



FINAL PLAT REVIEW PUBLIC HEARING

FOR: J&G Peacock Ranch Subdivision
WHERE: 1655 Reunion Road
PREPARED FOR: Board of County Commissioners
Public Hearing of March 11, 2024

APPLICANT & OWNER: Pam Anderson (Jerry Peacock Family Trust)
ENGINEER/SURVEYOR: Harmony Design & Engineering

OVERVIEW: Pam Anderson, on behalf of the Jerry Peacock Family Trust and represented by Harmony Design & Engineering, has submitted an application for final plat for the J&G Peacock Ranch Subdivision. The application is for a 5 lot subdivision on approximately 20.69 acres. Proposed lots range from 3.23 acres to 6.58 acres. Each lot is proposed to have individual well and septic systems, and the proposal has secured a shared fire suppression agreement with Chilly Water Subdivision.

There is Big Game Migration Corridor & Seasonal Range on the parcel as well as regulatory floodplain and subsequently the Wetlands & Waterways overlay triggered by the proximity of Dry Creek.

APPLICABLE COUNTY CODE: Subdivision Final Plat Review pursuant to Title 9, Section 9-3-2-D, Teton County Subdivision Ordinance, (revised 5/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030);

LEGAL DESCRIPTION: RP05N46E070755

LOCATION: 1655 Reunion Road

ZONING DISTRICT: A/RR – 2.5

PROPERTY SIZE: 20.69 acres



Figure 1. Vicinity Map; Subject Property Highlighted Yellow.

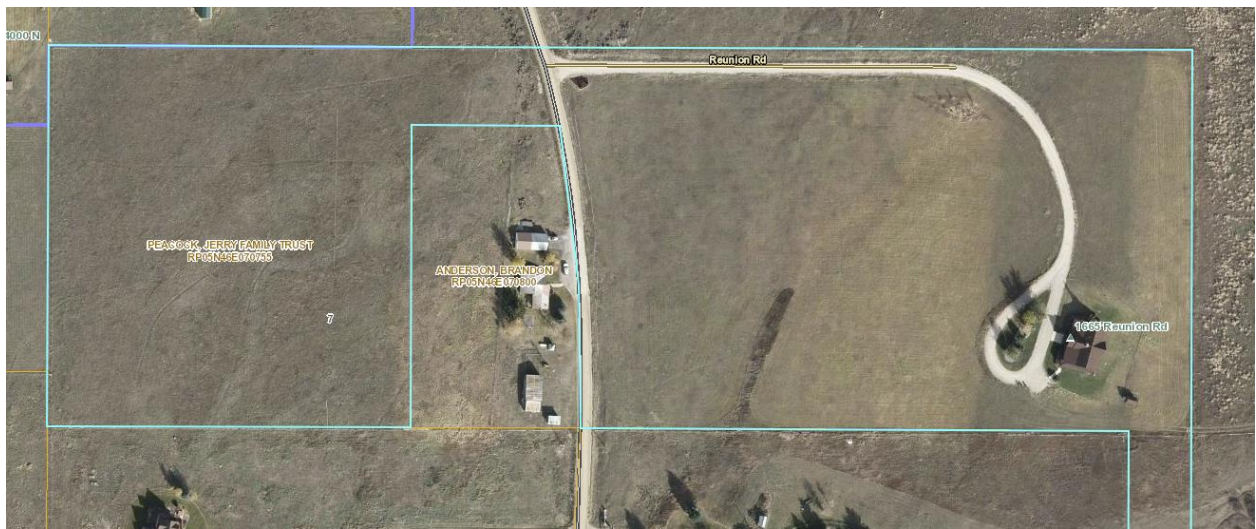


Figure 2. Aerial Image; Proposed Lot 5 has existing development.



Figure 3. Big Game Migration Corridor & Seasonal Range Overlay (Staff comment: 2023 map has been rescinded until further notice; overlay changes with Big Game Migration are not applicable to this application).

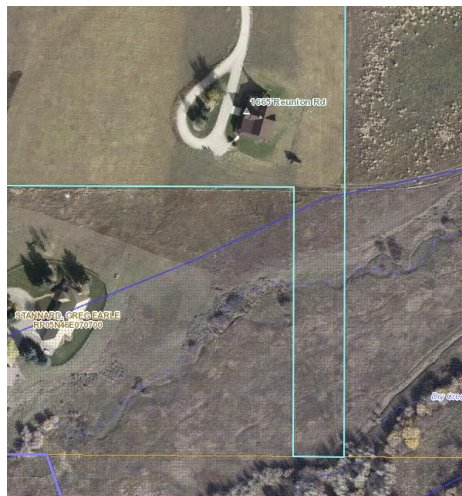


Figure 4. Regulatory Floodplain Overlay (SE Corner)

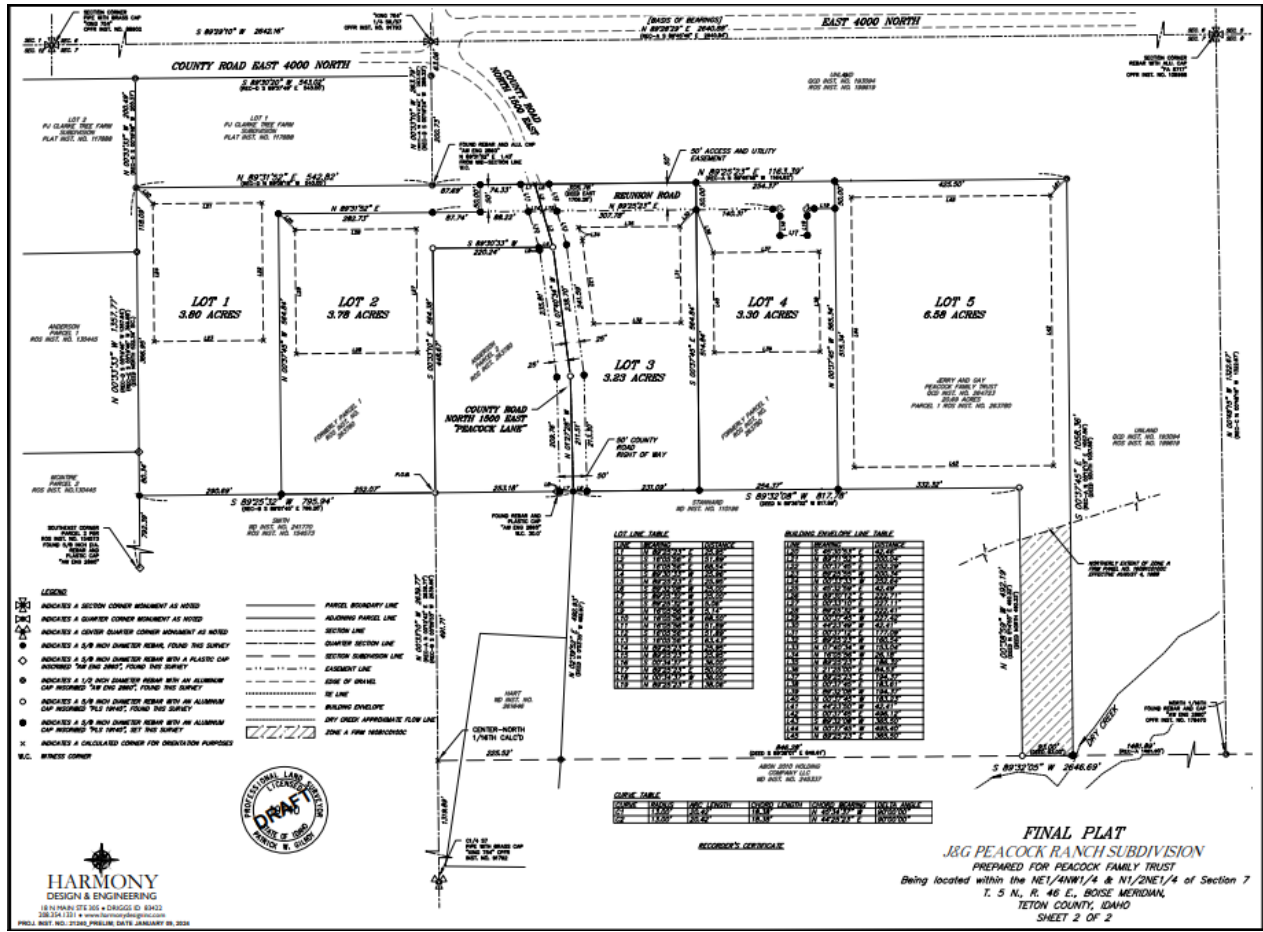


Figure 5. Final Plat

PROJECT BACKGROUND & REVIEW HISTORY

Pre-application Conference: A pre-application was held February 14, 2022.

Concept Plan: The Concept Plan was submitted and deemed complete March 30, 2022. It was reviewed and approved by the Planning & Zoning Commission June 14, 2022.

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 J&G Peacock Ranch Concept Plan as described in the application materials submitted March 30, 2022, and as updated with additional applicant information attached to this staff report with the inclusion of the following conditions of approval:

1. Amended fire suppression agreement with the right number of lots;
2. Reunion Road be developed west of N 1500 E rather than a private driveway;
3. Confirm lot 6 existing residence will stay as is and not encroach into floodplain.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rebeca Nolan, Commissioner
SECONDER:	Erica Tremblay, Commissioner
AYES:	J.A. Michelbacher, Chairman, Erica Tremblay, Commissioner, Timothy Watters, Commissioner, Wyatt Penfold, Commissioner, Rebeca Nolan, Commissioner, Lindsey Love, Commissioner, Wade Kaufman, Commissioner

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.

Planning & Zoning Commission Review: On June 13, 2023, the PZC reviewed and approved the application with the following conditions of approval:

***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 J&G Peacock Ranch Subdivision as described in the application materials submitted March 2, 2023 and additional information attached to the staff report including the additional condition that the applicant receive approval letters from the Leigh Creek, Grand Teton, and Freemont Madison irrigation districts.*

1. Applicant will need to update the NRA to reflect the Big Game Migration Corridor & Seasonal Range which now covers the parcel. Applicant should prepare building envelopes for parcels based on the NRA.
 - a. *Staff comment: Applicant has submitted an updated NRA to include the Big Game Migration Corridor and Seasonal Range).*
2. Applicant must submit a draft financial surety or letter of intent for 125% of the total cost estimate of the project.
 - a. *(Staff Comment: Applicant has completed this condition).*
3. Utilities must be provided to each lot and included in the improvement plans and cost estimate of the project.
 - a. *(Staff comment: HDE has marked transformers which would grant access to power for each lot).*
4. Provide clarification on “typical residential development” as referred to the Nutrient Pathogen Evaluation. The Effluent Flow Rate discussed previously in the NP Evaluation on Page 20 indicated that 400 gpd was utilized in the model, which equates to 6 bedrooms equivalent of flow. Staff recommends each lot be allowed the bedroom equivalent utilized in the NP modeling.
 - a. *(Staff comment: Applicant’s Engineer has confirmed that each lot was modeled for 6 bedrooms per lot. This should be added as a plat note).*
5. Applicant will need to construct entire access for subdivision proposal to County Local Road Standards, including the portion on the western side. This will need to be confirmed in the Improvements Plan, updated in the DA and cost estimate.
 - a. *(Staff comment: Applicant submitted an updated Improvement Plan showing new road access to all lots).*
6. Plat should be updated to reflect it is for J&G Peacock Ranch Subdivision. Plat notes will need to include mentioned overlays on the parcel.
 - a. *(Staff comment: The plat note was updated for the overlays present and the name was changed).*
7. Fremont-Madison Irrigation Company should be contacted or provide a letter.
 - a. *(Staff comment: Applicant has provided a letter related to their water shares. Applicant should still submit confirmation the irrigation companies have been notified of the subdivision).*
8. Applicant shall complete an avigation easement agreement with the city of Driggs per the airport traffic pattern overlay.
 - a. *(Staff comment: Applicant has submitted a draft of the easement agreement).*

Staff comment: Most of the conditions from the PZC have been addressed prior to the hearing with the BoCC.

BoCC Preliminary Plat Review: On July 24, 2023 The BoCC continued the public hearing to obtain legal counsel from the Prosecuting Attorney’s office regarding road versus driveway development standards.

***MOTION:** Continue the public hearing for J&G Peacock Ranch Subdivision Preliminary Plat in order to obtain additional legal counsel from the Prosecuting Attorney's office regarding road versus driveway development standards to Sept 25th at 1 P.M.*

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

BoCC Preliminary Plat Review (Continued): The July 24, 2023 hearing was continued to November 13, 2023 and was approved with the following conditions:

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 J&G Peacock Ranch Subdivision as described in the application materials submitted March 2, 2023 and additional information attached to the staff report with the following conditions of approval:

- 1) applicant submit financial surety for 125% of the cost estimate of the project the development agreement will need to be amended to reflect all improvements;
- 2) the plat needs to be updated in the following ways:
 - a) reflect the planning and zoning commission chair person as the signature on the final plat;
3. File the Avigation Easement Agreement with the City of Driggs by recordation of the development agreement (after final plat approvals);
4. Public Works review and approve the updated improvement plans.
- 5) wildlife friendly fencing provisions in CC&Rs shall reference standards in county code.

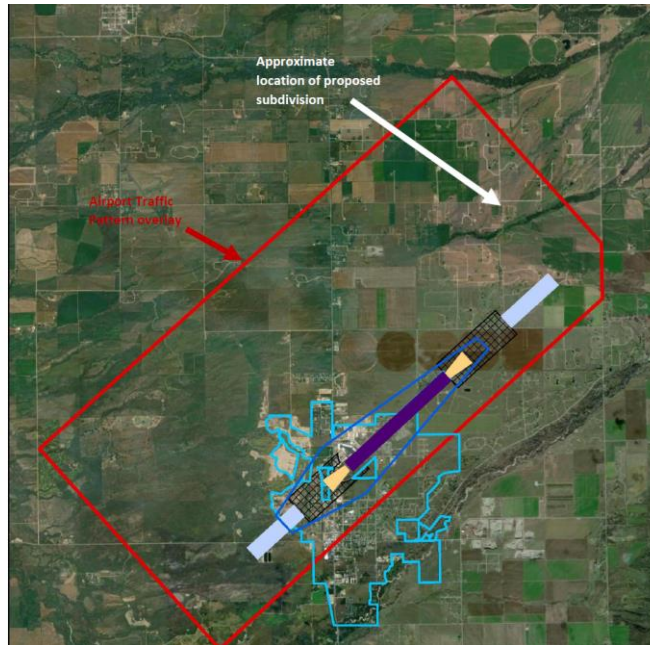
RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage SECONDER: Cindy Riegel
AYES	Cindy Riegel, Bob Heneage
NAYES	None
ABSTAIN	None

1. Applicant must submit a draft financial surety or letter of intent for 125% of the total cost estimate of the project. The development agreement will need to be amended to reflect all improvements. (Staff Comment: Financial surety has been submitted.)
2. The Plat needs to be updated to reflect the planning and zoning commission chairperson as the signature on the final plat. (Staff Comment: Not completed – a remaining condition of approval)
3. File the Avigation Easement Agreement with the City of Driggs by recordation of the development agreement (after final plat approvals). (Staff Comment: Not completed – will occur at the time of recording the DA)
4. Public Works review and approve the updated improvement plans. (Staff Comment: Public Works reviewed the updated plat)
5. Wildlife friendly fencing provisions in CCRs shall reference standards in county code. (Staff Comment: Updates obtained)

REVIEW & INTER-AGENCY COMMENTS:

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 02/27/24). Comments are the same as previous comments:
 - Reunion road must be built to County Local Road Standards.
 - All lots will need to be accessed from Reunion Road. No new access permits will be considered for Peacock Lane. Existing access from Peacock Lane will be allowed to remain.
- **FIRE PROTECTION:** The proposal is for more than two lots triggers and therefore triggers the need for fire suppression. The applicant is proposing a shared Fire Pond Agreement with Chilly Water Subdivision. Teton County Fire Marshal has reviewed and approved this as of 5/24/23.
- **WASTEWATER TREATMENT:** The applicant has coordinated directly with EIPH and received Preliminary Approval as of 8/17/22.
- **PLANS & STUDIES:** The property is within the Wetlands & Waterways overlay as well as the regulatory floodplain. An NRA was provided as well as a Nutrient Pathogen Evaluation. The NROs were updated in January of 2023, and applicant has updated their NRA/WHA (Staff comment: 2023 updated NRO is rescinded until further notice).
- **CITY OF DRIGGS:** The application is within the City of Driggs’ Airport Traffic Pattern Overlay. The City sent the applicant a template of an Avigation Easement Agreement, which the applicant has provided.



SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 9-3-2-D2 of the Teton County Code. The public hearing for the Board of County Commissioners meeting 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 COMMENTS:

The staff has received several public comments (see attached). General comments relate to density concerns, congestion and speeding concerns. Staff did not receive any additional comments as of March 10, 2024.

OVERVIEW OF FINAL PLAT APPROVAL (9-3-2-D2):

This phase of the subdivision/PUD process is to present the Board of County Commissioners the completed documentation as required by this Ordinance for a final review before rendering a decision to approve, deny, amend or remand this application. If the Board elects to amend the application, additional findings and reasoning shall be made in writing in accordance with State code. Otherwise the findings and reasoning should be contained in the Master Plan / Development Agreement / and Final Plat. (amd. 06-05)

CONSIDERATION OF APPROVAL:

In conjunction with the decision for approval, approval with conditions, or denial of an application for a subdivision or PUD, the Board shall make written findings with respect to the items required with the submission of the application and the criteria below. Additional written findings are not necessary where the public documents or records of the public hearing already provide a written record.

- i. Each exception to otherwise applicable restrictions shall be identified and the reasons supporting the exceptions stated.
- ii. The subdivision or PUD is consistent with the public health, safety and welfare of the County and with all applicable provisions of Title 9 and Title 8 of the Teton County code. (amd. 11-14-08)
- iii. The information required in the application has been verified and is correct.

FINDINGS:

No exceptions to applicable restrictions were identified. No conflict with provisions of County Ordinances have been identified. No errors have been identified in the application. All conditions of approval from Preliminary Plat appear to be addressed.

All final plats are subject to a final, technical survey review before recording can occur. All property taxes must all be paid in full.

CONDITIONS OF APPROVAL

1. Update the final plat in the following ways:
 - a. Change the signature for PZC to the Planning & Zoning Commission chairperson.
 - b. Add a plat note indicating that all lots will access from Reunion Road (per Public Works review).
2. File the Avigation Easement Agreement with the City of Driggs with the recordation of the development agreement (after final plat approvals).

BOARD OF COUNTY COMMISSIONERS ACTIONS

- A. Approve the Final Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the Final 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 Final 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.
- E. Table to a future BoCC meeting with reasons given for the continuation or need for additional information

POSSIBLE 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 Final Plat found in Title 9-3-2-D can be satisfied, I move to APPROVE the Final Plat for J&G Peacock Ranch Subdivision as described in the application materials submitted March 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 Final Plat found in Title 9-3-2-D have not been satisfied, I move to DENY the J&G Peacock Ranch Subdivision as described in the application materials submitted March 2, 2023 and additional information attached to the staff report, based on the following findings: ... The following could be done to obtain approval:
...*

CONTINUATION

*I move to continue the public hearing for J&G Peacock Ranch Subdivision Final Plat in order to obtain additional information from the applicant or other agencies to the following hearing **date and time**...*

Prepared by:

Torin Bjorklund, Associate Planner
Jade Krueger, Planning Administrator

ATTACHMENTS:

- | | |
|-------------------------------------|-------------------------------------|
| A. Final Plat Application (3 pages) | G. Fire Marshal Review (1 page) |
| B. Final Plat (2 pages) | H. Fire Pond Agreement (5 pages) |
| C. Quitclaim Deed (2 pages) | I. Letter of Authorization (1 page) |
| D. Improvement Plans (4 pages) | J. NP Evaluation (60 pages) |
| E. Cost Estimate (1 page) | K. NRA / WHA (20 pages) |
| F. EIPH Approval Letter (7 pages) | L. CCRs (19 pages) |

- M. Wetlands Analysis (2 pages)
- N. Development Agreement (16 pages)
- O. Public Comment (5 pages)
- P. DEQ Review of the NP Evaluation (2 pages)
- Q. City of Driggs Airport Letter (6 pages)
- R. Peacock Water Shares (2 pages)
- S. Financial Surety Check (1 Page)
- T. Avigation Easement Agreement (3 pages)
- U. Public Works Review (1 page)

END OF STAFF REPORT