less average *density* with advanced nutrient reducing on-site septic systems.
3. *Subdivisions* that lie within Nitrate Priority Areas identified by Idaho Department of Environmental Quality (DEQ) and all proposed Large Soil Absorption Systems (LSAS), both of which require a Nutrient Pathogen Evaluation submitted to DEQ.

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- A subdivision application does not entitle anything beyond residential entitlements granted to all lots of record (one principal structure and one accessory dwelling unit). The proposed “ranch camp clubhouse” cannot be for commercial purposes.

CONDITIONS OF APPROVAL

1. The size of the pond should be reconsidered. Water rights documentation should be provided and approval from IDWR.
2. The size of building envelopes should be adjusted per the full WHA – which should incorporate an aquatic resources inventory.
 - a. Several stand to be reduced and removed from the floodplain, both regulatory and preliminary as well as wetlands.
 - b. The building envelopes for lots 1 through 6 need to take the guidelines of LDC Section 5-4-3 into consideration. Building envelopes must allow for the development of all principal structures to be located within two hundred (200) feet of the primary public roadway.
 - c. Building envelopes should also be placed to avoid steep slopes (LDC 5-2-5).
 - d. Envelopes need to meet the wildfire hazard overlay requirements for lots that are within that overlay.
3. Receive preliminary approvals from EIPH.
4. Provide a cost estimate and improvement plans for improvements.
 - a. Financial surety of 125% of the cost estimate is required when the Development Agreement and Improvement Plans are recorded (which is after Preliminary Plat approval under the LDC).
5. Address all public works comments:
 - a. An access permit for the two access points from W 4000 N and N 7000 W is required before improvements can begin.

- b. Any crossing of Packsaddle Creek would require permits from IDWR. Please submit with the preliminary plat application.
 - c. GIS slope analysis suggests proposed road grades exceed 10% in places. Maximum vertical grade for Local Road classification is 10%.
6. LLC paperwork and authorization to sign as an agent must be submitted for STRR LLC.
 7. Applicant mentions recreational trails – this should be seen on the master plan and incorporated into any improvement plans. All riparian setbacks must be met.

PLANNING & ZONING COMMISSION ACTIONS

- A. Approve the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the Concept Plan, 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. Deny the Concept Plan application request 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 Subdivision Concept Plan found in LDC (LDC 4-1) can be satisfied with the inclusion of the following conditions of approval: ...

- *I move to APPROVE the Concept Plan for Eddyline Ranch Subdivision as described in the application materials submitted July 11, 2024 and as updated with additional applicant information attached to this staff report.*

DENIAL

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in LDC (LDC 4-1) have not been satisfied, I move to DENY the Concept Plan for Eddyline Ranch Subdivision as described in the application materials submitted July 11, 2024 and as supplemented with additional applicant information attached to this staff report.

CONTINUATION

*I move to continue the public hearing for Eddyline Ranch Subdivision to a **specific date and time** in order to obtain additional information from the applicant or reviewing agencies.*

Prepared By

Torin Bjorklund, Associate Planner
 Jade Krueger, Planning Administrator

ATTACHMENTS:

- | | |
|-------------------------------------|---|
| A. Concept Application (3 pages) | I. Approved Subdivision Name Application (1 Page) |
| B. Narrative (7 pages) | J. Idaho Department of Lands Email (1 Page) |
| C. Concept Plat (1 page) | K. Deed of Reconveyance (1 page) |
| D. Recorded Survey (2 Pages) | L. Warranty Deed (5 Pages) |
| E. Letter of Authorization (1 page) | M. Tax Sheet (12 pages) |
| F. Public Works Review (1 page) | N. Biota WHA Memo (1 Page) |
| G. Fire Marshal Review (1 page) | O. Geotechnical Investigation (28 Pages) |
| H. Subdivision Guarantee (9 Pages) | |

End of Staff Report