



PRELIMINARY PLAT REVIEW PUBLIC HEARING (CONTINUED)

BY: Y2 Consultants

FOR: Irish Acres Subdivision

WHERE: W 4000 N and N 2000 W, south of Tetonia
Board of County Commissioners

PREPARED FOR: Public Hearing on January 8, 2024 & March 11, 2024

APPLICANT & OWNER: Patrick Trucco/Cloud Veil LLC
ENGINEER: Y2 Consulting

OVERVIEW: Patrick Trucco has applied for a 10 lot subdivision on 40.14 acres located on W 4000 North and N 2000 West, southeast of the City of Tetonia. The parcel is zoned A/RR 2.5 and is located in the Priority Wetland Habitat Overlay.

The application was heard on January 8, 2024 and continued by the BoCC in order to obtain additional information on an NP response and configure building envelopes to have minimal wetland disturbances.

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: TAX #7369 SEC 10 T5N R45E, RP05N45E103300

LOCATION: W 4000 N and N 2000 W, south of Tetonia

ZONING DISTRICT A-2.5 Agriculture, Small Increment and Rural Residential

PROPERTY SIZE: 40.14 acres

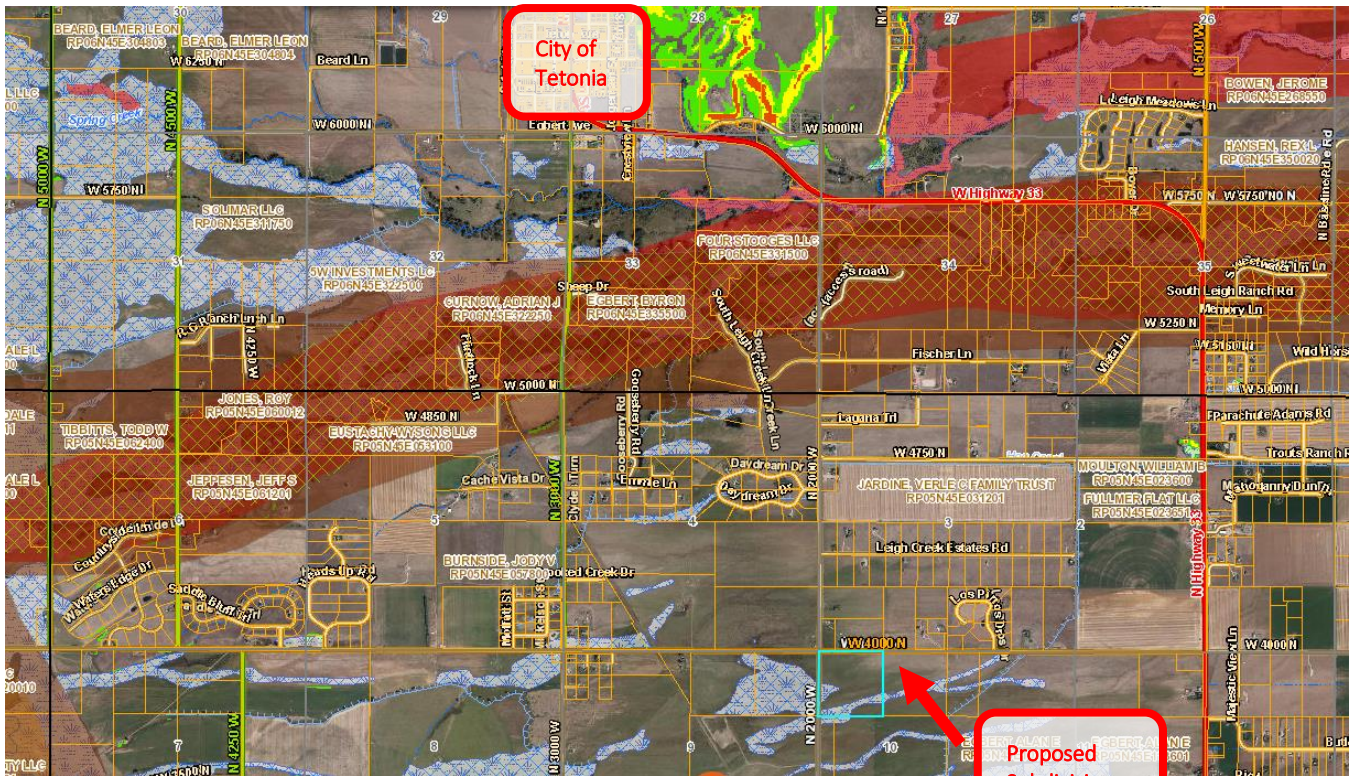


Figure 1. Vicinity map

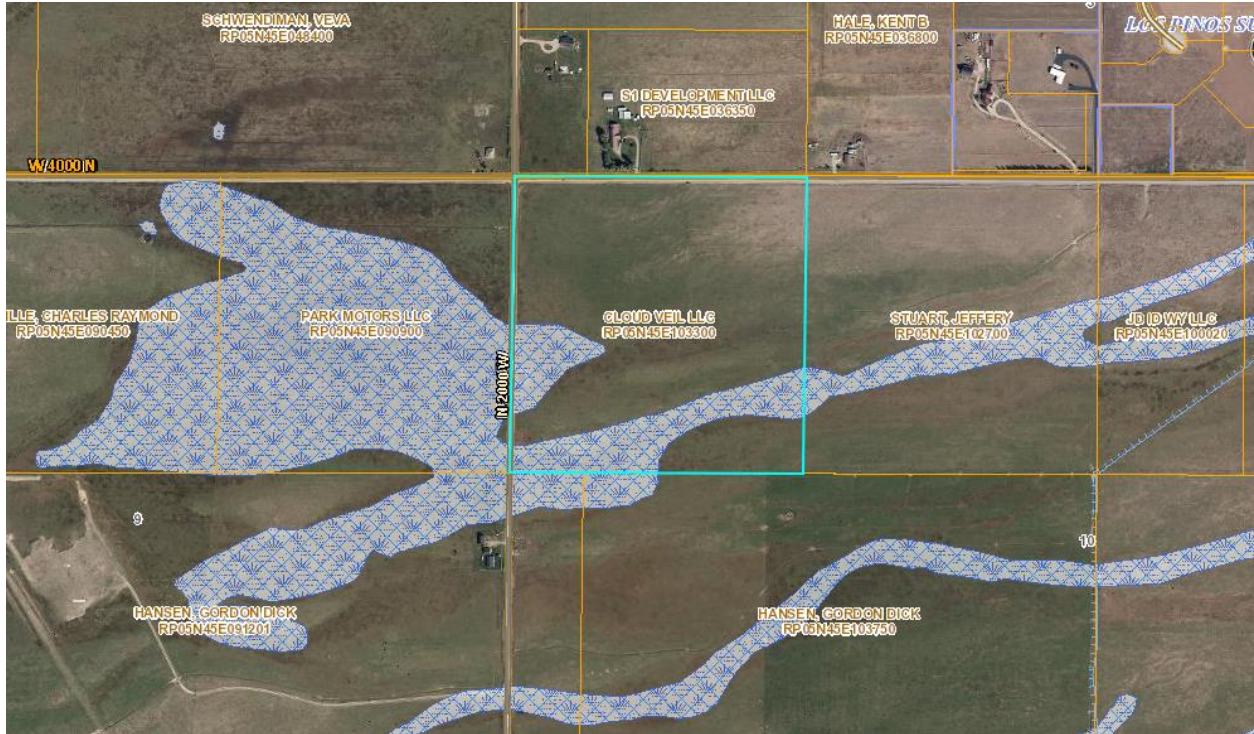


Figure 2. Aerial Image indicating presence of Priority Wetland Habitat-NWI Overlay

PROJECT DESCRIPTION

The proposed Irish Acres Subdivision is a 10 lot subdivision on 40.14 acres of land located at W4000N and N2000W, south of Tetonia. The currently property is vacant. The proposed subdivision is within the Priority Wetland Habitat-NWI overlay. As part of the preliminary plat application, a Natural Resource Analysis and Wildlife Habitat Assessment were required. Building envelopes were suggested as proposed action as part of the Wildlife Habitat Overlay. A site plan with building envelopes ranging from 1 – 1.5 acres was submitted and included in plat.

PROJECT BACKGROUND & REVIEW HISTORY

Pre-application: A review was completed May 21, 2021.

Concept Review: A concept application was submitted June 30, 2021. The Planning and Zoning Commission approved the application on September 28, 2021 with the following motion:

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied I move to APPROVE the Concept Plan for Irish Acres Subdivision as described in the application materials submitted June 30, 2021 and as updated with additional applicant information attached to this staff report with the condition that the required studies are conducted prior to Preliminary Plat submittal.

The Concept Staff report included the following possible condition of approval:

1. Conduct required studies/plans for Preliminary Review: Wildlife Habitat Assessment and Natural Resources Analysis. (Note that the applicants have prepared a 3 page document titled "Preliminary Observations on site-specific Natural Resource Overlays to accompany Concept Plan..." This suggests that a Natural Resources Analysis is still forthcoming. This could be clarified and the Commission could provide feedback to the applicants.

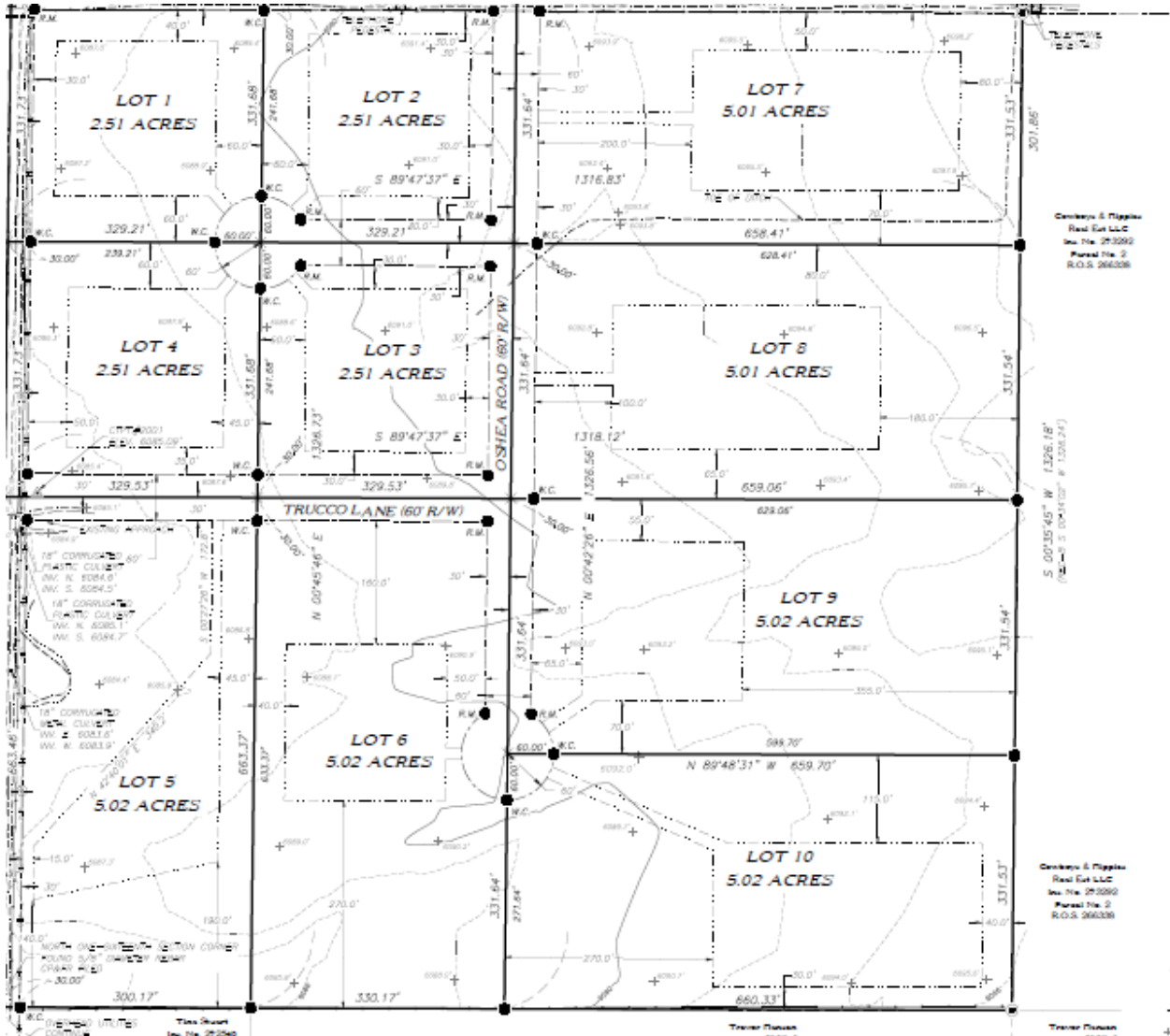


Figure 3. Preliminary Plat (amended to reflect building envelopes requested at PZC hearing)

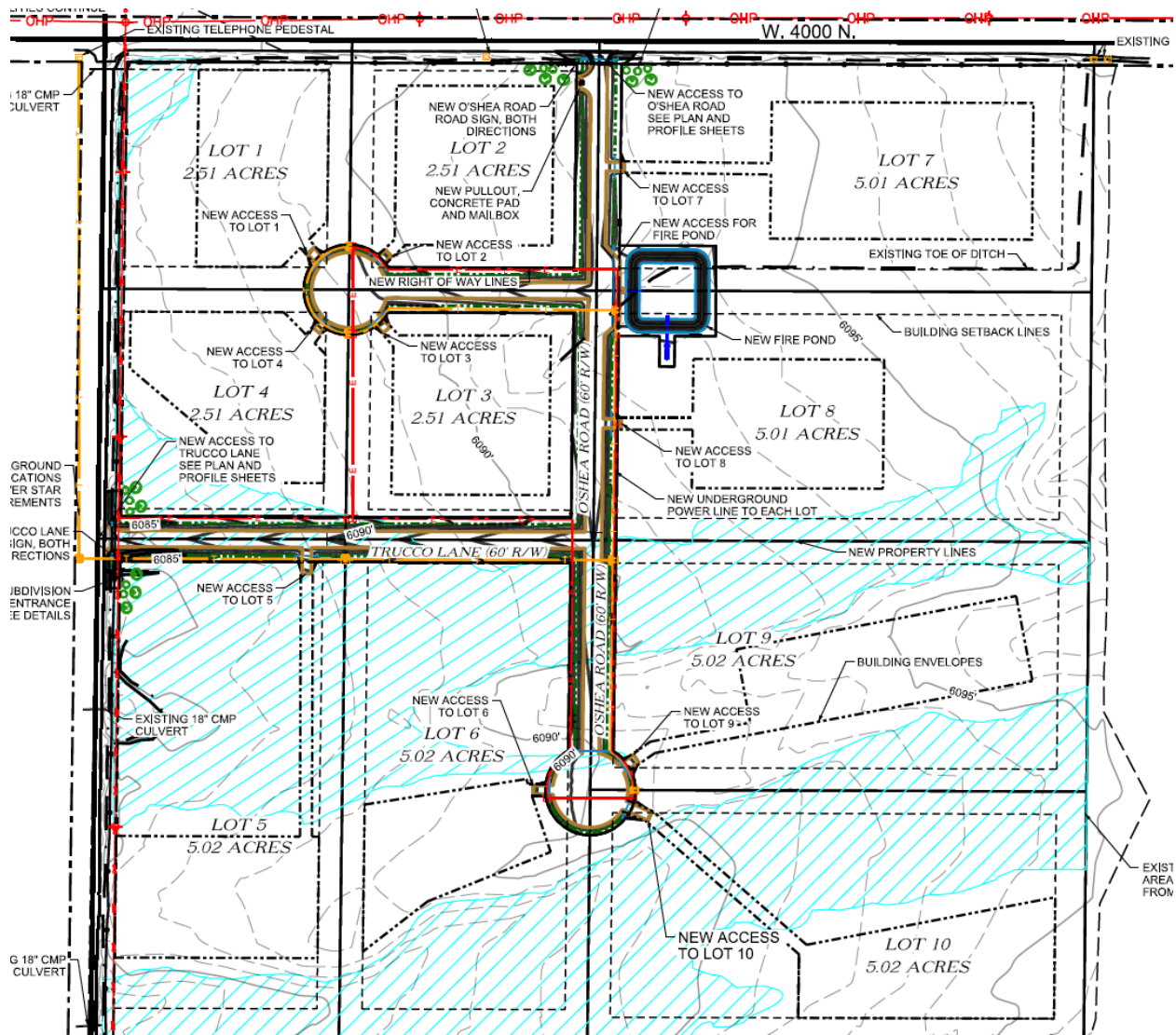


Figure 4. Amended envelopes per Bocc request on 01-08-24

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: The PZC reviewed and approved the application on October 10, 2023.

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 Irish Acres Subdivision as described in the application materials submitted on September 28, 2021 and additional information attached to the staff report with the six conditions listed in the staff report and the additional conditions of 7) a joint TIS with nearby JC Ranches Subdivision; and 8) confirmation from Army Corps on the wetlands.*

RESULADOPTED [Unanimous]
MOVER: Tyler Wertenbruch **SECONDER:** James Weber
AYES: Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James Weber, Tyler Wertenbruch

CONDITIONS OF APPROVAL:

1. Incorporate building envelopes provided in site plan on the preliminary plat. Staff believes all building envelopes can comfortably fit within mapped uplands. Building envelopes should be addressed to reflect minimal wetland disturbance. The building envelopes site plan provided by the applicant use GIS mapping while the NRA presented an uplands map. Lot 10 has a driveway that crosses the wetlands which appears could be avoided with reconfiguration.
2. Address all public works comments:
 - a. All lots will need to be accessed from interior subdivision roads
 - b. Alignment of proposed Oshea Road should be lines up with access on other side of W4000N
 - c. Improvement Plans show 4 inches ¾ “crushed gravel, 4 inches 2” crushed all on compacted existing subgrade. County standards require 4” ¾” crushed, 4” 2” –crushed on 8” imported structural fill will be required.
3. CCRs should be updated to reflect that h. Setbacks must be adhered to as well as building envelopes on the Plat for the subdivision.
4. Landscaping plan should incorporate generally, what will be utilized to landscape the entrance or perimeter. It should also include the subdivision sign. This should be incorporated into the Cost Estimate.
5. Financial Surety of 125% of the engineer-stamped and dated cost estimate must be provided to Teton County.
6. The Nutrient Pathogen Technical Review required edits, which the applicant has provided on 9/22/23. A second technical review by TCC’s consultant still needs to occur.

Staff comment: Applicant has supplied a narrative for how they addressed the conditions of approval.

1. *Applicant has supplied the full Aquatic Resources Inventory which designates the wetlands as irrigation induced. Subsequently the envelopes have not been adjusted per that comment.*
2. *Public Works comments were addressed in the updated improvement plans.*
3. *CCRs were updated to reflect this.*
4. *Landscaping has been provided in the improvement plans.*
5. *The financial surety provided is insufficient and should be amended with the final plat application.*
6. *The Nutrient Pathogen technical review was completed. Analysis below however will indicate additional revisions required.*
7. *Applicant has submitted a TIS with JC Ranches subdivision.*
8. *Applicant has submitted a letter from the Army Corps*

The BoCC reviewed and continued the Preliminary Plat application on January 8, 2024:

MOTION:

Continue the public hearing to March 11, 2024 at 1 PM at for the Irish Acres Subdivision Preliminary Plat in order to obtain additional information from the applicant regarding a response to the NP evaluation review, and to configure building envelopes to have minimal wetland disturbance.

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

Staff comment: Applicant has worked with TC’s technical consultant and supplied additional information on the NP Evaluation that satisfied the revision requests. Applicant supplied additional information on building envelope proposals.

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 on October 3, 2023:
 - All lots will need to be accessed from interior subdivision roads
 - Alignment of proposed Oshea Road should be lines up with access on other side of W4000N
 - Improvement Plans show 4 inches $\frac{3}{4}$ "crushed gravel, 4 inches 2" crushed all on compacted existing subgrade. County standards require 4" $\frac{3}{4}$ " crushed, 4" 2" –crushed on 8" imported structural fill will be required.
 - This subdivision meets the threshold for a Traffic Impact Study. Planning may require that a TIS is submitted.
 - *(Staff Comment: These public works comments were addressed in revisions submitted).*

Public Works reviewed a second time (12/28/23):

- Access permits required prior to construction for both interior roads (with the final plat application)
 - Realignment request for Oshea Rd was not addressed. The intersection is close to aligning with the driveway on the north side of W4000 N. Public works is OK with this.
 - Improvement plans were not modified to address the structural sectional concern. (Applicant should resubmit these).
 - TIS shows that the LOS doesn't significantly affect the intersection of SH33. ITD has not yet reviewed.
- **FIRE PROTECTION:** Teton County Fire Marshal Earle Giles III has reviewed and approved the project on 10/2023:
 - Approved for fire department access and engineered fire pond details. The pond shall be inspected and certified annually per the International Fire Code.
 - **WASTEWATER TREATMENT:** Applicant has received preliminary approval from EIPH (06/29/22).
 - **PLANS & STUDIES:** Applicant has provided a Nutrient Pathogen Evaluation. A Wildlife Habitat Assessment was also submitted. Per the recommendation of the PZC, Planning Staff, and Public Works, applicant submitted a Traffic Impact Study with the parcel to the east JC Ranches which is preparing for preliminary plat. Applicant has also provided a PJD from the Army Corps of Engineering.

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 meeting was duly noticed in the Teton Valley News on February 21 and 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:

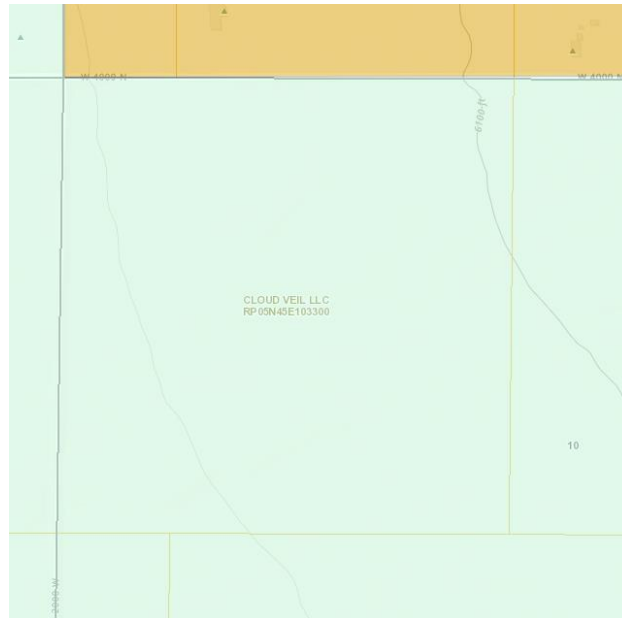
No public comments have been received on this application as of 3/4/24.

CRITERIA FOR APPROVAL

The 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 area falls under the Mixed Agriculture/ Wetlands future character area.



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

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

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

Staff Comment: The proposed Irish Acres 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 required for this proposal as the application is within Wetlands & Waterways Overlay. A technical review was conducted and found the following:

1. **Compliance Boundaries:** The evaluation considered several potential compliance boundaries, including the subdivision in its entirety, and also each lot individually. The analyses do not examine the effects of certain combinations of adjacent lots aligned with the modeled gradient. An example would be a grouping of Lots 7, 2, and 1 as a unit, and apply the corresponding unit parameters in the spreadsheet model.
2. **Design Flow:** The subdivision proposes 10 lots and 10 homes were included in the evaluation. Each home was assigned the 300 gallon-per-day default parameter value of the model spreadsheet. This equates to a 4-bedroom house. The NP evaluation does not consider a guest house or greater bedroom count, or why the presumed 4-bedrooms per lot is representative of anticipated future development. If guest houses are expected and allowed, or the number bedrooms anticipated may be greater than 4, there should be discussion of how that would affect the evaluation conclusions.
3. **Hydraulic Conductivity Estimate: Above Reference Range** The hydraulic conductivity used in all model simulations is 100 ft/day. Selection of this hydraulic conductivity value is not well supported. The author describes the 100ft/day value as “conservative” for this use, noting that it is on the lower end of typical values for sand and gravel aquifers. The drilling logs cited and provided in the appendix make frequent mention of significant clay, which can greatly retard flow in porous media. There are several logs that have included pumping test data that could be used to infer a more supported hydraulic conductivity value. Evaluating this kind of existing data seems consistent with the Level 1 Nutrient-Pathogen criteria. Many of these rudimentary tests report production of 1 gallon per minute flow per foot of drawdown. While they lack rigorous description of λ Page 2 methods or results, they should at least be compared with the assumed conductivity rate selected. The two best published estimates of conductivity covering this vicinity are from Nicklin (2003) and Cosgrove and Taylor (2007). Both of these assign values close to 25ft/day for this location.
4. **Modeled Hydraulic Gradient Inconsistent with References:** The author assumes that that the hydraulic gradient reflects the slope of the ground surface: 0.01 ft/ft. This generalized approximation seems a poor substitute for more specific references provided in mapping by Kilburn (1964), Nicklin (2003), and Cosgrove & Taylor (2007), which indicate that 0.006 is a representative value for this location. These maps do generally agree with this author’s assertion that the direction of groundwater flow is east to west.
5. **Phosphorus and Pathogen Impacts to Groundwater and Surface Water Not Addressed** The report leaves out any meaningful discussion on the impacts of phosphorus and pathogens released in the on-site systems, as DEQ guidance recommends.

Y2 Consultants responded to the technical review on 9/25/2023.

A second technical review was conducted on the revisions (memo dated 12/21/2023), with the findings that the conclusion of the NP Evaluation is unsupported by the Level 1 analysis. Specific items still not addressed were items 1 and 4:

1. **Compliance Boundaries**

Compliance boundaries in the evaluation have been expanded to include relevant combinations of proposed subdivision lots, consistent with DEQ guidance. The corresponding Level 1 spreadsheet model results are

reported in Table 3 or the evaluation report. The table indicates that while several of the compliance boundaries considered are predicted to have an insignificant impact on nitrate concentrations, three of the compliance boundaries considered will have greater than 1mg/l increase in modeled nitrate. An increase of greater than 1mg/l of nitrate is considered to be a significant impact and a degradation to ambient groundwater quality by the DEQ.

4. Modeled Hydraulic Gradient Inconsistent with References

The revised report utilizes the mapping from Kilburn (1964) to determine hydraulic gradient. However, it appears that a mistake has been made in interpreting the mapped groundwater elevation contours. Where the Kilburn map shows 10-foot interval contours, the report identifies these as 50-foot contours. The resulting hydraulic gradient magnitude is therefore believed in this review to be erroneous, creating a significant error in all modeled results. If this error were corrected to the 0.006ft/ft gradient that the mapping indicates, most of the modeled results would increase the predicted nitrate impacts to be above the 1mg/l significant impact threshold.

Until the NP Level 1 Evaluation analysis can be verified as supportable, the preliminary plat proposal should not be approved. It is likely that a reconfiguration, less density, or bedroom allowance per lot is necessary to ensure the findings presented in the NP Evaluation are supported and would result in feasible development.

Updated since January 8, 2024 BoCC Hearing:

Applicant's engineer met with Teton County and its consultants on February 15th to discuss the study and documentation. Applicant subsequently submitted additional documentation on February 26th and answered some questions of the NP technical consultants. The following email can serve as documentation that the proposal would result in negligible impacts to the groundwater.

Irish Acres - Potentiometric Surface

Ted VanHolland <ted.vanholland@harmonydesigninc.com> Mon, Mar 4, 2024 at 12:02 PM
To: Adrienne Lemmers <adrienne@y2consultants.com>, Jade Krueger <jkrueger@tetoncountyidaho.gov>, Jen Zung <jen.zung@harmonydesigninc.com>
Cc: Zia Yasrobi <Zia@y2consultants.com>, Megan Nelms <Megan@y2consultants.com>

Adrienne,

I think the additional information you sent is pretty compelling in establishing an estimated gradient. You have used ample data points and a method that is consistent with sound practice. The magnitude of the gradient is very different from the Kilburn study, so it obviously has a dramatic difference in the model results. I did not take the time to exhaustively replicate your work as a means to verify it, but it all appears reasonable. I do also factor in that you are an experienced professional in this field, and see no reason to question your technical and ethical competence.

Based on that, I believe you have now supported the conclusion of no significant impacts from this proposed subdivision. We should be able to prepare a more formal review memo that reflects this in the next few days.

Thanks,

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 (06/29/22). Lot will be served by individual private 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 more than 10 lots, or if the PZC, BoCC or Administrator find the application may have additional impacts on road conditions.

At Concept, the Planning Staff present at the time did not indicate a TIS would be necessary. Public Works has requested consideration of this request given the number of lots in this proposal. The PZC requested the applicant submit a traffic impact study with JC Ranches, a development also on 4000 N but not contiguous to the parcel in question.

Applicant submitted a TIS with the JC Ranches subdivision (nearby by not contiguous). Public works agreed with the findings of the TIS – LOS at the intersection of 4000 N and HWY 33 isn't significantly affected. ITD has not finished a review.

PRINCIPAL FINDINGS

Based on our analyses, the potential traffic generated by the proposed subdivisions will have no significant impact at the W 4000 N intersection at Idaho State Highway 33. It was also found that the proposed accesses onto County roads does not have a significant effect on the Level of Service (LOS) on W 4000 N or N 2000 W.

CONCLUSIONS

Capacity analysis suggests that -if current background traffic growth rates continue - the level of service at the W 4000 N intersection will degrade from level of service "B" to "E/F" over the coming 20 years. This is not due to the addition of these subdivisions alone, but to the extensive growth and development throughout Teton County, Idaho.

The TIS calculations were done using SFD for the main homes and a guest/vacation home for any ADUs associated with the two two developments (JC Ranches & Irish Acres). The number of trips generated by the proposed "vacation homes" was significantly less than that of a SFD (9.52 trips per day for a SFD and 3.16 trips per day for a "vacation" unit).

Applicant's representative has stated Irish Acres will not allow ADUs, only SFD to accommodate the numbers used in the traffic study. Only attached ADUs will be allowed in JC Ranches, to again accommodate the numbers used in the TIS.

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 Road and Bridge permit has been received for Trucco Ln to access the subdivision. It should be amended as necessary to reflect the subdivision access points.

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.

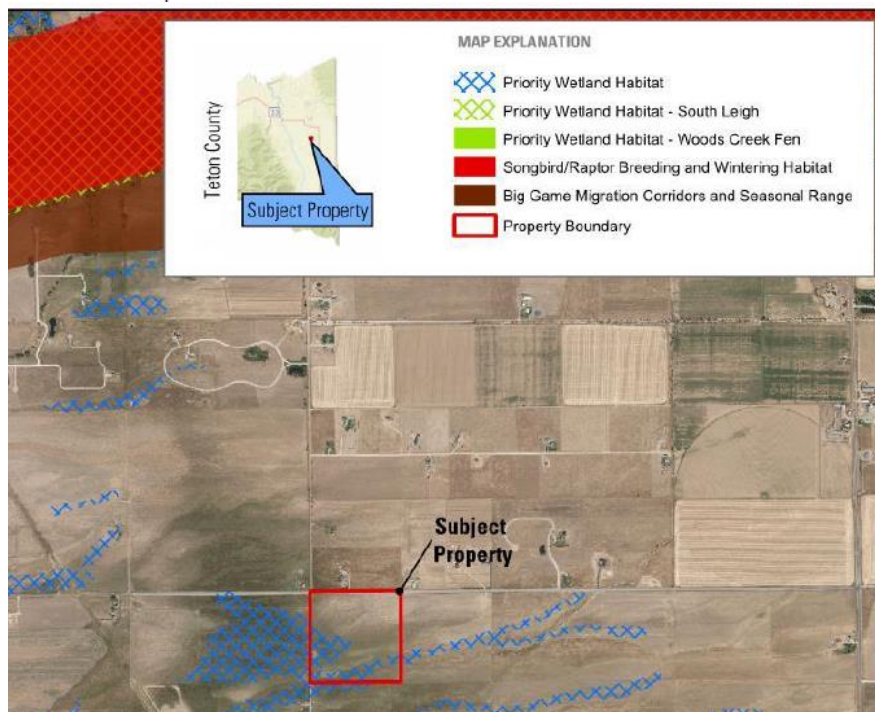
An NRA and Wildlife Habitat Assessment was completed for this proposal. The indicator species found to occur within the project area, per the report, was water birds/sand hill cranes and swans.

FINDINGS

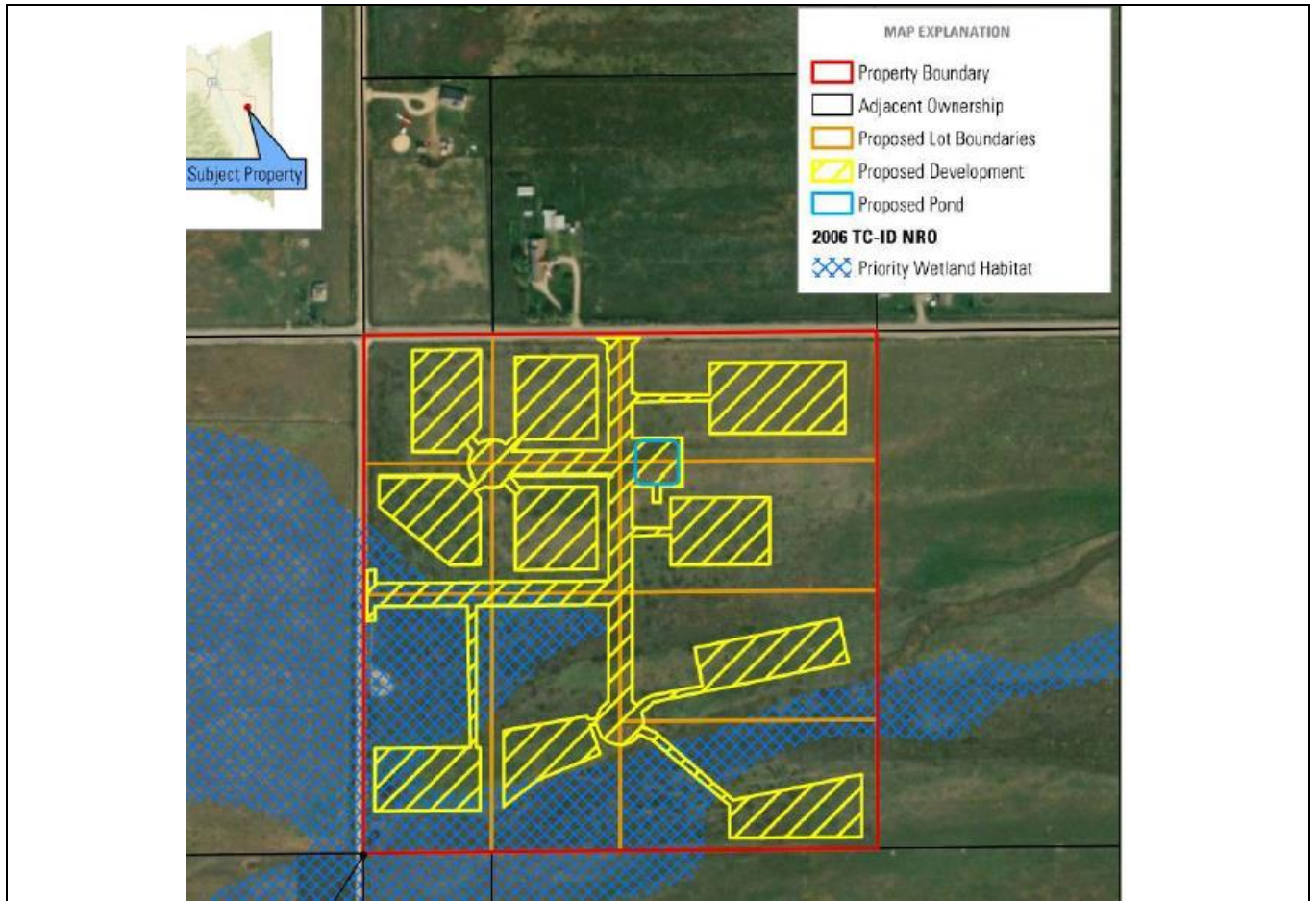
Based upon primary and secondary research, including multiple site visits to the Irish Acres Parcel, the project area includes habitat that migratory birds and raptors seasonally use. Songbird species likely use the upland and wetland areas of the parcel for foraging and nesting. Rodents likely use these areas of the parcel as well and lure the raptors who prey upon them. Two small areas of open water appear to be typically available on the parcel. These areas are not suitable to support fisheries; however, they likely support occasional waterfowl that pass through. It is likely that sandhill cranes also use this habitat incidentally.

CONCLUSION

This wildlife assessment concludes that the proposed Irish Acres Subdivision may negatively impact indicator species within the project area due to loss and fragmentation of habitat and human presence. This 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 sandhill cranes, songbirds, and raptor species, and the vegetation, insects, and small mammals they rely on for food. However, through thoughtful design of the subdivision to minimize impacts to wetlands, maximize open space, and maintain habitat connectivity, mitigation actions could be utilized to further minimize or eliminate impacts.



NRA Report – appendix. Figure 3



Wetland mapping – from NRA/WHA (updated February 2024)

The wildlife habitat assessment suggested placing building envelopes. The applicant has provided envelopes based on the wetlands.

Applicant submitted an Aquatics Resources Inventory which indicates that mostly irrigation conditions have influenced the creation, perpetuation and development of the wetlands within the study area. However, 12.59 acres of the property is still considered Palustrine Emergent Wetlands. The fire pond proposal was created to enhance the existing wetlands on the property (page 15 of the WHA, attachment L).

Applicant has supplied a PJD from the Army Corps of Engineers. A permit should be applied for and approved by final plat application for any of the project that will disturb any waters of the US. Mitigation will more than likely be required as part of that permitting process.

Table 2. Summary of aquatic resource type, Cowardian classification, acreages and associated notes and sample points, Irish Acres, Teton County, Idaho.

Aquatic Resource Type	Cowardian Classification	Associated Sample Points	Notes	Acreas
Palustrine Emergent Wetland	PEM1	SP01, SP03	Located in depositional areas of Lake Creek.	12.59
Palustrine Scrub-Shrub Wetland	PSS1			0
total acreage of Aquatic Features				12.59

SUMMARY AND CONCLUSIONS

A routine ARI was conducted on the 40-acre study area at the Irish Acres property on W 4000 N in Teton County, Idaho on May 31, 2022 focusing on the areas surrounding irrigation features and mapped hydric soils. Field data collected from three (3) sample plots indicated that approximately 12.59-acres of the study area conformed to the definitional criteria for wetlands as per the USACE Wetland Delineation Manual. Wetlands were classified as palustrine emergent (12.59 acres).

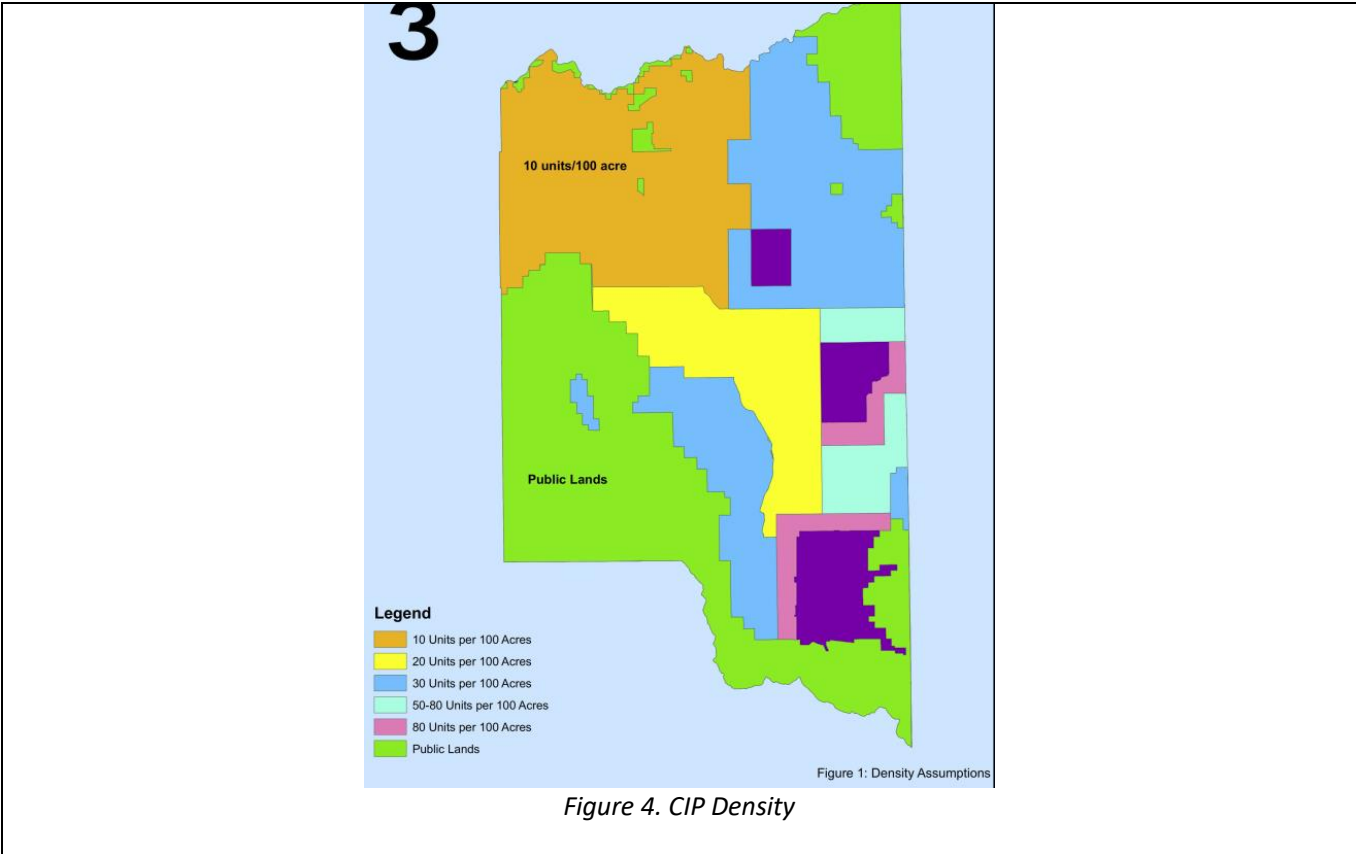
The Land Management Plan discussed in page 16 of the report also references wildlife friendly fencing, pet control and open space management.

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 indicated that this area was appropriate for 20 units per 100 acres or .2 du/acre. The proposal of 10 lots per ~40 acres could meet this proposal. ADUs would not meet this density proposal.



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 a number of development and land use restrictions, such as Dark Sky lighting, setbacks and noxious weed control.

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.

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:

1. The BoCC should review the provided building envelopes to determine if Title 9 Design Review Criteria is met as it pertains to the NROs present on the property:

Design Review Criteria: A development application shall only be recommended for Board approval if the Commission finds that the Natural Resources Analysis (including Wildlife Habitat Assessment, Impact Analysis and Mitigation Plan, and Land Management Plan) is complete, accurate, and adequate. Specific guidelines include, but are not limited to, the following:

- (a) Building envelopes shall be located:
 - (1) To minimize fragmentation of any functional, intact areas of native vegetation and indicator habitat; (amd. 05-11-10)
 - (2) To avoid rare landscape elements such as unique rock formations, sheltered draws or drainage ways, or other features, and locate buildings near areas containing more common landscape elements;
 - (3) To maintain connections among fish and wildlife habitats and to protect sensitive fish and wildlife breeding areas;
 - (4) To provide adequate buffers between any building envelope for a habitable building and; (amd. 05-11-10)
 - (5) Any wildlife migration corridors identified through the wildlife habitat assessment and;
 - (6) Any fish or wildlife breeding areas or big game wintering habitat identified through the wildlife habitat assessment. (amd. 05-11-10)
 - (7) The buffer distance and configuration shall be determined by a qualified person who has demonstrated appropriate expertise in the fields of resource biology, fish and wildlife management, and similar disciplines and shall be designed to minimize the effect of planned development and infrastructure (including roads, pathways, and trails) on use of the habitat or migration corridor by the indicator species. (amd. 11-14-08)

CONDITIONS OF APPROVAL:

1. Financial Surety of 125% of the engineer-stamped and dated cost estimate must be provided to Teton County. The current draft letter of credit is only for \$195,000, but the cost estimate is \$467,203. 125% would be \$584,003.75.
2. Address public works comments:
 - a. Access permits required prior to construction for both interior roads (with the final plat application). The R&B permit provided was for an access for one building site. Confirm it matches the subdivision application and that it addresses both access points.
3. The plat should be updated to reflect the ADU restriction (no ADUS in Irish Acres per the TIS calculations for the SFD and Recreation units).
4. A permit for any wetland disturbance should be completed, approved by the Army Corps and submitted with the final plat application per the Army Corps' preliminary jurisdictional determination.

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 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 Irish Acres Subdivision as described in the application materials submitted on August 2, 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 Irish Acres Subdivision as described in the application materials submitted on August 2, 2023, and additional information attached to the staff report, based on the following findings:

CONTINUATION

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

ATTACHMENTS:

- | | |
|--|---|
| A. Application (6 pages) | L. Narrative (6 pages) |
| B. Preliminary Plat (2 pages) | M. Army Corps Letters (4 pages) |
| C. Development Agreement (16 pages) | N. Hazards Report (4 pages) |
| D. Improvement Plans (12 pages) | O. Aquatic Resources Inventory (31 pages) |
| E. CCRs (4 pages) | P. Wildlife Habitat Assessment (40 pages) |
| F. EIPH Approval Letter (6 pages) | Q. Nutrient Pathogen Response (14 pages) |
| G. Warranty Deed (2 pages) | R. Building Envelopes (1 page) |
| H. Cost Estimate (1 page) | S. Fire Marshal Comments (1 page) |
| I. Nutrient Pathogen Study (94 pages) | T. Habitat and Overlay Map (1 page) |
| J. NP Technical Reviews (6 pages) | U. Public Works Comments (1 page) |
| K. DEQ Comments (4 pages) | |
| V. Road and Bridge Permit (5 pages) | X. Letter of Credit (18 pages) |
| W. Traffic Study (Combined) (75 pages) | |

End of Staff Report