



PRELIMINARY PLAT REVIEW PUBLIC HEARING

FOR: Wildflower Reserve PUD
WHERE: HWY 33 & S 2000 E
PREPARED FOR: Board of County Commissioners
Public Hearing on March 11, 2024

APPLICANT & OWNER: Liberty LLC, Glen Lent and Bonnie Beard
ENGINEER/SURVEYOR: Civilize Engineering & Badger Aerial Surveying

OVERVIEW: Liberty LLC has submitted a Preliminary Plat application for a 26 lot Rural Reserve PUD on 64.36 acres of land at Hwy 33 & S 2000 E. 25 lots are proposed as residential. The concept plan was originally for a 36 lot subdivision, but after recommendations for the application to include clustering to meet the Comprehensive Plan, the applicant has agreed to create a PUD. A portion of the property contains the Scenic Corridor Overlay.

The application was scheduled and noticed for a BoCC public hearing on February 12, 2024. The applicant requested to postpone the hearing until March 11, 2024.

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: TAX #6132 SEC 2 T4N R45E and TAX #7323 SEC 2 T4N R45E AG BREAK OFF;
RP04N45E028402 and RP04N45E029250

LOCATION: Hwy 33 & 2000 S

ZONING DISTRICT: A/RR 2.5 – PUD proposal which allows for smaller lots

PROPERTY SIZE: 64.36 acres

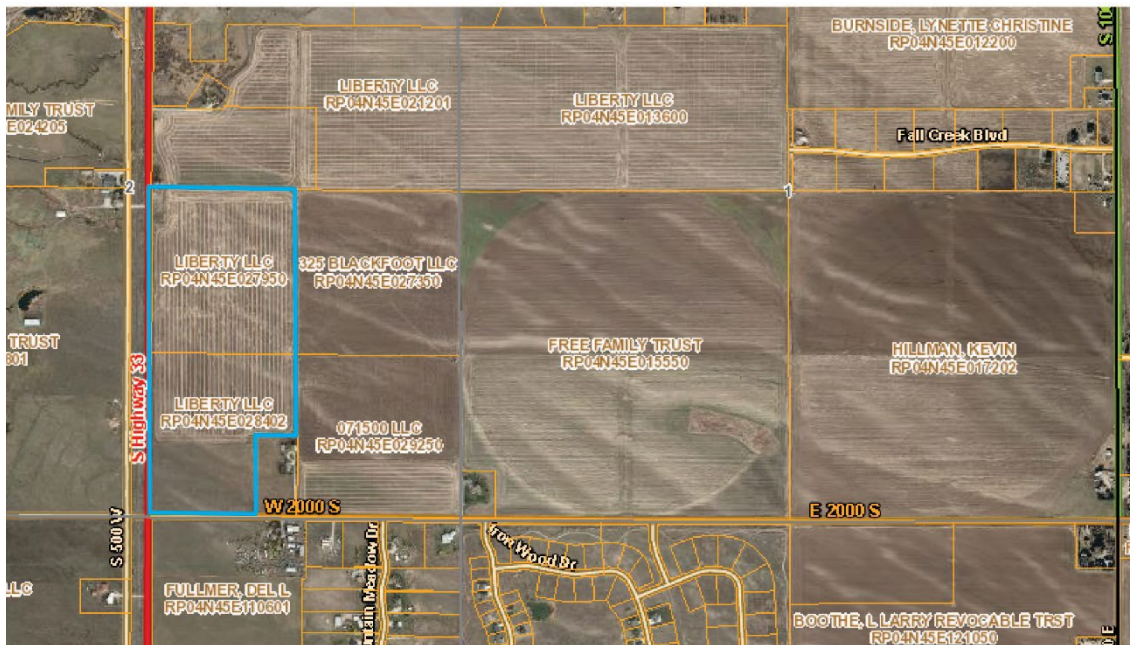


Figure 1. Vicinity map; 2000 S & Hwy 33



Figure 3 (left). Aerial Image indicating existing conditions of parcel in 2023. Figure 4 (right). The Big Game Migration Corridor & Seasonal Range on the northern portion of the property (Staff comment: The 2023 Overlay map is rescinded until further notice and not regulatory).

Teton County Code 9-5-2 allows for “Rural Reserve Planned Unit Development.” These areas must start with a minimum of 20 acres. Primary land use must be residential and the intent is to encourage meaningful open space and clustered development (9-5-1(b)). Each rural reserve PUD shall provide a minimum of 50% of the gross land area as open space. In this application, that means that 32.18 acres must be identified and subsequently managed as open space as a minimum.

PROJECT BACKGROUND & REVIEW HISTORY

Pre-application Conference: This was satisfied by a pre-application conference form in December of 2021.

Concept Review: A concept application was submitted and deemed completed on December 13, 2021. The PZC reviewed the concept application and approved it unanimously at the March 8, 2022 PZC meeting with the following conditions:

1. Work with ITD to ensure access is permissible from Highway 33.
2. Investigate the future connection possibilities to the east and north.
3. Studies for the Preliminary Plat will need to be completed – Traffic Impact Study with the anticipation of a full build-out of the subdivision (including any accessory dwelling units). A fiscal Impact Analysis will also be required; *Staff recommends the fiscal impact analysis be completed for both Wildflower Reserve and Ember Ridge to account for cumulative impacts.*
4. Work with EIPH for subdivision approval before Preliminary Plat application.
5. Soils report will be needed before Preliminary Plat application.

Staff comment: The conditions from concept review appear to be met.



Figure 8. Overall master plan for context – *supplied by applicant (Response to Staff Report)*

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.

The Planning & Zoning Commission review the preliminary plat application on November 14, 2023: The following motion was made on the application (full meeting minutes are also attached to the packet of materials).

MOTION: *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 recommend DENIAL of the Preliminary Plat for the Wildflower Reserve PUD as described in the application materials submitted on August 24, 2023, and additional information attached to the staff report, based on the following findings:*

1. Non compliance with Objective #s 1, 9 and 10.

<p>RESULTADOPTED MOVE James Weber SECONDER: Rebecca Nolan AYES Rebecca Nolan, James Weber, Tyler Wertenbruch NAYES Wyatt Penfold ABSTAIN none</p>
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Staff Comment: Applicant was advised that material changes of the application between PZC and the BoCC that would render the PZC recommendation invalid may result in the BoCC remanding the application back to PZC. Applicant has supplied attachment W which is a response to the staff report.

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 as of 11/8/23 (also attached to this staff report) :
 - Applicant will need to obtain an Access Permit from Road & Bridge for E2000S. Minimum 300 feet separation between access points is desired. The proposed access point appears to comply with County requirements.
 - Culverts should be incorporated at profile low points.
 - Typical Section shows 4" 3/4-inch gravel as wearing surface on top of 4" 3/4-inch base. The 3/4-inch base layer should be 2-inch minus material
 - Shortline Road must connect with Trestles Subdivision, Phase I and be built to County Local Road standards.
 - This subdivision requires a second access point. It appears that the developer is planning to connect with Trestles Subdivision to the east for the second access. The developer must show proof of ability to construct the second access independent of Trestles Subdivision development (i.e. easement or agreement).
 - Lot 26 appears to only have access from either E2000S or SH33. Public Works preference is that all lots are accessed from interior subdivision roads.
 - Traffic Impact Study – Figure 17, page 26 (pm Peak Hour Traffic 2000S/1000E) is same as Figure 16, page 25 (pm PHT SH33/2000S)
 - Traffic Impact Study – Tables 9 & 11 pages 31 & 32; ADU PM Peak row for both Trestles & Wildflower is shown as AM Peak
 - This subdivision will significantly increase the volume of traffic on E2000S. Off-site improvements at the Condition of approval consideration should address off-site improvements mentioned in TIS mitigation measures section:
 - SH33 left turn lanes for both north and southbound (warranted for existing traffic conditions)
 - 2000S westbound left turn lane (warranted for subdivision build out)
 - SH33 northbound traffic right turn lane (warranted for subdivision build out)
 - SH33 southbound traffic right turn lane (warranted for horizon year 2052)
- **FIRE PROTECTION & EMS :** Teton County Fire Marshal, Earle Giles III, made the following comments (also attached):
 - Is approved for fire department access and under review for the water source for fire suppression.

Teton County Fire Chief Mike Maltaverne made the following comments (also attached to the staff report):

- In recent history, Teton County has felt the adverse effects on traffic due to a rapidly growing community and increased visitation. Our community regularly sees high speed, high impact motor vehicle collisions along the Highway 33 corridor as it stretches through Driggs and Victor. These collisions often times result in severe injuries or fatalities and alter traffic flow for hours at a time.
- Many stakeholders like Teton County and Teton County Fire Rescue have come to the table in a collaborative effort to understand the effects of the traffic and look toward

solutions to the associated risks that motorists are facing on Highway 33. Those conversations have led to immediate fixes like public education, improved signage and quick road enhancements like rumble strips and striping. The more long-term remedies have led to conversations around long range planning, traffic studies, partnering with Idaho Transportation Department and future improved roadway design and construction projects to accommodate the increased traffic.

- In the interest of public safety, I would encourage the Planning and Zoning Commission and Board of Commissioners to take into account the cumulative effects on the multiple developments that are being proposed just South of Driggs. While they may be proposed incrementally or taken into consideration in a singular fashion, the cumulative effects may be overlooked in terms of motorist safety and future fiscal impacts when road improvements are warranted.

- **WASTEWATER TREATMENT:** EIPH preliminarily approved the proposal as of 6/6/2022 for Wildflower Reserve Subdivision; however it is for 22 lots. It should be updated to reflect 25 residential lots in the proposed PUD configuration. *Staff comment: Applicant submitted a revised letter from EIPH November 13, 2023 which confirmed that the change in number of lots did not change EIPH's approval. TC Staff needed to ensure EIPH would be able to sign the health certificate on the plat and confirm their findings on the property.*

- **CITY OF DRIGGS:** The City of Driggs, represented by Mayor Christensen, has submitted several comment letters related to this development but the most recent (dated 11/7/23) had the following concerns:

- During the Concept Plan review, the City submitted comments regarding parks, transportation, and other concerns regarding the impacts of this and other developments in the area. When the Planning & Zoning Commission considered the Concept Plan, the Commission recommended that the applicant work to address the many concerns of the City and other stakeholders. I and city staff have met with the applicant since the Concept Plan was approved, however, we do not see much meaningful change in this application from the Concept Plan.
- This area is identified as appropriate for Mixed Agriculture/ Rural Neighborhood development in your Comprehensive Plan. Teton County's Comprehensive Plan further describes this area as appropriate for:

Mixed Agriculture / Rural Neighborhood: Mixed Agriculture / Rural Neighborhood areas are located south of Driggs and east of Highway 33. These areas are predominantly rangeland and agricultural 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, low density residential, with provisions for clustering/conservation development to preserve views Conservation and wildlife habitat enhancement/protection.

- The Wildflower Plat does not represent Agricultural Ranching, low density residential, clustering/conservation development or wildlife habitat enhancement. The City of Driggs supports the Teton County Comp Plan. We share many of the same goals within our adopted Comprehensive Plan, which incorporated great input and support from many, many county residents. We share a desire to support density within cities. Trestles, along with the nine other proposed developments in this area would essentially create another city and create sprawl in this scenic corridor. Both Comprehensive Plans clearly support a hard edge to the city. The south end of the city at Teton Creek beautifully demonstrates this, but continued sprawl in this area will blur this line.

- For these reasons, I do not support the Wildflower plat, but if you, as a P&Z member, decide to approve it regardless, please take your time and carefully consider the decision criteria in front of you. Please review the Fiscal Impact Analysis, which conveniently addresses a handful of the developments in this area, and ensure that this application appropriately mitigates the impacts that it creates. Please consider the following:

1) Transportation Impacts: The City of Driggs is concerned that the proposed subdivision is in the Scenic Corridor in addition to the level of traffic that would be generated by the proposed development and the nine others in this area and the resulting impact on intersections with state highway 33 and traffic growth on highway 33 and Driggs arterials and collector roads. The City requests that:

- a. The findings of the Traffic Impact Study should be required to be implemented by the Developer. This encompasses the turn lane headed north and south on highway 33 and a right turn lane on 2000 S. These should be required;
- b. Bicycle and pedestrian connectivity to the highway 33 Pathway be required, including the construction of an underpass under highway 33 to ensure safe routes for all travelers. I do not agree with the assertion in the applicant's PSFA, which states that a trail within the development will satisfy needs or mitigate impacts to existing trails. Residents in this area deserve safe alternative transportation routes connecting them to services.

2) Parks Impacts: The City of Driggs is concerned that continued development in the county increases demand for City Park and recreation facilities and that this is not being met by the county impact fees, which are designated only for fairgrounds improvements. Furthermore, the Trestles Development does not include any park space, only open space close to the highway, which conveniently satisfies scenic corridor setbacks and floodplain and more generally appears to be awkward and questionably functional. This is not meaningful or useful open space, this is a convenient colocation in an area that isn't buildable anyways, and it will not mitigate any impacts on the City's existing parks. The City requests that:

- Park land and improvements (e.g., playground and field or courts) be required of the developer on subdivision land which will decrease the demand on parks created by this development in a meaningful way. Or, the county should collect impact fees from the development to go toward City of Driggs parks. Such fees could be remitted to the cities, which are currently providing park space accessible to all county residents, or held in a fund to be used toward future countywide (including in-city) recreation and park improvements.

3) Housing: The City of Driggs is concerned that future housing growth will not adequately address the attainability goals established through the Teton County Joint Housing Authority, including the impact of Short Term Rentals on new housing growth. The City would like to strongly encourage the developer to consider a restriction on Short Term Rentals within their CC&Rs. Additionally, the applicant had suggested to me during one of our meetings that this and/or the other development in the area be used to provide housing for area teachers. I would like to encourage the developer to implement this and provide a meaningful benefit to our school system and community.

- **PLANS & STUDIES:** Applicant has provided a Traffic Impact Study and a Fiscal Impact Analysis as required by the number of lots in the PUD. Applicant's submitted an NRA for the Trestles project, but reference Wildflower in the mapping. Staff is unsure if the report also incorporate Wildflower. The very most northern portion of the two parcels for Wildflower Reserve PUD have the Big Game Migration Corridor overlay. A nutrient pathogen evaluation has also been supplied. *Staff comment: The big game migration corridor is not evaluated on this property as the 2023 overlay maps are rescinded until further notice. Scenic Corridor and the NRA requirements are the same.*

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 February 21 and February 28, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on February 14, 2024. A notice was also posted on the property providing information about the public hearing on February 27, 2024.

PUBLIC COMMENT:

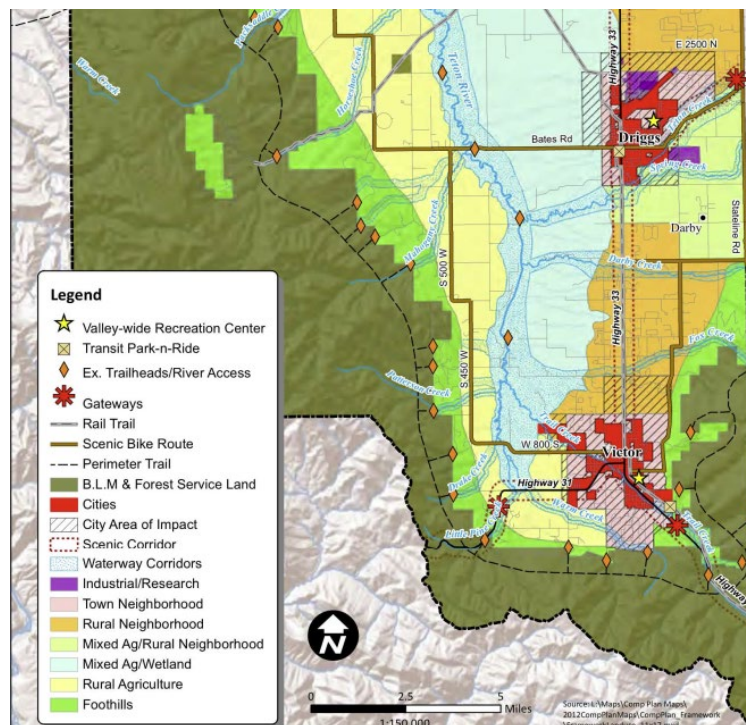
Staff has received public comment on this application (see attached to the staff report). Most concerns revolve around density of the proposal, traffic impacts, wildlife impacts, sprawl of development beyond the City limits of Driggs, lack of compliance with the Comprehensive Plan, and lack of mitigation for impacts.

CRITERIA FOR APPROVAL

The Planning and Zoning Commission 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.

Under the 2012-2030 Comprehensive Plan Framework, **this proposed development actually falls under the Mixed Ag/ Rural neighborhood character area.** This character area is predominantly rangeland and agricultural land and has high scenic qualities. It should provide “visual separation and a distinct edge between the city and the more rural area to the south.” Future character use is low to medium (where appropriate) residential density.



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

Figures 9 & 10. Comprehensive Plan 2012-2030

The surrounding properties are currently agricultural. This application may comply with the vision in the Comprehensive Plan because it proposes provisions for clustering/conservation development and preserves the view of the scenic corridor.

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

The application appears to comply with all applicable County regulations. Setbacks appear to be viable. Lot sizes vary, which is allowed under the PUD regulations.

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).

Proposed project meets regulations for PUD. 50% of the parcel is set aside for open space, most of which follows the natural resource overlays, therefore mitigating impacts to natural resource overlays.

The open space requires a management plan. Applicant presented a basic plan. Applicant’s representative previously stated this was going into a farmland conservation easement. This should be presented at Preliminary Plat in draft form. 9-5-2 (E) states that PUD open space must be deeded by (1) or more recorded instruments. This will require deeding, the seller may retain the deed a deed restriction to maintain the open space or a formal dedication of conservation easement to an appropriate entity.

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

There are no adopted trails and pathways on this property per the Teton County Recreation Master Plan. Applicant is proposing a 15’ pathway easement on the southern portion of the property. However, the pathway does not appear to be part of the project cost estimate.

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 submitted for the combined Trestles Subdivision and Wildflower PUD projects.

The parcels within the Wildflower Reserve PUD did not trigger the need for the evaluation – the Wetlands & Waterways Overlay was on the parcel with Spring Creek in the northern Trestles Subdivision Development. *Staff comment: Staff was in error here. The parcel is within 300 feet of Spring Creek and therefore required the NP evaluation regardless.*

Conclusion

Based on the selection of modeled compliance boundaries, this review finds that the conclusions of the evaluation report are not supported and that the appropriate selection of compliance boundaries would indicate a significant (per Howarth, 2002; i.e. greater than 1.0 mg/l) increase in groundwater nitrate concentrations.

The evaluation conclusions are not supported and therefore the report is insufficient. The technical review was sent back to the applicant for revisions on September 13, 2023. Applicant submitted a revised study on October 26, 2023 but it has not been reviewed yet. Applicant will receive any technical review results when they're ready.

Since the PZC hearing, a second review of the NP Study and applicant's revisions was conducted by the technical consultant.

Per request from the Teton County Planning and Zoning Department, Harmony Design & Engineering has reviewed the Level I Nutrient Pathogen Evaluation for the Trestles and Wildflower Subdivisions dated April 14, 2023, prepared by Civilize, PLLC. The report is sealed by an Idaho-licensed professional engineer and follows the basic steps outlined in DEQ guidance (Howarth, et al., 2002). The following are comments that should be addressed.

1. Subdivision Compliance Boundary

The report only evaluates the impact of "six worst case individual lots" shown in Appendix L; Aquifer Width Perpendicular to Flow with mass balance spreadsheets included for each lot in Appendix J. However, by only considering 6 isolated lots, this analysis neglects the cumulative effect of the entire subdivision on the aquifer. While we recognize that the DEQ guidelines state that individual lot boundaries are considered when the subdivision is served by individual wells and the overall subdivision boundary is considered when a central water system is proposed, Level I NP Evaluations in Teton County have consistently evaluated the impact of the subdivision as a whole. Thus, this study should include an evaluation of the cumulative impact of the additive mass loading along the aquifer flowline for the proposed development.

If additive mass loading is considered, the worst-case scenario would be along the northern third of the development, which includes the largest number of lots oriented in line with the aquifer flow direction. Even if a larger mixing zone thickness of 45 ft is used due to a greater distance from the induction zone to the property boundary, the increase in nitrate concentration is 2.4 mg/L, which is much larger than the 1.0 mg/L considered to be negligible (revised inputs include 1300 ft aquifer width, 136 acres parcel area, 45 ft mixing zone, 84 homes on 42 lots to include ARUs). If the entire subdivision is considered, the increase is 1.6 mg/L, which is also greater than the threshold designated by Howarth (2002) as an insignificant increase (revised inputs include 4000 ft aquifer width, 281 acres parcel area, 45 ft mixing zone, 168 homes on 84 lots to include ARUs).

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208-354-1331 * www.harmonydesigninc.com

2. Surface Water Compliance Boundary

The surface water compliance boundary should also be evaluated due to the presence of Spring Creek on the western boundary. There is discussion of surface water hydrology but it is not demonstrated that there is no hydraulic connection between impacted groundwater and surface water.

Conclusion

Based on the selection of modeled compliance boundaries, this review finds that the conclusions of the evaluation report are not supported and that the appropriate selection of compliance boundaries would indicate a significant (per Howarth, 2002; i.e. greater than 1.0 mg/l) increase in groundwater nitrate concentrations.

Since that time, the applicant has met with Teton County and the technical consultants on 2/21/24 to review the study and methodology. Applicant's engineer and the technical consultants met again on 3/4/24 to further review (email

chain attached as item Z). Applicant and consultants have come together on methodology and a plan to move forward in the study.

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.

The project will be served by individual wells and septic systems. The applicant has received preliminary approval from EIPH for this project in 2022; however it is for 22 lots. It should updated to reflect 26 lots in the proposed PUD configuration.

Staff comment: EIPH has submitted a revised letter dated 11/13/2023 indicating the revised configuration is acceptable and is consistent with their original conclusion.

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.

The application did trigger a Traffic Impact Study which has been completed by Civilize, PLLC. The study was conducted to include Trestles and the neighboring PUD, Wildflower Reserve. The TIS incorporates 48 total units for Phase I of Trestles, 74 units for Phase II of Trestles and 44 units for Wildflower Reserve which would incorporate full build-out of the subdivision and PUD.

Public Works found the following in reviewing the TIS:

- Traffic Impact Study – Figure 17, page 26 (pm Peak Hour Traffic 2000S/1000E) is same as Figure 16, page25 (pm PHT SH33/2000S)
- Traffic Impact Study – Tables 9 & 11 pages 31 & 32; ADU PM Peak row for both Trestles & Wildflower is shown as AM Peak
- This subdivision will significantly increase the volume of traffic on E2000S. Off-site improvements at the Condition of approval consideration should address off-site improvements mentioned in TIS mitigation measures section:
 - SH33 left turn lanes for both north and southbound (warranted for existing traffic conditions)
 - 2000S westbound left turn lane (warranted for subdivision build out)
 - SH33 northbound traffic right turn lane (warranted for subdivision build out)
 - SH33 southbound traffic right turn lane (warranted for horizon year 2052)

Applicant has not supplied any improvement plans for 2000 nor any mitigation proposals. ITD has yet to provide comment on the TIS as it relates to HWY 33 and offsite mitigation.

Staff comment: ITD has submitted comments as of 2/13/24 and concurs with the findings that the turn lanes are necessary.

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 project proposes access from 2000 S. The applicants will be responsible for providing turn lanes on S 2000 E. Applicants shall prepare design and cost estimate between the proposals and submit improvement plans. Staff recommends ITD review the TIS relative to impacts on HWY 33 and provide comment. This is yet to be completed. Further development without turn lanes on HWY 33 to 2000 is a safety concern.

Staff comment: ITD has submitted comments as of 2/13/24 and concurs with the findings that the turn lanes are necessary.

Trestles and Wildflower TIS External Inbox x ✕ 🖨 📧

JR Grotjohn
to Jade, Bryan ▾ Tue, Feb 13, 9:15AM ★ ↩ ⋮

Jade,
I have reviewed the TIS for Trestles and Wildflower subdivisions. ITD agrees with Mr. Crowther's recommendations for turn lanes based on the safety component. Please let me know if you need anything else.
Thanks,

JR Grotjohn
Project Coordinator
Idaho Transportation Department
208-745-5625
D6permits@itd.idaho.gov

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 due to the Big Game Migration and Corridors and Seasonal Range Overlay and Scenic Corridor that falls within the western portion of the lot (closest to Hwy 33). Staff is unsure if the applicant's presented report for TRESTLES Subdivision also encompasses Wildflower Reserve. The Narrative (page 6) indicates there are no overlays but does mention the Scenic Corridor (which would also trigger the NRA). The document was not part of the submission package for Wildflower Reserve but the mapping in the report may indicate it is included. Applicant should confirm, submit the report as part of the Wildflower Reserve submission package, or update the report to reflect the Big Game Migration Corridor on parcel: RP04N45E027950.

Staff comment: The 2023 overlay is not regulatory on this property as the 2023 NRO map is rescinded until further notice. The Scenic Corridor overlay and subsequent NRA requirements still stand.

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 was required for this proposal. Staff feels the report is inadequate (section 3.0) in addressing all services and facilities: parks and open space and recreation were in adequately addressed and reviewed in the analysis.

5.2.4 Recreation and Culture

5.2.4.1 Parks and Open Space

The development provides open space intrinsic to each individual lot. Because of the intrinsic open space, the impact to parks and open space at public facilities is determined to be minimal.

5.2.4.2 Recreation

Specific information regarding the annual cost for the recreation is not available and there is not a specific levy for recreation programs. If funding is provided for recreation programs from property tax, it is assumed it is part of the general County levy.

5.2.4.3 Libraries

Specific information regarding the annual cost for the library is not available. However, the proposed subdivision would provide \$18,147 for the library through the library levy. With the addition of ADU's the subdivision would provide \$23,712 through the library levy.

Applicant is proposing NO mitigations for the development total of 182 units. If the applicants request to not provide any mitigation, Staff would recommend to the PZC that a technical review of the FIA be completed to confirm the study results before a decision is rendered by the BoCC.

7.0 Extraordinary Impacts

In accordance with Idaho State Statutes, Chapter 82 Development Impact Fees, Teton County Development Fee Ordinance, Section 7: Extraordinary Impact allows the County to determine if a proposed development imposes impacts beyond the standard impacts defined in the Capital Improvements Plan and Impact Fee Analysis. The County, the City of Driggs, the Developer, and the Developer’s representative met via online conference call on June 29, 2023 to review the Public Service / Fiscal Impact Analysis presented to the County in June of 2023. Teton County determined that the proposed development posed extraordinary impacts to the parks system owned and operated by the City of Driggs. The proposed development does not fall within the city limits of the Driggs, nor does it fall within the impact area for the City of Driggs. Never-the-less, Teton County requested the Developer consider extraordinary impacts related to recreation and to present mitigation for said impacts similar to the provisions imposed by the City of Driggs upon developments within the city limits.

7.1 City of Driggs Development Impacts

The City of Driggs updated their Capital Improvements Plan and Development Impact Fee Study in 2022 using the same consultant used by Teton County. The study included a section on the impacts for recreation, which includes parks.

7.1.1 Recreation Impact Fees

The maximum projected development impact fee identified in the 2022 Capital Improvements Plan and Development Impact Fee Study is \$1,597 per single-family housing unit. The number of units in the proposed development(s) and the associated development impact fees are presented in the following table.

Source	Single-Family Units	Impact Fee Revenue	Accessory Dwelling Units	Impact Fee Revenue	Combined Units	Total Impact Fee Revenue
Trestles I	24	\$38,328	24	\$38,328	48	\$76,656
Trestles II	42	\$67,074	42	\$67,074	84	\$134,148
Wildflower	25	\$39,925	25	\$39,925	50	\$79,850
Total	91	\$145,327	91	\$145,327	182	\$290,654

7.1.2 Parks, Other Open Space and Natural Features

Chapter 4, Section 10 Design Standards, Subsection 6 Parks, Other Opens Space and Natural Features of the Driggs Land Development Code discusses the requirement for parks and open space for developments within the city limits. With respect to parks, the code states that any subdivision creating more than ten lots shall mitigate its impact on the city park system by setting aside land for a park. The amount of land required is based on the number of units according to the following formula.

$$P = \# \text{ Units} \times 0.028 \text{ acres/unit}$$

If we include the ADUs as required by Teton County for impact analyses, the number of acres of additional parks, should the proposed development fall within the City of Driggs, is 5.096 acres (182 units x 0.028 acres/unit)

The provisions in the LDC indicate the park may be owned by the HOA, or if five acres are more in area, dedicated to the city. In this case, the proposed development are not within the city limits and it is unlikely, or rather implausible, for the park to be dedicated to the city.

The provisions in the LDC define a park between 1.0 and 10.0 acres as a neighborhood park. The minimum required improvements for a neighborhood park include.

(1) *Minimum improvements include finished grading and ground cover, large grassy areas, trees and shrubs, automatic irrigation system, sheltered picnic table(s), trash container(s), park bench(es), parking as required by the zoning ordinance, and one or more of the following: play structures, restrooms, athletic fields, trails, hard surface multiple use court (tennis or basketball courts).*

(2) *All parks shall provide an average of fifteen (15) trees per acre, of which at least fifteen percent (15%) shall be of four-inch (4") caliper or greater. Planted trees shall include a mixture of deciduous and evergreen species, not to exceed seventy-five percent (75%) of either type.*

7.2 Proposed Mitigation

The combined proposed projects propose the following mitigation germane to parks, trails, and open space.

7.2.1 Parks

Two neighborhood parks owned and operated by the HOA are proposed, one at the entrance to Trestles I adjacent to 2000 South and one in Trestles II at the transition from Trestles I to Trestles II. Both parks will be open to the public. The parks will feature irrigated turf area, a blend of deciduous and evergreen trees, benches, a sheltered picnic area, trash receptacles, and playground equipment.

7.2.2 Trails

The proposed projects feature approximately 2.5 miles of walking/biking trails that are open to the public. The land area associated with the trail system is over three acres.

7.2.3 Open Space

7.2.3.1 Recreational Open Space

Trestles II includes 10.67 acres of recreational open space in the riparian corridor of Spring Creek that will be predominately natural vegetation. This space includes waterways and wetlands. The property can be accessed via the walking/biking trails.

7.2.3.2 Agricultural Open Space

The Wildflower Rural Reserve PUD includes 50% open space which equates to 32.18 acres. the open space is inclusive of the 330-foot scenic corridor associated with Hwy. 33. The proposed land use is agricultural.

There is no proposed mitigation only interior amenities for the PUD proposal. Staff would recommend applicant revisit mitigation efforts for potential project impacts based on the FIA and concerns from the City of Driggs related to parks and open space. The open space being provided by Wildflower Reserve is a requirement of a PUD application.

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 80 units per 100 acres or .8 du/ acre. 25 lots per 64.36 acres could meet this density ratio at .38 du/acre.

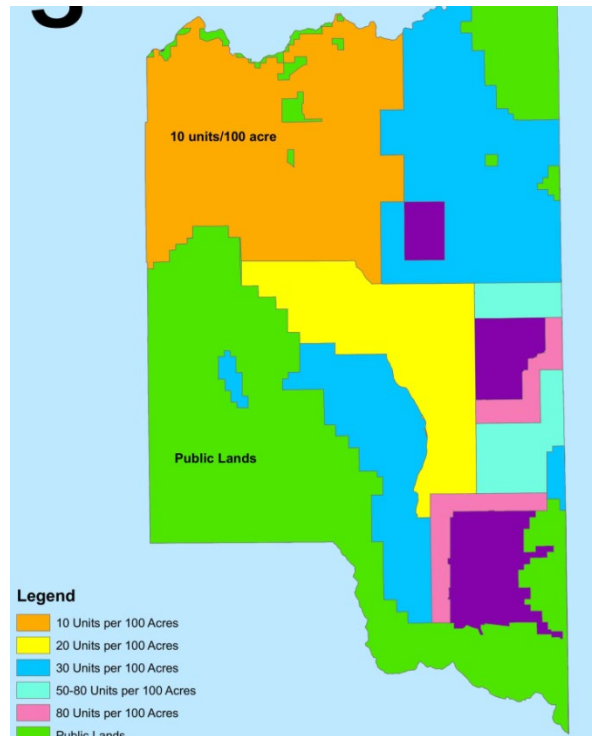


Figure 11. 2008 CIP Densities

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 PUD. They should be edited to reflect conformance with Teton County Dark Sky lighting requirements, that the proposal is a PUD, incorporate the Open Space Management Plan, and remove Curt Behle as the Owner since Liberty LLC is the owner of Wildflower Reserve PUD.

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.

This is not applicable. There is no floodplain overlay present. There are no significant slopes present on the parcel nor any wildland urban interface. The parcels are not within the Bear Conflict Zone. Staff has not identified any other health, safety or general welfare concerns not previously mentioned in the review of the TIS or FIA, which without mitigation could warrant health and safety concerns for this development.

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.

Application has not been reviewed by the school district at this time.

CONSIDERATIONS:

1. The EIPH preliminary approval for this project is in 2022; however it is for 22 lots. It should updated to reflect 25 residential lots in the proposed PUD configuration. *(Staff comment: This was addressed by EIPH. They submitted a revised letter indicating their review was applicable for the new configuration).*
2. Staff is unsure if the applicant's presented NRA and Wildlife Habitat Assessment for TRESTLES Subdivision also encompasses Wildflower Reserve. The Narrative (page 6) indicates there are no overlays but does mention the Scenic Corridor (which would also trigger the NRA). The NRA & Wildlife Habitat Assessment document was not part of the submission package for Wildflower Reserve but the mapping in the report may indicate it is included. Applicant should confirm, submit the report as part of the Wildflower Reserve submission package, or update the report to reflect the Big Game Migration Corridor on parcel: RP04N45E027950. *(Staff comment: Wildflower Reserve is within the Scenic Corridor Overlay and did trigger an NRA. It is not subject to the updated 2023 Overlay maps which adjusted the big game migration corridor.)*
3. There is no proposed mitigation only interior amenities for the PUD proposal. Staff would recommend applicant revisit mitigation efforts for potential project impacts based on the FIA and concerns from the City of Driggs related to parks and open space.

The nutrient pathogen evaluation was found to be unsupported. Applicants were noticed of the insufficiencies and revisions requested on 9/13/23. The revisions were made by the applicant and sent back to the planning department on 10/26/23. *(Staff comment: A second technical review of those revisions was completed by 11/13/24 and is included in attachment E. Applicant has met with the consultants and Teton County February 21 and a second time March 4 to determine appropriate methodology and next steps.)*

CONDITIONS OF APPROVAL

1. The plat should be updated to reflect that this is a Rural Reserve PUD.
2. Lot 26 must be noted as an Open Space lot on the plat.
3. The open space requires a management plan. Applicant presented a basic plan. Applicant's representative previously stated this was going into a farmland conservation easement. This should be presented at Preliminary Plat in draft form. Open space in a PUD must be committed by one or more recorded instruments (9-5-2(E)).
4. Confirm with Teton County Fire Marshal the review of the water source for fire suppression.
5. The development requires a second point of access – in order to comply with this, the applicant must present proof that the road within Trestles can be utilized by Wildflower Reserve, with or without development of Trestles Subdivision. (i.e. easement or agreement).
6. Update the CCRs in the following ways:
 - They should be edited to reflect conformance with Teton County Dark Sky lighting requirements.
 - Proposal is a PUD not a subdivision application
 - Incorporate the Open Space Management Plan
 - Remove Curt Behle as the Owner in the signature block of the CCRs since Liberty LLC is the owner of Wildflower Reserve PUD.
7. Address Public Works Comments:
 - Applicant will need to obtain an Access Permit from Road & Bridge for E2000S. Minimum 300 feet separation between access points is desired. The proposed access point appears to comply with County requirements.
 - Culverts should be incorporated at profile low points.
 - Typical Section shows 4" 3/4-inch gravel as wearing surface on top of 4" 3/4-inch base. The 3/4-inch base layer should be 2-inch minus material

- Monkshood Trail Road must connect with Trestles Subdivision, Phase I and be built to County Local Road standards.
- Lot 26 appears to only have access from either E2000S or SH33. Public Works preference is that all lots are accessed from interior subdivision roads. A plat note should be added indicating all lots shall be accessed from an interior subdivision road.
- Fix errors in the TIS:
 - i. Traffic Impact Study – Figure 17, page 26 (pm Peak Hour Traffic 2000S/1000E) is same as Figure 16, page 25 (pm PHT SH33/2000S)
 - ii. Traffic Impact Study – Tables 9 & 11 pages 31 & 32; ADU PM Peak row for both Trestles & Wildflower is shown as AM Peak
- Applicant shall design improvement plans for all improvements on S 2000. Cost estimate should be updated to reflect the improvements. This subdivision will significantly increase the volume of traffic on E2000S.
- Staff recommends ITD review the TIS relative to impacts on HWY 33 and provide comment. This is yet to be completed. *(Staff comment: ITD has completed its review – comments are included above).*
 - i. Off-site improvements at the Condition of approval consideration should address off-site improvements mentioned in TIS mitigation measures section:
 1. SH33 left turn lanes for both north and southbound (warranted for existing traffic conditions)
 2. 2000S westbound left turn lane (warranted for subdivision build out)
 3. SH33 northbound traffic right turn lane (warranted for subdivision build out)
 4. SH33 southbound traffic right turn lane (warranted for horizon year 2052)

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 Wildflower Reserve PUD as described in the application materials submitted on August 24, 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 Wildflower Reserve PUD as described in the application materials submitted on August 24, 2023, and additional information attached to the staff report, based on the following findings:

CONTINUATION

I move to continue the public hearing for the Wildflower Reserve PUD Preliminary Plat *to a specific date in time* in order to obtain additional information from the applicant or other agencies.

Prepared by: Jade Krueger, Planning Administrator

New attachments from the applicant in between PZC and the BoCC hearing are *listed below in blue:*

ATTACHMENTS:

- | | |
|--|--|
| A. Application (6 pages) | N. Development Agreement (11 pages) |
| B. Narrative (52 pages) | O. CCRs (24 pages) |
| C. Preliminary plat (4 pages) | P. EIPH Letter (Wildflower) – (9 pages) |
| D. Nutrient Pathogen Evaluation (207 pages) | Q. Cost Estimate (1 page) |
| E. Technical Review NP Evaluation (4 pages) | R. Improvement Plans (16 pages) |
| F. NP Evaluation DEQ Review – 1 (1 page) | S. Open Space Management Plan (3 pages) |
| G. Traffic Impact Study (121 pages) | T. Fire Marshal Review (1 page) |
| H. NP Evaluation DEQ Review – 2 (1 page) | U. Public Works Review (1 page) |
| I. Letter of Authorization B. Beard (1 page) | V. Public Comment (21 pages) |
| J. Letter of Authorization G. Lent (1 page) | <i>W. Response to Staff Report (126 pages)</i> |
| K. Fiscal Impact Analysis (91 pages) | <i>X. Meeting Minutes from PZC (15 pages)</i> |
| L. Liberty LLC Documentation (41 pages) | <i>Y. NP Update email (50 pages)</i> |
| M. Demand for a Takings Analysis (2 pages) | |

End of Staff Report