



## PRELIMINARY PLAT REVIEW PUBLIC HEARING

**FOR:** Moose Hollow Estates Subdivision  
**WHERE:** W 9500 S; SW of the City of Victor  
**PREPARED FOR:** Board of County Commissioners  
Public Hearing of March 25, 2024

**APPLICANT & OWNER:** Kelly Lark  
**ENGINEER:** AW Engineering

**REQUEST:** Kelly Lark, represented by AW, has submitted an application for an 8-lot residential subdivision on 20.12 acres SW of the City of Victor. The parcel is within the Area of Impact of the City of Victor but does not have any natural resource overlays. Each proposed lot is 2.5 acres, meeting the minimum lot size requirement at the time of the application. Each lot is proposed to have individual well and septic systems, and a fire pond is the proposed method of fire suppression on proposed Lot 5.

*The BoCC reviewed and approved the Preliminary Plat on July 24, 2023. The applicant submitted final plat materials with plat revisions that differed from preliminary plat, resulting in the application being heard again at Preliminary Plat stage by the BoCC.*

**APPLICABLE COUNTY CODE:** Subdivision Preliminary Plat Review Title 9, Chapter 3-2-C, Teton County Zoning Ordinance, (revised 05/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

**LEGAL DESCRIPTION:** RP03N45E152452;  
**LOCATION:** 9500 S 1700 W; SW of the City of Victor  
**DISTRICT:** A/RR-2.5 (City of Victor AOI)  
**PROPERTY SIZE:** 20.12 acres

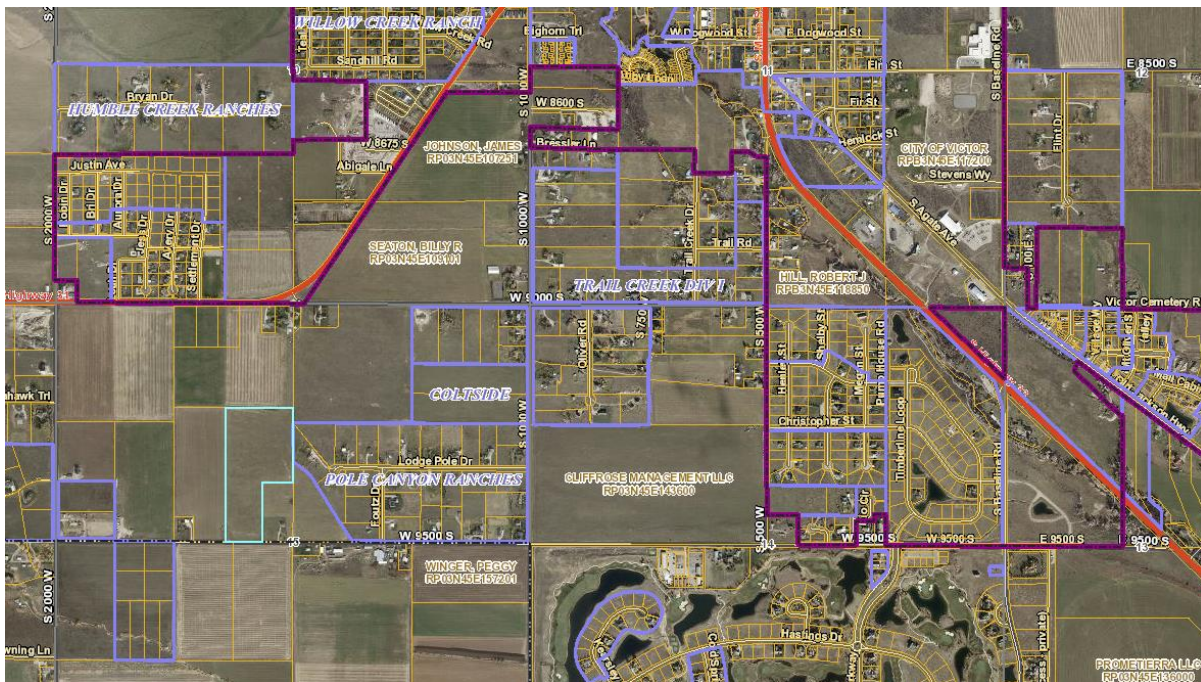


Figure 1. Vicinity map; blue indicates the Kelly parcel on W 9500 S

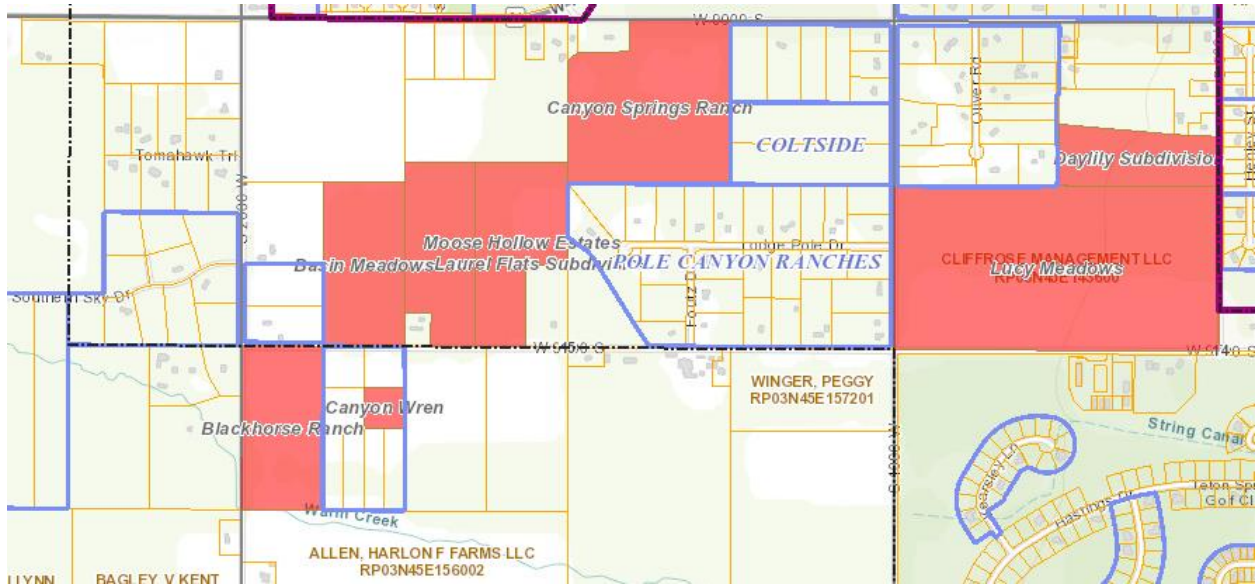


Figure 2. Neighboring Development; Red indicates pending subdivisions with Teton County in the nearby area; Basin Meadows was approved for Final Plat; Laurel Flats had a Preliminary Plat approval from the BoCC



Figure 3. Kelly Lark parcel is currently vacant.





**PROJECT BACKGROUND:**

**Pre-application Conference:** A pre-application was held with the previous planning staff on 6/11/2021.

**Concept Plan:** The Concept Plan was reviewed and approved administratively because the parcel does not contain any overlays and because the proposal is for fewer than 10 lots. The review was approved on February 14, 2022 with the following considerations and items requested for preliminary plat:

Considerations:

1. The comments from the City of Victor should be considered by the applicant. While the current AOI for the City of Victor does not trigger any additional standards or requirements, potential connectivity to neighboring development should be considered. The City of Victor will review at Preliminary Plat application, and the City has the ability, per the City of Victor and Teton County Area of Impact Agreement, to request studies for any development within the Victor Area of Impact. The applicant may want to meet with City of Victor Staff to better anticipate any requested studies from the City of Victor.

Conditions of Approval for Concept:

1. The property size needs verification. Is the parcel 17.5 acres or 20 acres? Teton County will have the Staff Engineer verify the provided survey.
2. The Concept Plan needs to be updated to show the approximate location of the Fire Pond. This Concept Plan shall have conditional approval but the preliminary plat application will need to address this issue.

**OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):** 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 Final Plat review.

**Planning & Zoning Commission Preliminary Plat Review:** The PZC also reviewed and approved the Preliminary Plat (4-0) on June 13, 2023 with the following motion:

***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 Moose Hollow Estates Subdivision as described in the application materials submitted February 13, 2023 and additional information attached to the staff report.*

The following considerations and conditions were attached to the report:

**CONSIDERATIONS:**

The CCRs under item 10. Septic: indicates that an ADU would be mandated to have its own septic system. An attached ADU, for example, would more than likely be able to use the septic system in place. Applicant may want to consider amending this section.

**CONDITIONS OF APPROVAL:**

1. Improvement Plan does not include utilities. Power and communication are required for every lot. This should also be incorporated into the Development Agreement. The applicant did provide it in the cost estimate.
2. A plat note be added regarding the 20' pathway easement granted on the southern portion of the property across Lot 1 and dedicating it to Teton County.
3. Add more trees along W 9500 S per the City of Victor's comments. The Landscape & Entrance Sign indicates only 4 trees. As a minor collector, this is an important roadway for the City's AOI within the County. Please provide an updated landscaping plan with the additional trees.  
**Landscaping plan has been provided.**
4. The CCRs need to be updated:
  - a. Utilities need to be provided to lots by the developer.
5. Provide confirmation the Fire Marshal has inspected and approved the water source (submit with Final Plat application).

**BoCC Preliminary Plat Review:** On July 24, 2023, the BoCC reviewed and approved the Preliminary Plat application with the following motion and conditions of approval:

**MOTION:** 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 Moose Hollow Estates Subdivision as described in the application materials submitted February 13, 2023 and additional materials attached to the staff report, with the following conditions of approval:

1. Include the utilities in the Improvement Plan
2. Insure that the cost estimate reflects the additional landscaping added.
2. A plat note be added regarding the 20' pathway easement granted on the southern portion of the property across Lot 1 and dedicate it to Teton County.
3. Provide confirmation that the Fire Marshal has inspected and approved the water source and submit with Final Plat application .

<b>RESULT:</b>	ADOPTED [Unanimous]
<b>MOVER:</b>	Cindy Riegel <b>SECONDER:</b> Michael Whitfield
<b>AYES</b>	Cindy Riegel, Bob Heneage, Michael Whitfield
<b>NAYES</b>	None
<b>ABSTAIN</b>	None

*Staff comment: Since this hearing, the applicant has submitted a revised plat, removing the easement to the northern property which was added previously per the City of Victor's AOI comment letter indicating the need for future connectivity. A landscaping plan was provided before the July 24, 2023 meeting but the cost estimate is the same as before the landscaping was provided. Improvement plans were updated to reflect the utilities.*

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:**

Idaho Code, Title 67; Section 67-6509, and Title 9, Section 3-2-(C) of the Teton County Zoning Ordinance. The public hearing for the BoCC was duly noticed in the Teton Valley News published March 6 and March 13, 2024. Notice to adjacent property owners within 300 feet of the property boundary were sent June February 29, 2024. Notice was posted on the site March 12, 2024.

**PUBLIC COMMENT:**

Staff has not received any public comment on this application as of 3/15/24.

**INTERAGENCY AND DEPARTMENT REVIEW:**

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

- **ROADS & UTILITIES:** A review by Public Works is attached (letter dated 5/24/23). Comments are as follows:
  - Improvement Plan does not include utilities. Power and communication are required for every lot. This should also be incorporated into the Development Agreement.
  - Lot 1 will need to access from the proposed interior subdivision road. A second access to W9500 S will not be permitted.
- **FIRE PROTECTION:** The proposal is for more than two lots triggers and therefore triggers the need for fire suppression. The applicant is proposing a fire pond on proposed Lot 5. Teton County Fire Marshal has generally approved the plans but is requiring a water source inspection as of 6/6/23.
- **WASTEWATER TREATMENT:** The applicant has coordinated directly with EIPH and received Preliminary Approval as of 10/4/22.
- **PLANS & STUDIES:** The property does not contain any natural resource overlays, floodplain overlays, nor any priority wetlands habitat. The property is within the Area of Impact of the City of Victor, but no additional studies have been requested from the City. A Traffic Impact Study (TIS) was submitted based on the approvals from the neighboring development, Laurel Flats Subdivision, which received Preliminary Plat approval from the BoCC on January 9, 2022 with condition of approval 2. Require a Traffic Impact Study shared with Moose Hollow Estates if and when Moose Hollow Estates application proceeds to Preliminary Plat.
- **AOI COMMENTS FROM CITY OF VICTOR:** The City of Victor has provided comments on this application – see attached. Most comments relate to requiring stub roads, paving access and interior roads, sidewalks and street trees.

**CONSIDERATION OF APPROVAL:**

The Planning and Zoning Commissioners and Board of County 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):

**a) The application is consistent with the Comprehensive Plan.**

The Comprehensive Plan lists this area in the framework map as Town Neighborhood. This is within the AOI of the City of Victor. The future character desired uses includes single-family detached housing in low densities, parks and greenways, pathway connections to towns and pedestrian amenities.

**b) The application complies with all applicable County regulations.**

The application appears to comply with all applicable County regulations. The Area of Impact agreement with the City of Victor states the following for design and review of applications:

7-3-4:       **ADMINISTRATION AND ENFORCEMENT:**

- A.   Teton County shall be responsible for the administration and enforcement of all applicable county ordinances within the Area of Impact as outlined in this chapter.
  
- B.   Review Process
  - 1.   Impact Area: All development applications within the Area of Impact shall originate with the County.
  
  - 2.   All development applications within the Impact Area shall be forwarded for review by the Victor Planning & Zoning Administrator. Those applications that may have an impact on current or future compatibility with easements, utility and roadway connectivity and compatibility with those of the City of Victor's easements, roadways and utilities shall be passed on to the Victor Planning & Zoning Commission for review and comment to the County Planning & Zoning Commission for their disposition. No planned unit developments are allowed in the area of impact.

*Figure 6. AOI Agreement; Title 7*

The City of Victor was contacted at the concept stage of this application (comment letter attached), as well as at the preliminary stage to confirm comments. The City of Victor asked to see stub roads for potential future connections, paving primary access roads and interior roads, sidewalks and street trees.

- c) 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).**

This application is not for a PUD.

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



Figure 7. City of Victor Pathway Master Plan

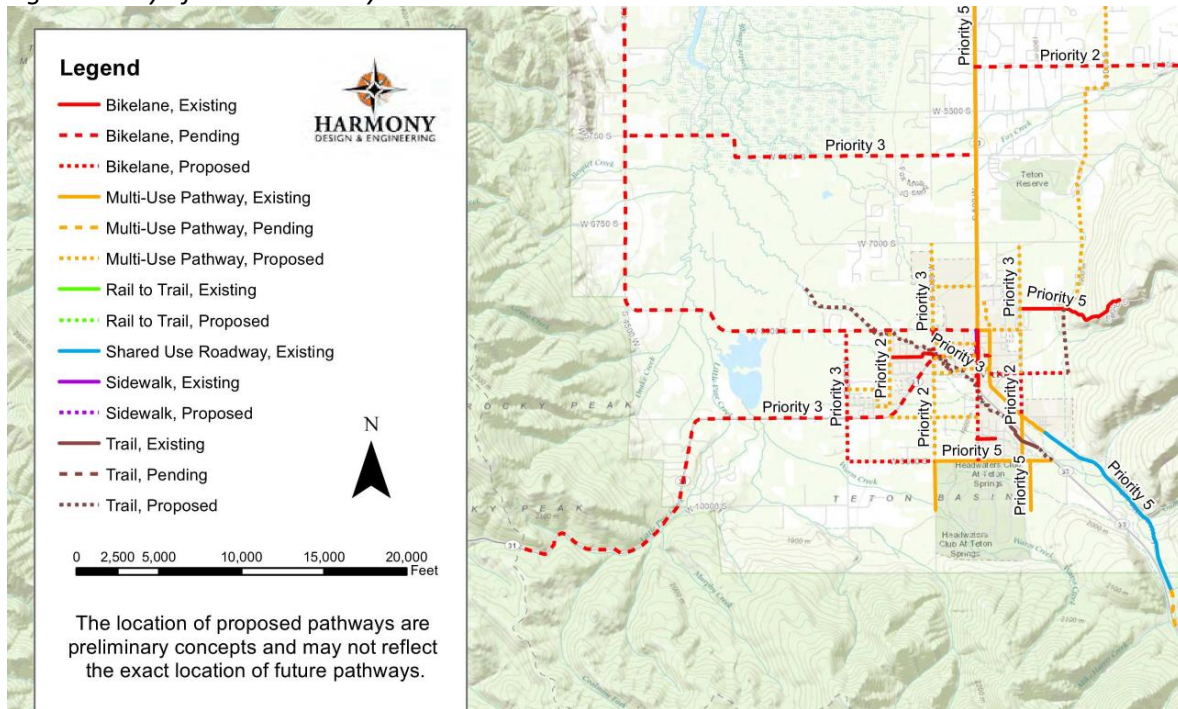


Figure 8. Teton County Pathway Master Plan Map (adopted 2014 in Teton County Recreation Master Plan). Priority Line #2 indicates the pathway presence on this property.

The Teton County Recreation Master Plan identifies 9500 S as a proposed bike lane on the western end. This should be accommodated for in order to provide future connections. Staff has recommended a 20' easement as a condition of approval, similar to the neighboring development Basin Meadows, which went through final plat approvals. The applicant provided the 20' easement on the plat and staff has asked for it to also be noted with the Plat Notes.

- e) 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 parcel is not within the Wetlands & Waterways Overlay, nor were any of the other triggers encountered in EIPH's review of the property.

- f) 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.**

The applicant did receive approvals from EIPH in a letter dated October 4, 2022. Individual subsurface sewage disposal systems may be allowed in accordance with IDAPA 58.01.03 and the Technical Guidance Manual for Individual Subsurface Waste Disposal. All current Idaho Rules must be met at time of installation.

- g) 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 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 (TIS) was submitted based on the approvals from the neighboring development, Laurel Flats Subdivision, which received Preliminary Plat approval from the BoCC on January 9, 2022 with condition of approval 2. Require a Traffic Impact Study shared with Moose Hollow Estates if and when Moose Hollow Estates application proceeds to Preliminary Plat. The TIS is attached to the staff report.

- h) 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.**

Subdivision will be accessed from County Road W 9500 S.

- i) 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 not required for this application given the lack of natural resource overlays present.

- j) **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.

- k) **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 indicated that this area was appropriate for 80 units per 100 acres or .8 du/acre. The proposal of 8 lots on 20 acres could meet this proposal.



- l) **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 maintenance, dark sky lighting compliance, the Right to Farm act, county land use regulations, residential use, garbage collection, construction, weed control, sanitary rules and restrictions, water supply, and animals.

- m) **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 nor any steep slopes. The average slope of the property is around the 0-10% grade. Staff hasn't identified any health, safety, or general welfare concerns.

- n) **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.**

This application is not for a planned community PUD.

**CONSIDERATIONS:**

Whether or not the revised application is compatible with the city of Victor's area of impact and the comments submitted asking for stubbed roads for future connectivity, sidewalks, paved roads and additional street trees.

**CONDITIONS OF APPROVAL:**

1. The cost estimate should reflect the additional landscaping added. The cost estimate dated 2/6/2023 had \$2500 budgeted for landscaping and entrance sign. The 2/7/24 cost estimate has \$2,500.
2. Financial surety of 125% of the cost estimate is required at final plat.
3. A plat note be added regarding the 20' pathway easement granted on the southern portion of the property across Lot 1 and dedicating it to Teton County (Easement is on the plat but the note is not).
4. The CCRs need to be updated:
  - a. Utilities need to be provided to lots by the developer.
5. Provide confirmation the Fire Marshal has inspected and approved the water source (submit with Final Plat application).
6. Submit an approved access permit with the final plat application.

**BOARD OF COUNTY COMMISSIONER ACTION:**

- A. 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. 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 for any modifications or conditions.
- C. Denial of the Preliminary Plat application providing 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**

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 APPROVE the Preliminary Plat for Moose Hollow Estates Subdivision as described in the application materials submitted February 7, 2024 and additional materials attached to the staff report. (with the following conditions of approval...)*

**CONTINUATION**

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

**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 Moose Hollow Estates Subdivision as described in the application materials submitted February 7, 2024 and additional materials attached to the staff report, based on the following findings:*

*1. ...*

*The following could be done to obtain approval:*

*1. ...*

**Prepared by Claire Lazes, Assistant Planner**

**Revised and Updated by: Jade Krueger, Planning Administrator**

---

**Attachments:**

- |  |  |
|--|--|
| A. Application (6 pages)                 | J. Traffic Impact Study (10 pages)         |
| B. Preliminary Plat (1 page)             | K. Cost Estimate (1 page)                  |
| C. Improvement Plans (11 pages)          | L. Public Works Director Review (1 page)   |
| D. Narrative (1 page)                    | M. City of Victor Comment Letter (2 pages) |
| E. Road Maintenance Agreement (10 pages) | N. Landscaping Design (4 pages)            |
| F. EIPH Approval Letter (7 pages)        | O. Fire Marshal Review (1 page)            |
| G. CCRs (7 pages)                        | P. Landscaping Plan (1 page)               |
| H. Development Agreement (14 pages)      | Q. Lot Calculations (4 pages)              |
| I. Irrigation Letter (2 pages)           |  |

**End of Staff Report**