



## PRELIMINARY PLAT REVIEW PUBLIC HEARING

**FOR:** Cooper's Hollow Subdivision  
**WHERE:** W 10000 N; across from Felt Town site  
**PREPARED FOR:** BoCC – Public Hearing on March 25, 2024

**APPLICANT & OWNER:** Cooper's Hollow, LLC  
**ENGINEER:** Y2 Consulting, Megan Nelms

**OVERVIEW:** Cooper's Hollow, LLC, has applied for a 6-lot subdivision at W 10000 N near Felt Town site. The lots are between 20 and 27 acres in size. The parcel does have big game migration corridor and seasonal range as well as sharp-tailed grouse breeding and wintering habitat overlays.

**APPLICABLE COUNTY CODE:** Subdivision Concept Plan Review pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013) including 9-3-C-2-B for concept review, Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

**LEGAL DESCRIPTION:** RP06N45E058700; TAX #297 TAX #6886 TAX #6887 SEC 5 T6N R45E

**LOCATION:** across from Felt Townsite; W 10000 N

**ZONING DISTRICT** ARR – 2.5 Acre Min. Lot Size

**PROPERTY SIZE:** 132.93 acres

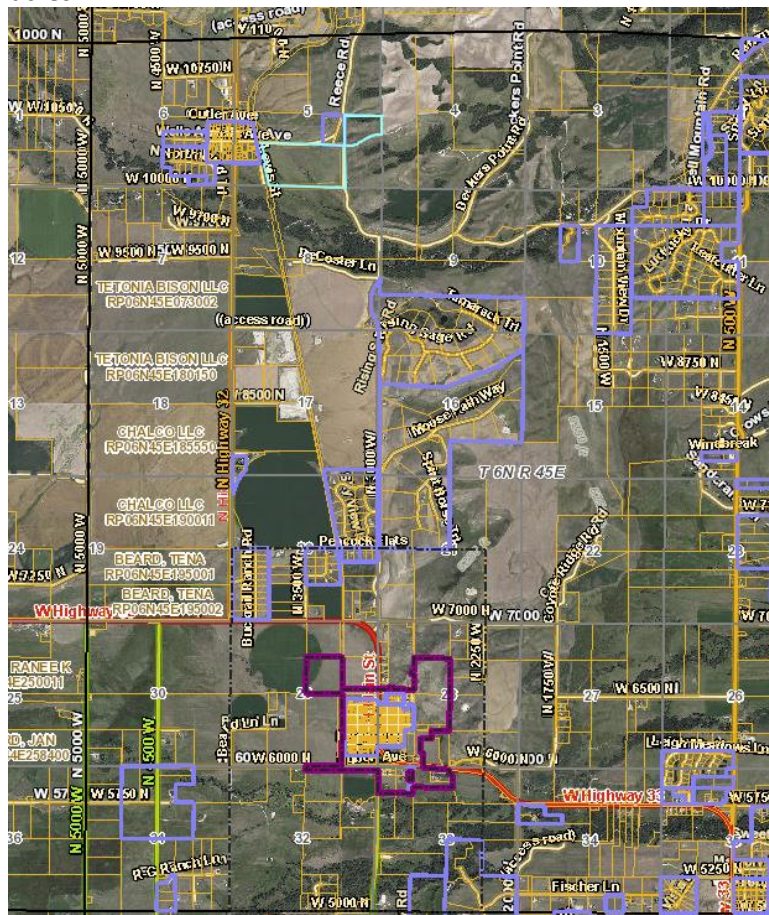


Figure 1. Vicinity map; across from Felt Townsite on W 10000 N

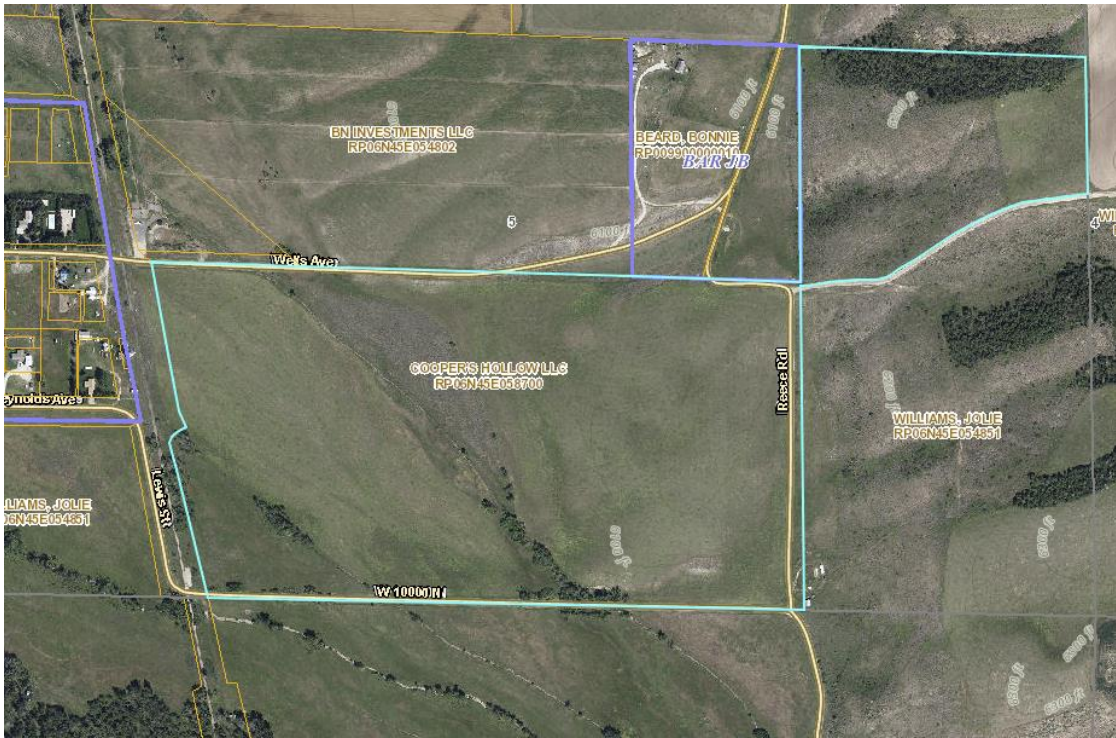


Figure 2. Aerial image of the property

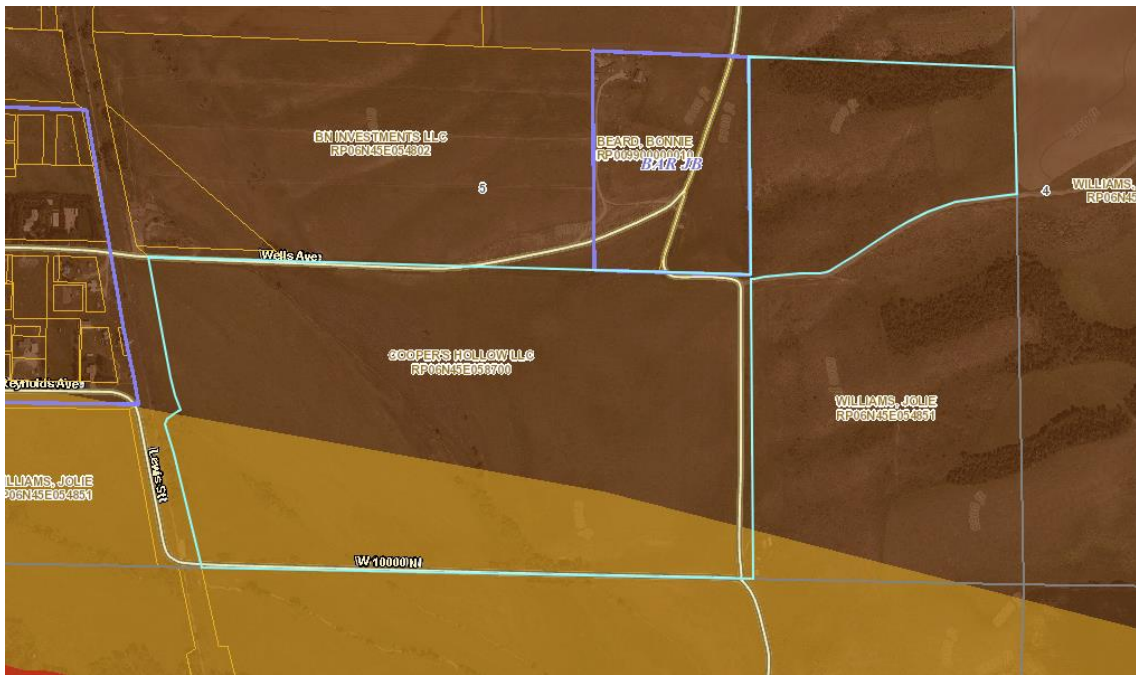


Figure 3. Natural Resource Overlays present on the parcel. Big Game Migration Corridor & Seasonal Range (Brown) and Sharp-tailed Grouse Breeding Habitat

**PROJECT BACKGROUND & REVIEW HISTORY**

**Pre-application:** A review was held with previous planning staff in 2021.

**Concept Review:** The concept application was originally submitted in January of 2022 and a hearing was scheduled for September 28, 2021.

**Item #3. – PUBLIC HEARING: Cooper's Hollow Subdivision Concept Plat Hearing** Clayton Blanchard has applied for a 6 lot subdivision on 131.37 acres between Wells Avenue and W 10,000 N in Felt. The parcel is zoned A/RR 2.5 and has a Big Game Migration overlay and a Sharp-tailed Grouse Breeding Habitat overlay on a portion of the parcel. The applicant is proposing 4 20-acre lots, 1 24-acre lot and 1 27-acre lot.

**Legal Description:** RP06N45E058700; TAX #297 TAX #6886 TAX #6887 SEC 5 T6N R45E

Mr. Chase reviewed the application for a six lot subdivision on 131.37 acres. The applicant is proposing the majority of the lots will access from a County road and have not yet applied for specific locations for those accesses. He did discuss the overlays and a requirement for a Natural Resource Analysis and a Wildlife Habitat Analysis for review by Fish & Game prior to Preliminary application.

Ms. Ryan Handy with Y2 Consultants, representing the applicant, commented they are doing a full Natural Resource Analysis for the Preliminary submittal. She noted that the parcel has been considered as one parcel for a long time and it was not brought up as a problem during the Pre-app conference with the Planning Administrator.

**PUBLIC COMMENT:**

Mr. Bruce Arnold, adjacent property owner, wanted to find out where the power access was located and he also wanted to know what construction method would be used. Ms. Handy commented they have not yet determined the power source but will have that information at Preliminary Plat phase. Mr. Arnold asked the applicant to consider placing the utilities underground.

**COMMISSION DELIBERATION:**

The Commission had no issues with the application

**MOTION:** Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the inclusion of the condition that all required studies listed in the Concept staff report be completed prior to Preliminary Plat application, I move to APPROVE the Concept Plan for Cooper's Hollow Subdivision as described in the application materials submitted June 30, 2021 and as updated with additional applicant information attached to this staff report.

<b>RESULT:</b>	APPROVED [UNANIMOUS]
<b>MOVER:</b>	Taylor Cook, Commissioner
<b>SECONDER:</b>	Timothy Watters, Commissioner
<b>AYES:</b>	J.A. Michelbacher, Vice Chairman, Erica Tremblay, Commissioner, Timothy Watters, Commissioner, Taylor Cook, Commissioner, Rebeca Nolan, Commissioner
<b>ABSENT:</b>	Jack Haddox, Chairman, Wyatt Penfold, Commissioner

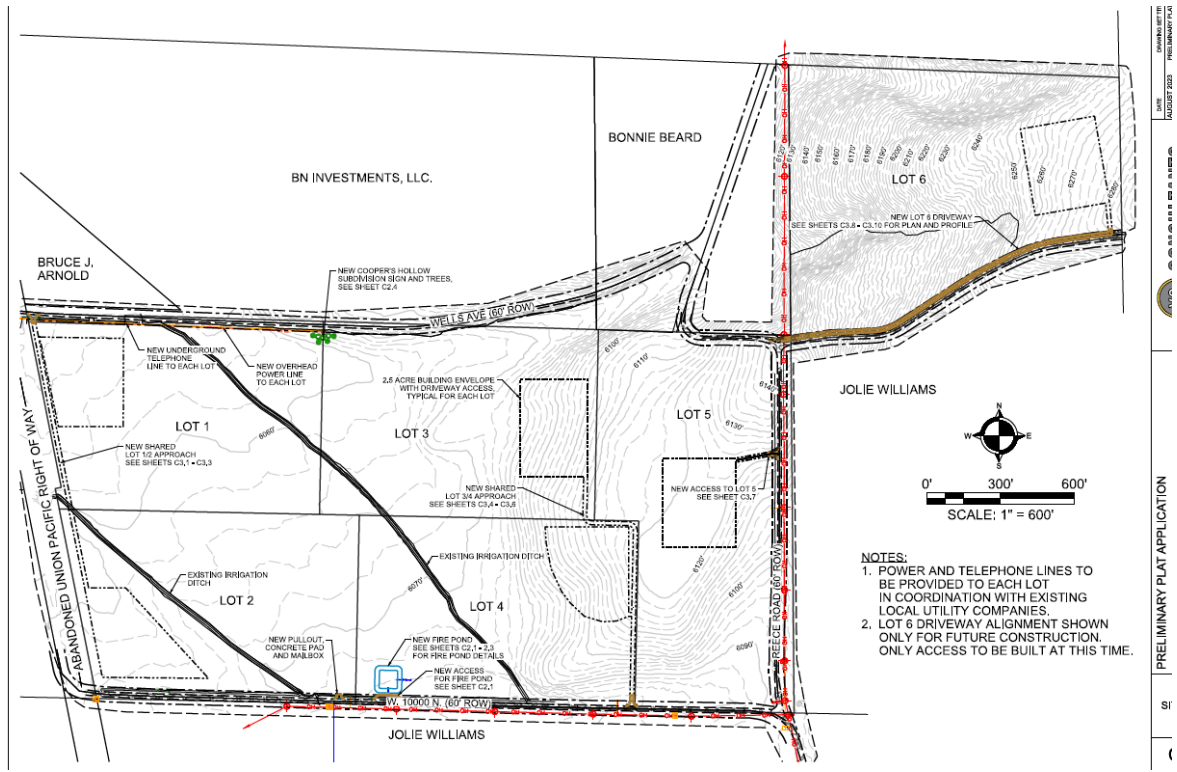


Figure 4. Site plan with access and building envelope proposal

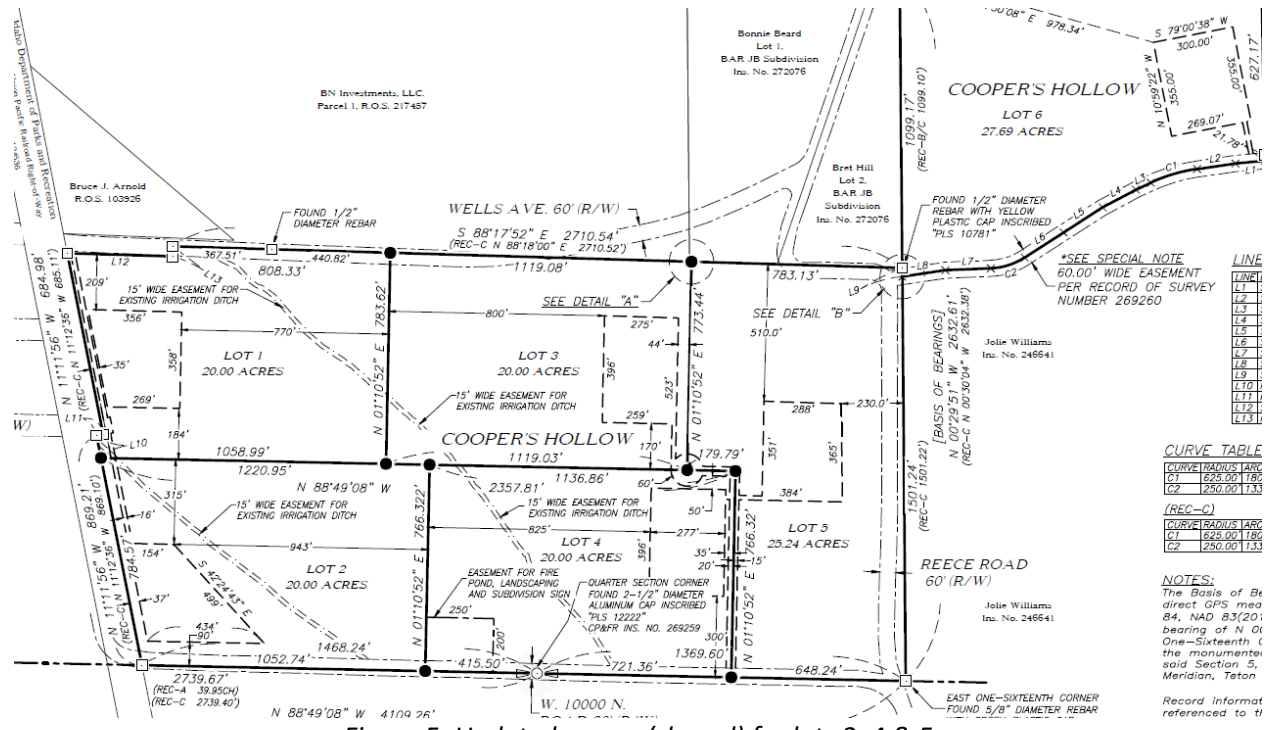


Figure 5. Updated access (shared) for lots 3, 4 & 5

**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.

**Preliminary Plat Review with PZC:** The PZC reviewed the application on January 9, 2024:

**MOTION:** 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 the Cooper's Hollow Subdivision as described in the application materials submitted on December 15, 2023 and additional information attached to the staff report with the following conditions of approval:

- 1) Conditions 1 through 5 as stated in staff report;
- 6) Combine access for Lots 3, 4 & 5 be noted on plat;
- 7) Plat note for building envelopes dimensions & setbacks;
- 8) Public Works evaluate Lot 6 entry point in relation to the William's property driveway;
- 9) Language be added to CC&Rs regarding bear proof trash cans for lots in the overlay;
- 10) Signage location be discussed with the Fire Marshal and EMS for best placement; and
- 11) Applicant looks to adjust Lot 1 building envelope in relation to neighbors viewsheds.

<b>RESULT:</b>	ADOPTED [Unanimous]
<b>MOVER:</b>	Tyler Wertenbruch <b>SECONDER:</b> James Weber
<b>AYES</b>	Lindsey Love, Tim Watters, Wade Kaufman, James Weber, Tyler Wertenbruch
<b>NAYES</b>	None
<b>ABSTAIN</b>	None

Conditions from the staff report:

1. Preliminary Plat should be updated the following ways:
  - a. Planning signature should be the Planning & Zoning Commission Chair
  - b. Building envelopes and shared access easements should be included on the plat
2. The cost estimate needs to be stamped and dated by the project engineer.
3. Submit LLC paperwork indicating Clayton Blachard has signing authority
4. A letter of credit is required with the final plat application (125% of the stamped and dated cost estimate).
5. Improvement plans show overhead utilities. It is assumed all overhead utilities shown are existing. All new utilities must be underground. Please provide documentation clarifying this.

*Staff comment: Applicant has addressed 1, 2, 3, and 5 in the staff report. Item 4 is required with the final plat application. Applicant has combined access for lots 3,4 & 5 and labeled it on the plat. Public Works has evaluated the access on Lot 6 but it is a private road and driveway – a condition cannot be placed to combine it with the adjacent lot. Applicant has worked with the adjacent landowner for the envelope on Lot 1, and applicant has updated the CCRs to include bear proof trash canisters.*

#### **REVIEW & INTER-AGENCY COMMENTS:**

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

- **ROADS & UTILITIES:** Teton County Public Works Director made the following comments (01/02/24):
  - Shared access locations should be noted on the plat. *(Staff comment: Shared access for lots 1 & 2 and 3,4 & 5 are indicated on the plat)*
  - Improvement plans show overhead utilities. It is assumed all overhead utilities shown are existing. All new utilities must be underground. *(Staff comment: applicant has updated the improvement plans. All utilities will be underground).*
- **FIRE PROTECTION:** The Teton County Fire Marshal had the following comments (attached)
  - Is approved for fire department apparatus access. Further details on the fire pond are required for approval. Planning Staff emailed the applicant for more details with the Fire Marshal on 1/2/24 and received the OK on the submitted plans.
- **WASTEWATER TREATMENT:** Applicant has received preliminary approval from EIPH on 4/21/22.
- **PLANS & STUDIES:** Applicant has provided a NRA and WHA as part of the preliminary plat application.
- **IDFG:** IDFG had the following comments on the application submission (also included as a full attachment):

- Mule Deer migrate between high elevation summer ranges (Grand Teton & Yellowstone National Parks) to lower elevation winter range along the Teton canyon (See Teton River Mule Deer: Ungulate Migrations of the Western United States, Vol. 1 <https://doi.org/10.3133/sir20205101>). Land uses (urbanization and agriculture), infrastructure (e.g., roads, and fences), and large-scale habitat changes can degrade big game habitat and disrupt migrations (Idaho Action Plan (V5.0) 2023). Further, increased residential development within mule deer habitat has been correlated with declining recruitment rates, particularly within seasonal winter ranges (Johnson et al. 2017). This suggests that increases in residential development are not compatible with maintaining productive mule deer populations.
- The area supports both resident and migratory elk populations (See Teton River Elk: Ungulate Migrations of the Western United States, Vol. 3 <https://doi.org/10.3133/sir20225088>). Migration is a crucial seasonal strategy to acquire necessary resources, and maintaining these migrations is imperative for long term persistence of this elk population. Elk winter range is a limiting factor across this landscape. In addition to direct loss of habitat, increased development has led to increased conflict and reduced tolerance for elk. Additionally, increases in ‘hobby ranches’ associated with development have come with more fences, horse feed, etc. and have resulted in conflict and comingling with horses. The same individuals that are moving to and building in Teton County because of the wildlife values, are becoming common reporters of complaints associated with those wildlife after development.
- Columbian sharp-tailed grouse (CSTG) are classified as a Species of Greatest Conservation Need (SGCN) and given a vulnerable designation in the new Idaho State Wildlife Action Plan (*Draft* IDFG 2023). Greater than 60% of remaining CSTG in the U.S. are found in Idaho. Threats to CSTG include loss of habitat due to agricultural and human development, habitat modification, shrub control, and human disturbance (IDFG 2015). In 2016 the closest active lek was 2.8 km from the proposed development, though IDFG has not conducted lek surveys on the property.
- Large carnivore/human interactions are becoming more frequent in Teton County. IDFG staff has responded to black and grizzly bears, mountain lions, and gray wolves following conflicts with people and/or property. Unsecured garbage, hobby agriculture, pet and livestock food, and the proximity to prey species all can attract predators. IDFG recommends enforcing Teton County Code Title 4 Chapter 7 to minimize the potential for attracting bears into residential areas and to educate all local and short-term residents on conflict mitigation practices. As with elk, as mentioned above, more development in Teton County leads to more conflict with carnivores.
- Feeding attracts and concentrates animals away from their native habitat, habituate animals to people, facilitates the spread of disease, and creates conflicts between neighboring homeowners. Big game animals should not be fed under any circumstances unless specifically conducted by or in cooperation with IDFG.
- Fencing may be required to control domestic animals, protect landscaping, and define property boundaries; however, fences present a hazard to wildlife as some designs allow entanglement or entrapment. No fencing is preferred, but if fences are necessary, they should be a wildlife-friendly design, such as a post and rail design with a top rail height of 42” and a bottom rail height of 18”. Wildlife-friendly designs will facilitate wildlife passage through an area and reduce the potential for wildlife to become entrained within fenced areas. Please consult with IDFG when considering a wildlife-friendly fence project.
- Landscaping plants may be damaged by wildlife, including depredation by big game. Damage to vegetation and any efforts to control deer, moose, and elk depredation is the responsibility of the landowner and must comply with IDFG rules and regulations. Many browse-resistant ornamental plants are widely available and should be planted in place

of highly edible landscaping plants. Additionally, IDFG recommends prohibiting planting yews, which include shrubs or small trees used as landscaping ornamentals. Yews are toxic to elk, deer, and other animals, including humans.

**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 BoCC was duly noticed in the Teton Valley News on March 6 and March 13, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on February 29, 2024. A notice was also posted on the property providing information about the public hearing on March 12, 2024.

**PUBLIC COMMENT:**

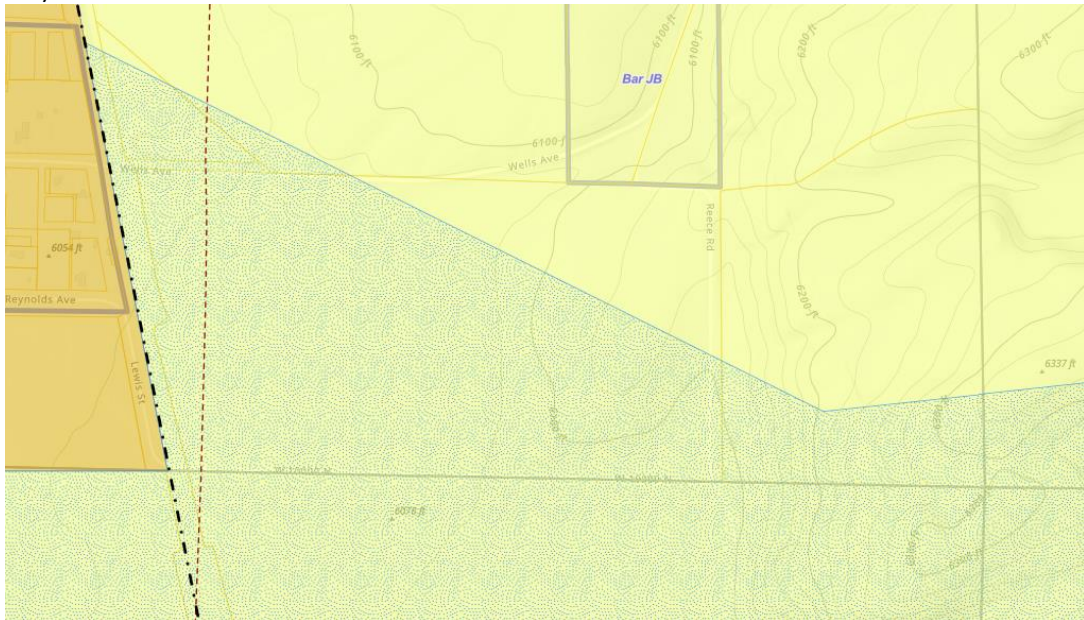
No public comments were received for this packet as of 3/15/24. Previous comments are included.

**CRITERIA FOR APPROVAL**

The Planning and Zoning Commissioners and BoCC 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):

**Objective:** 1. The application is consistent with the Comprehensive Plan.

The 2012-2030 Comprehensive Plan places this in the Wetland & Waterways Corridor and Rural Agriculture. A six lot proposal can meet these future land use characteristics with building envelopes (conservation development).



Waterway Corridor & Rural Agriculture.

*Mixed Agriculture / Rural Neighborhood:* Mixed Agriculture / Rural Neighborhood areas are located south of Driggs and east of Highway 33. These areas are predominately rangeland and agriculture land and have high scenic qualities. The area along the highway south of Driggs provides a visual separation and distinct edge between the city and the more rural area to the south. Desired future character and land uses include:

- Agriculture
- Ranching
- Low, to medium where appropriate, density residential, with provisions for clustering/conservation development to preserve views
- Conservation and wildlife habitat enhancement/protection

*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

**Objective:** 2. The application complies with all applicable county regulations.

The proposed subdivision meets the requirements of the current A/RR 2.5 zoning district. The development would be in compliance with the current building codes, meet the required density, fit in with the rural community character, all height, scale and other applicable standards will be 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).

The application is not a PUD.

**Objective:** 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.

The property does not appear to fall within any designated pathways per the Recreation Master Plan nor does the project have any trails proposed.

**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 Study was not required for this proposal. The EIPH review didn't find any additional triggers that would require the Nutrient Pathogen Evaluation.

**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.

Applicant has received preliminary approval from EIPH (04/21/22). Lot will be served by individual wells and individually permitted septic tanks.

**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.

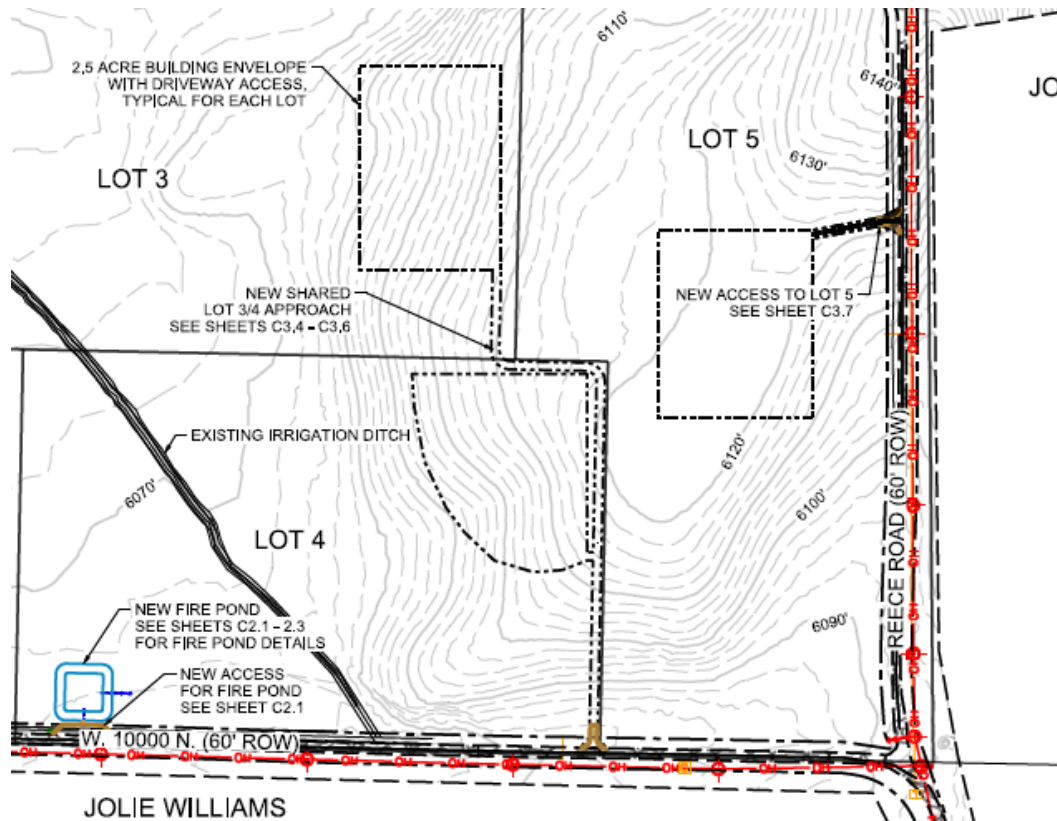
A Traffic Impact Study was not required for this application. A Traffic Impact Study is typically required for applications with 10 or more lots, or if the PZC, BoCC or Administrator finds the application may have additional impacts on road conditions.

**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.

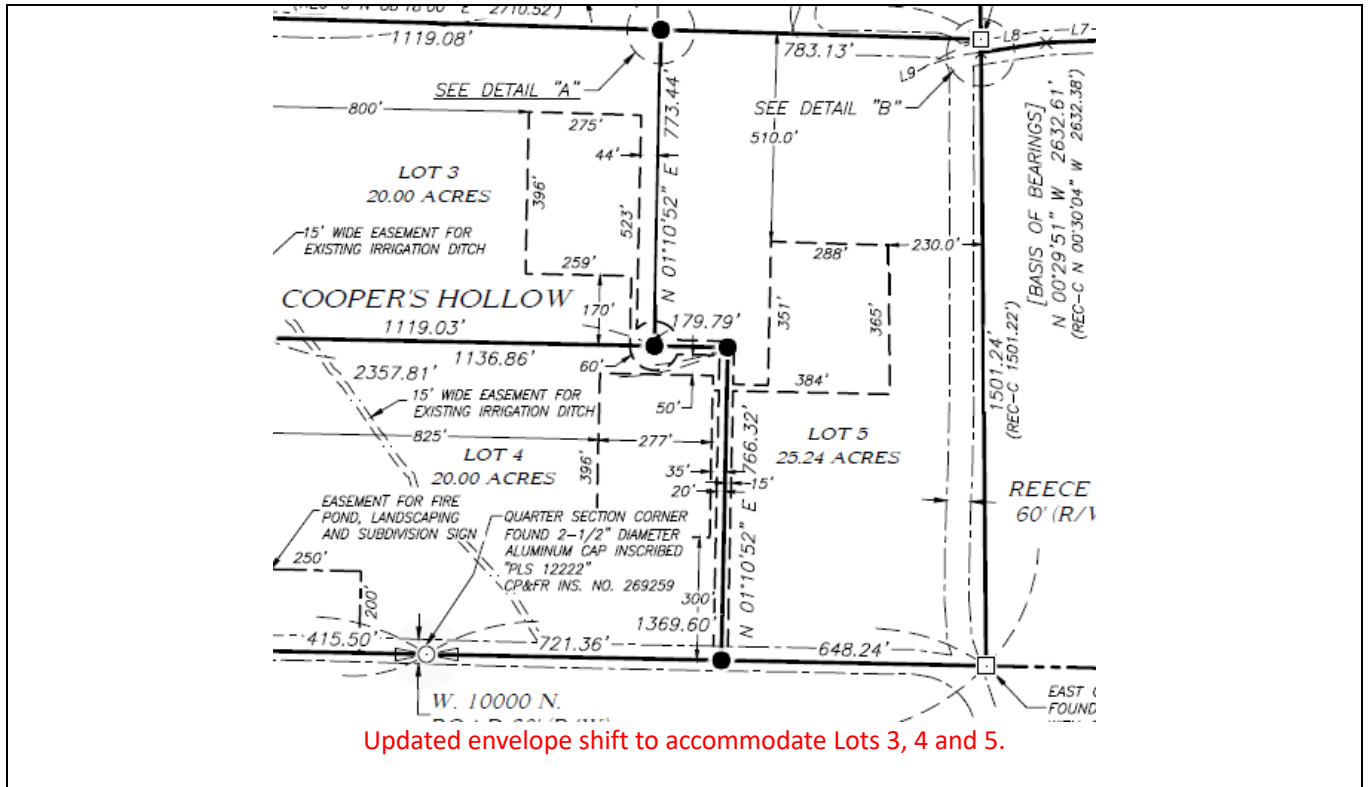
A shared access is proposed for Lots 1 and 2 from Wells Avenue. A shared access for Lots 3 and 4 from W 10000 N. Lots 5 and 6 have separate proposed access points.

Lot 5 could potentially be served by the access for Lots 3 and 4 and minimize additional access impacts. Applicant is suggesting it would be a greater impact on wildlife for the shared access for 3/4 and 5. Staff suggests it's the same clustered design and less distance for the access to be shared, which would seem to minimize impacts.

*Staff comment: Applicant has amended their plat to incorporate a shared access for Lots 3, 4 and 5 to minimize impacts.*  
NRA/WHA Roads Analysis below:



Site plan with proposed shared access points and building envelopes for Lots 3, 4 and 5.



**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 resource analysis was required for this project because of the Big Game Migration Corridor & Seasonal Range as well as the sharp-tailed grouse breeding and wintering habitat.

The NRA/WHA had the following listed in their findings and conclusion:

## **FINDINGS**

Based upon primary and secondary research, including two site visits to the Cooper's Hollow Parcel, the project area includes habitats that are seasonally used by elk, moose, and mule deer. Based on evidence observed at the parcel, no single species appears to occupy the habitats year-round. Instead, evidence suggests that these species spend amounts of time in the area through the year and pass through the parcel in their movements across the landscape. Idaho Department of Fish and Game (IDFG) observations concur and data from collared elk suggest the habitat around the parcel is especially important during winter. Songbird species likely use the northeast portion of the parcel most frequently due to habitat diversity providing ample forage and perching opportunities. Occupation by songbirds is likely seasonal with many migratory species passing through. No live water is present on the parcel and thus fisheries habitat is not a concern.

## **CONCLUSION**

This wildlife assessment concludes that the proposed Cooper's Hollow Subdivision may negatively impact indicator species within the project area due to loss and fragmentation of habitat and human presence. This

*Y2 CONSULTANTS  
WILDLIFE HABITAT ASSESSMENT*

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parcel provides wildlife habitat in the form of forage, cover, open space, and connectivity to other important habitats in the surrounding landscape. Construction of dwellings and increased human presence in this area will likely impact big game (elk, mule deer, and moose) and sharp-tailed grouse, and the vegetation they rely on for food and shelter. However, through thoughtful design of the subdivision to minimize impacts to important habitats, maximize open space, and maintain habitat connectivity, mitigation actions could be utilized to further minimize or eliminate impacts.

## CHAPTER 4 – PROPOSED MITIGATION

Mitigating impacts to elk, mule deer, moose, and sharp-tailed grouse has been a priority for the proposed Cooper's Hollow Subdivision throughout the entire design process.

### BUILDING ENVELOPE PLACEMENT

Based upon feedback from TC-P&Z staff during the concept plan development and feedback from IDFG biologists, minimizing impacts to big game habitat connectivity was a priority. IDFG requested that the greatest amount of open space through the center of the primary portion of the parcel was maintained to accommodate wildlife passage and to maintain the greatest habitat values. Reflecting that request, the proposed design includes the western building envelopes pushed close to existing human development and disturbance. The eastern building envelopes are condensed to the junction of the proposed lot boundaries. In the northeast portion of the parcel, IDFG requested that the building envelope be limited to the existing agricultural disturbance and avoid disturbance to the intact mixed shrub habitat. The proposed design meets that request directly. Building envelopes can be viewed in Figure 9.

Following direction from TC-P&Z staff, another alternative, a central clustered design of the building envelopes for lots 1, 2, 3, and 4 was considered but abandoned due to the potential impact to wildlife habitat. This design would place the building envelopes in the sagebrush habitat in the center of the parcel. This sagebrush habitat is the remaining relatively intact native habitat in the largest portion of the parcel. Further, this design would have placed the disturbance directly in the path of known movement of big game species and would have contributed unnecessary impacts to habitat continuity. Finally, this design would have had spillover effects upon the deciduous forest habitat that in the preferred alternative is maintained as shelter for wildlife.

### ROADS

Following the lead of the building envelope placement in the proposed design, the proposed roads have been placed to reduce impacts to big game and sharp-tailed grouse. The proposed road design does not minimize disturbance to the greatest degree but seeks to balance wildlife mitigation with private property privacy. Per TC-P&Z's request, shared driveways were incorporated and increased road disturbance to accommodate fewer access points from the bounding roads.

A primary central road was considered for the proposed Cooper's Hollow Subdivision but was abandoned due to increased impacts to wildlife. The central road would directly impact the central open space area that was avoided during building envelope placement and would subsequently go against IDFG's request discussed above. Further, the central road would incur a greater amount of disturbance by scaling up the capacity of the road to handle the traffic of the five proposed parcels. In this alternative, the main road would be designed to an approximate final constructed width of twenty-two feet across the entire parcel. Road placement can be viewed in Figure 9.

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The central clustered design alternative that was considered but abandoned would likely incur a larger amount of road disturbance due to the overall construction width and the central cul-de-sac that would be required.

Regarding access to the northeast portion of the parcel, the initial design attempted to minimize additional driveway disturbance. However, a second driveway will be constructed paralleling the existing driveway along the entire southern boundary of that portion of the parcel due to neighboring property owners that would not consider sharing the existing driveway and its maintenance.

## FENCING

There are no current plans to fence the parcel for boundary delineation or livestock containment. Livestock grazing will continue on the property with single strand electric fencing used to control cattle grazing patterns. Future fencing will be stipulated by the fencing section of the Land Management Plan section of this report.

## RECLAMATION

There will be short and long-term disturbance with the development of the proposed Cooper's Hollow Subdivision. All temporarily disturbed upland areas will be replanted with native species with a seeding mix prescribed by soil type and moisture expectations.

## FIRE POND

All wildlife species are expected to benefit from the proposed fire pond. Aside from providing readily available fire prevention to the subdivision and surrounding area, this pond will provide access to water for wildlife throughout much of the year. Open water is mostly lacking around the proposed subdivision and this pond would entice many bird species, especially those during migration. If a device is incorporated to limit freezing, such as an aerator, the pond could provide access to species that overwinter in the Teton Valley, such as trumpeter swans. Further, this pond is likely to be an oasis for invertebrates, amphibians and other prey species sought sandhill cranes and other water birds. Native vegetation will be planted around the pond to increase screening for wildlife from W 10000 N. The fire pond can be viewed in Figure 9.

## VEGETATION SCREENING

Future owners of lots 2 and 4 will be required to plant living snow fence along their driveway and building envelopes to provide screening from the deciduous forest habitat. The living snow fence will be designed to provide functionality early in its establishment and when it's fully established decades into the future. The snow fence will utilize native shrub and tree species like those found in vegetation communities along Badger Creek, south of the parcel and vegetation communities found in the northeast portion of the parcel. It is expected to include conifer species such as spruce, deciduous trees such as aspen, and shorter stature flowering/fruited shrubs such as chokecherry and currants. To further support pollinator species, lilacs and dogwood are considered as well. This upland mitigation improvement will provide an overall enhancement

**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 the proposal 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 (2023 CIP) will be assessed at the time of building. The 2008 adopted CIP (the adopted CIP for subdivision review) indicated that this area was appropriate for 30 units per 100 acres or .3 du/acre. The proposal of 6 lots per 132.93 acres could meet this proposal.

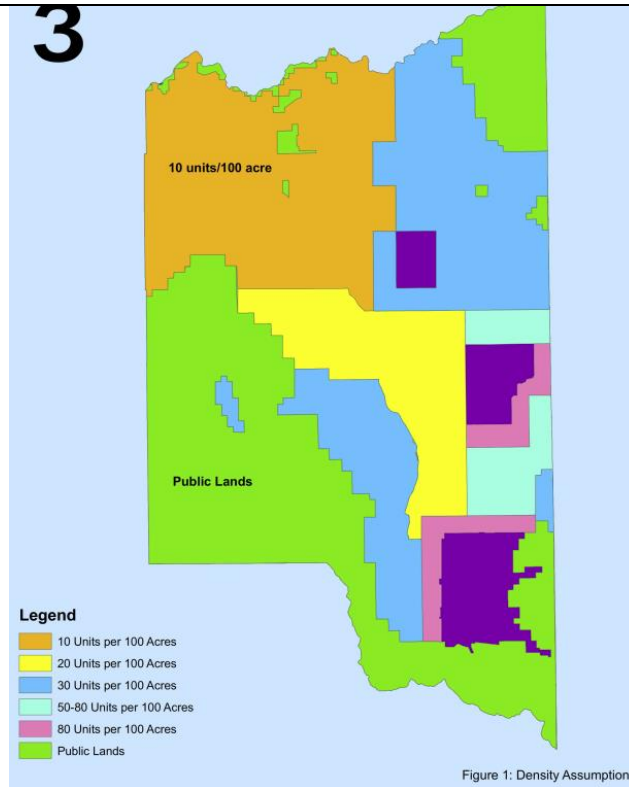


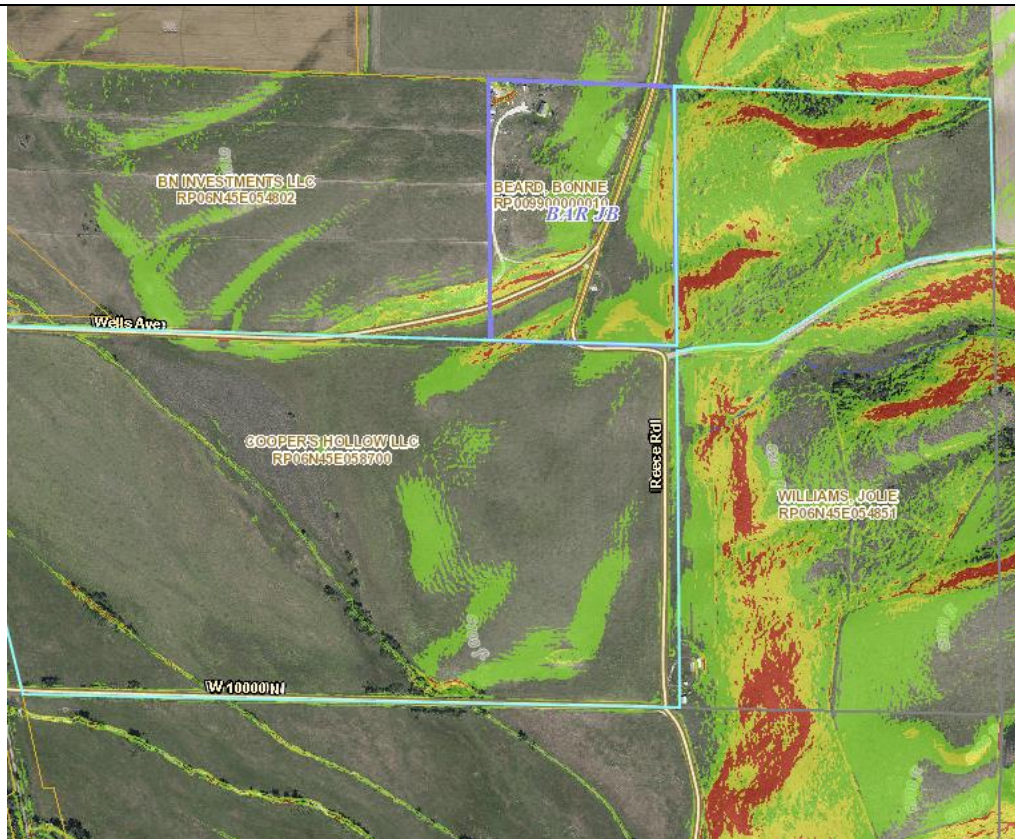
Figure 5. CIP Density

**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 and they address pet control, lighting, weed abatement, wildlife friendly fencing. *The applicant has updated the CCRs to additionally include bear proof trash canisters as the property are within the bear conflict overlay.*

**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.

There is no floodplain overlay present. Nor any wildland urban interface. The property has some hilly sections with steeper slopes but all avoidable. The building envelope for proposed lot 6 appears to be placed in the least hilly portion of the property.



Slopes over 30% are marked in red; 20-30% slopes in yellow; 10-20% slopes in green. *The parcel is within the Bear Conflict Overlay area and applicant has suggested language in the CCRs to address the overlay.*

**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

**CONSIDERATIONS:**

**CONDITIONS OF APPROVAL:**

1. A letter of credit is required with the final plat application (125% of the stamped and dated cost estimate).

**BOARD OF COUNTY COMMISSIONER ACTIONS**

- A. Approve the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve 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. Deny the Preliminary Plat application and provide the reasons and justifications for the denial.
- D. Continue to a future BoCC 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 move recommending 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 APPROVE the Preliminary Plat for the Cooper’s Hollow Subdivision as described in the application materials submitted on December 15, 2023 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-B have not been satisfied, I move to DENY the Preliminary Plat for the Cooper’s Hollow Subdivision as described in the application materials submitted on December 15, 2023, and additional information attached to the staff report, based on the following findings:

**CONTINUATION**

I move to continue the public hearing for the Cooper’s Hollow Subdivision Preliminary Plat *to a specific date in time* in order to obtain additional information from the applicant or other agencies.

Jade Krueger, Planning Administrator

Items in *blue* are new documents from the PZC hearing:

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**ATTACHMENTS:**

- A. Application (6 pages)
- B. Preliminary Plat (2 pages)
- C. Narrative (7 pages)
- D. Improvement Plans (19 pages)
- E. Site Plan (1 page)
- F. NRA and WHA (41 pages)
- G. Deed (13 pages)
- H. Cost Estimate (1 page)
- I. Development Agreement (16 pages)
- J. CCRs (12 pages)
- K. EIPH Letter (8 pages)
- L. Letter of Authorization (1 page)
- M. Fire Marshal Review (1 page)
- N. Public Works Review (1 page)
- O. Preliminary Financial Intent (1 page)
- P. [LLC Documentation \(19 pages\)](#)
- Q. [Neighbor Email \(3 pages\)](#)
- R. [IDFG Comment Letter \(3 pages\)](#)

**End of Staff Report**