



REQUEST FOR PRELIMINARY PLAT REVIEW

FOR: Trestles Subdivision
WHERE: Hwy 33 & S 2000 E
PREPARED FOR: BoCC Preliminary Plat Review –
FOR: Public Hearing of March 11, 2024

APPLICANTS & OWNERS:

- Liberty LLC, Glen Lent
- 071500 LLC, Curt Behle
- Darby Development Inc, LLC, Karen Wertheim

ENGINEER/SURVEYOR: Civilize, PLLC & Badger Aerial

OVERVIEW: Trestles Subdivision is the revised submittal of two separate subdivisions (Trestles Subdivision and Ember Ridge Subdivision) that have previously undergone individual Concept Reviews before the Planning and Zoning Commission. The original Trestles concept was approved; Ember Ridge was tabled due to lack of access. The two subdivision proposals were combined and held a new concept review on April 12, 2022.

Trestles Subdivision includes 4 parcels for a total of 216.53 acres south of the City of Driggs on Hwy 33 and 2000 S. The proposal is for 68 lots, with an average lot size of 3.12 acres. The zoning for these four parcels is A/RR 2.5. Because this abuts Hwy 33, a portion of the northern most parcel is within the Scenic Corridor. Spring Creek runs through the north-western portion of the property and therefore places part of the property within a priority wetland habitat and waterways and wetlands overlay. Additionally, a portion of this property is within the Big Game Migration Corridor and Songbird/ Raptor Breeding and Wintering Grounds. Access for this development is proposed off of S 2000 E.

The application was heard by the PZC on November 14, 2023. 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: RP04N45E029250, RP04N45E027350, RP04N45E021201 and RP04N45E013600

LOCATION: S 2000 E & Hwy 33

ZONING DISTRICT: A/RR-2.5

PROPERTY SIZE: 4 parcels totaling 212.26 acres

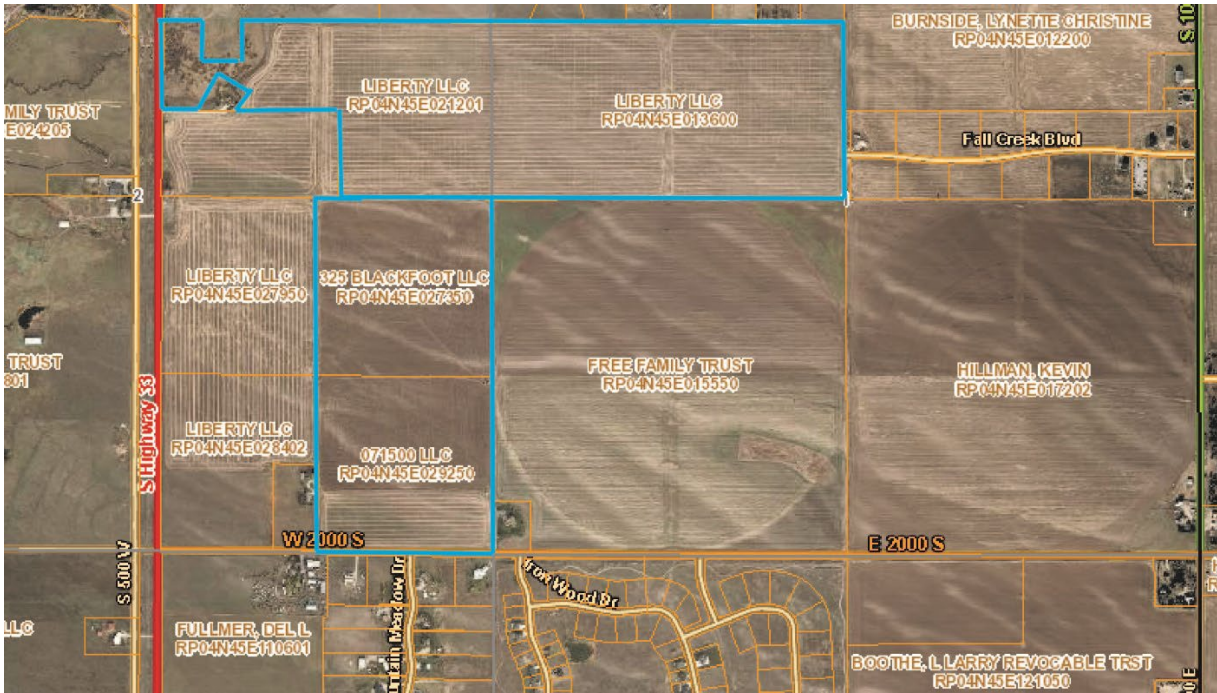


Figure 1. Vicinity Map

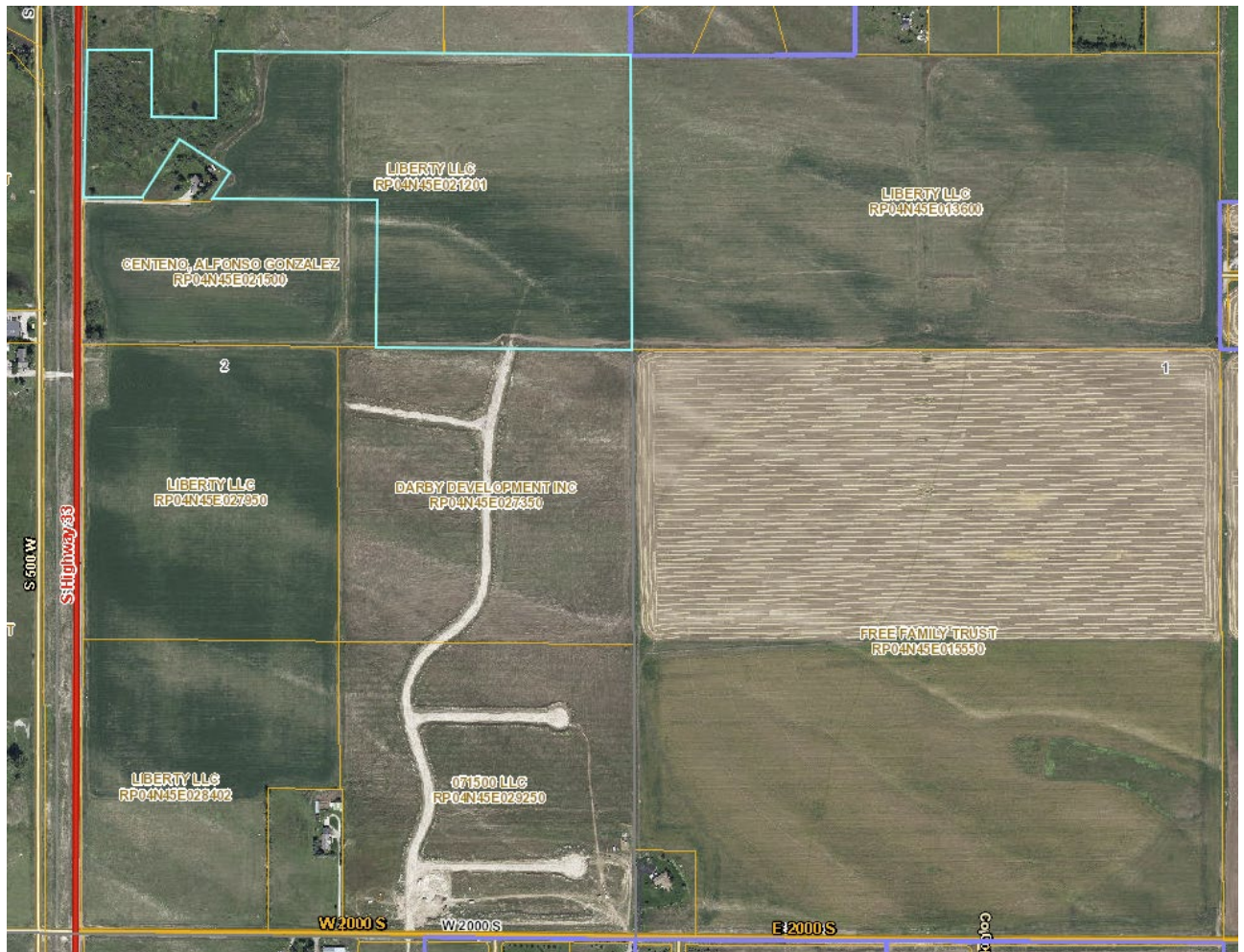


Figure 2. Aerial Image; The aerial image above shows the existing agricultural nature of the property and surrounding properties. Spring Creek runs through the north-western portion of the property.



Figure 3. Indicates the Big Game Migration Corridor & Seasonal Range Overlay (brown) & Sharp-Tailed Grouse Breeding Habitat (red) (Staff comment: The 2023 overlay map is rescinded until further notice and not regulatory – below is the effective overlay mapping)





Figure 4. Scenic Corridor (Outlined in pink) running over the north western portion of the property



Figure 5. Wetland & Waterways



Figure 6. Overall Development on E 2000 S
 Wildflower Reserve PUD – 26 lots; potential for 52 units
 Trestles Subdivision – 68 lots; potential for 136 units
 Hillman Farms – 24 lots; potential for 48 units
 Free Ranch – property has withdrawn application

PROJECT DESCRIPTION

This proposal includes 68 lots with 66 buildable residential lots on 212.26 acres. Block 2, Lot 6 (10.671 acres) and Block 2, Lot 44 (1.38 acres) are proposed as open space internal to the development – a total of 12.051 acres. All residential lots are proposing individual septic and wells. Access is proposed from S 2000. The development is for more than 20 lots, which triggers the need for two points of access/ egress.

No provisions in Teton County Code Titles 8 or 9 allow for Subdivisions to have phased development. PUDs were intended to allow for phasing. Trestles I & II is a single subdivision application with separate ownership.

PROJECT BACKGROUND

Pre-application conference: Formally Trestles was named B&W Ranch. A pre-application conference was done by previous planning staff. The concept application was reviewed by the PZC September 14, 2021 and approved. The application was subsequently revised.

Concept: The first step in the subdivision process is a Concept Plan Review (9-3-2B). Because the proposed subdivision is more than ten lots, and there are natural resource overlays, a public hearing before the Teton County Planning and Zoning Commission was required. Ember Ridge and Trestles were reviewed individually as concept plans. Because Ember Ridge did not receive concept approval (there was an access issue), the applicants for both Ember Ridge and Trestles Subdivisions then revised their applications into a combined subdivision application and resubmitted for concept review. The concept application was received and deemed completed March 23, 2022 (the date the three-year development timeline begins). The PZC reviewed the Concept for revised Trestles on April 12, 2022:

The Planning and Zoning Commission reviewed and approved the concept application with the following motions.

The Commission had no issues with approving the Concept but were very clear that moving forward to Preliminary would require more creative solutions to some of the expressed concerns.

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 Trestles Subdivision as described in the application materials submitted March 23, 2022, and as updated with additional applicant information attached to this staff report.

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

CONDITIONS OF APPROVAL

1. Finalize and obtain approval from Fall Creek HOA for any access and connection to Fall Creek Blvd if that will be a possible connection. Again, this is desirable from a connectivity perspective.
2. Investigate a pressurized fire suppression system. Please coordinate with staff if additional guidance is required. Once finalized, label fire suppression locations on the preliminary plat.
3. Label the open space lot in between (currently labeled) Lots 32 and 33. As it stands, the total area of this project is 216.53 acres and there is approximately 14.66 acres of proposed open space, most of which is near Spring Creek on the north western corner of the property. That would be approximately 6.7% of the total project dedicated to open space or green space. Staff would recommend this be reconsidered and revised to include more open and communal spaces dispersed throughout the development or increased in size to include more meaningful uses.
4. Studies for the Preliminary Plat will need to be completed – Natural Resource Analysis and Wildlife Habitat Assessment, as well as Fiscal Impact Analysis and Traffic Impact Study with the anticipation of a full build-out of the subdivision (including any accessory dwelling units), and fiscal impact analysis; If possible, staff recommends that these two studies (Fiscal Impact Analysis and Traffic Impact Study) incorporate Trestles Subdivision, Wildflower Reserve Subdivision, Hillman Farm Subdivision and Free Ranch Subdivision to full build out potential. This should incorporate individual proposal impacts as well as the cumulative impact from all proposals. A combined study will be a cost saving to the applicant. Please coordinate with staff if there are questions on what these studies should include.
5. Work with EIPH for a subdivision application and approvals before a Preliminary Plat application. The process for EIPH will need to start over, as the previously approvals were for Trestles without the additional lots. A Nutrient Pathogen Study may be required.
6. Receive review from ITD at Preliminary Plat to ensure intersection mitigation and improvements. Teton County Staff will coordinate this review.

Staff comment: Conditions of approval 5 was not completed. Applicant has subsequently reduced open space provided in the development between concept and preliminary plat (see Condition 3).

PROPOSED LAYOUT

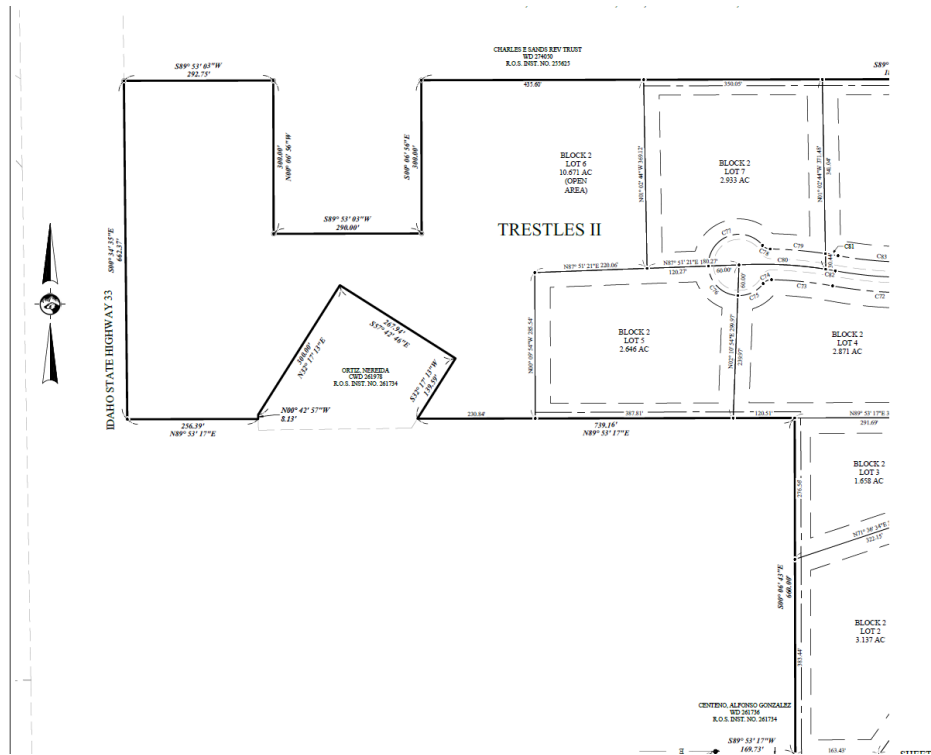


Figure 7a. Preliminary Plat – showing the north western portion

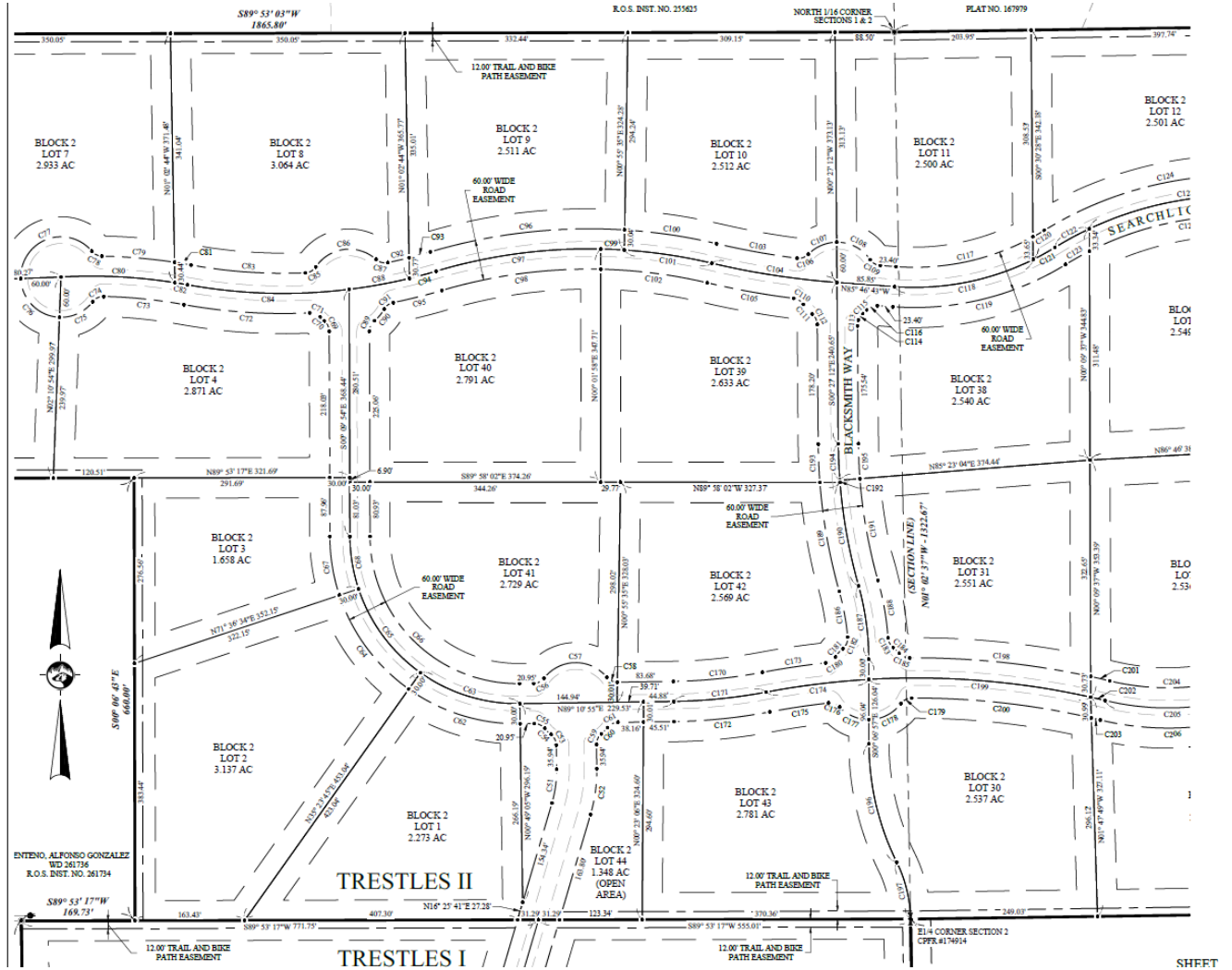


Figure 7b. Lots on the north central portion of the proposal

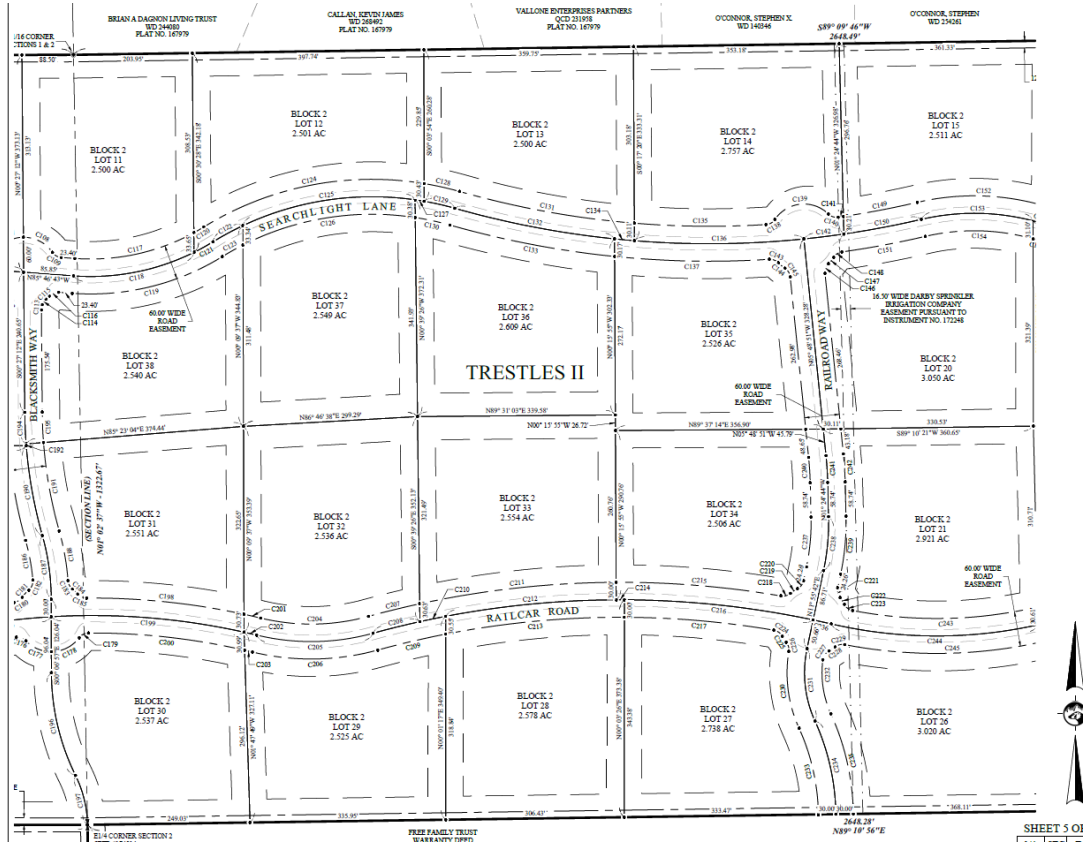


Figure 7c. Remainder of lots on the north central portion of the project

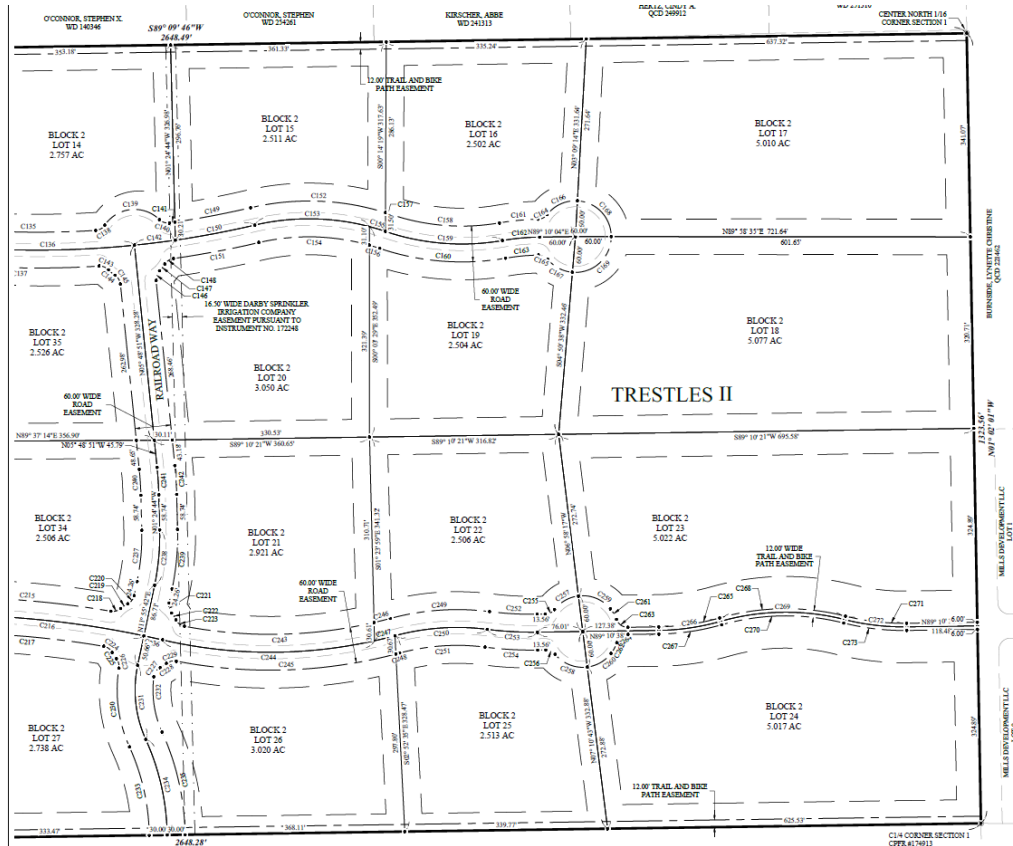


Figure 7d. Lots on the north eastern portion of the project

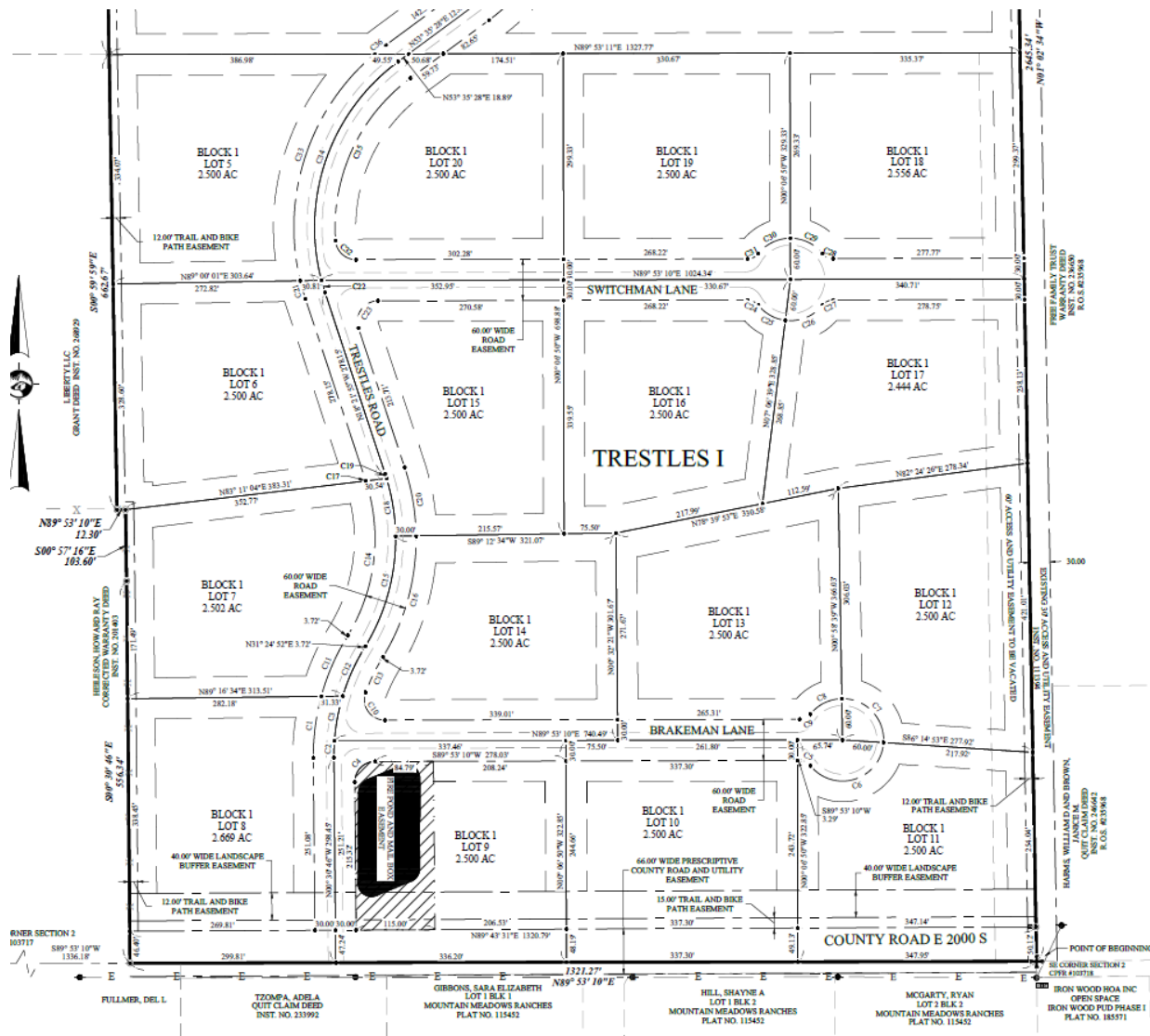


Figure 7e. Southern portion of development (lots directly north of 2000 S)

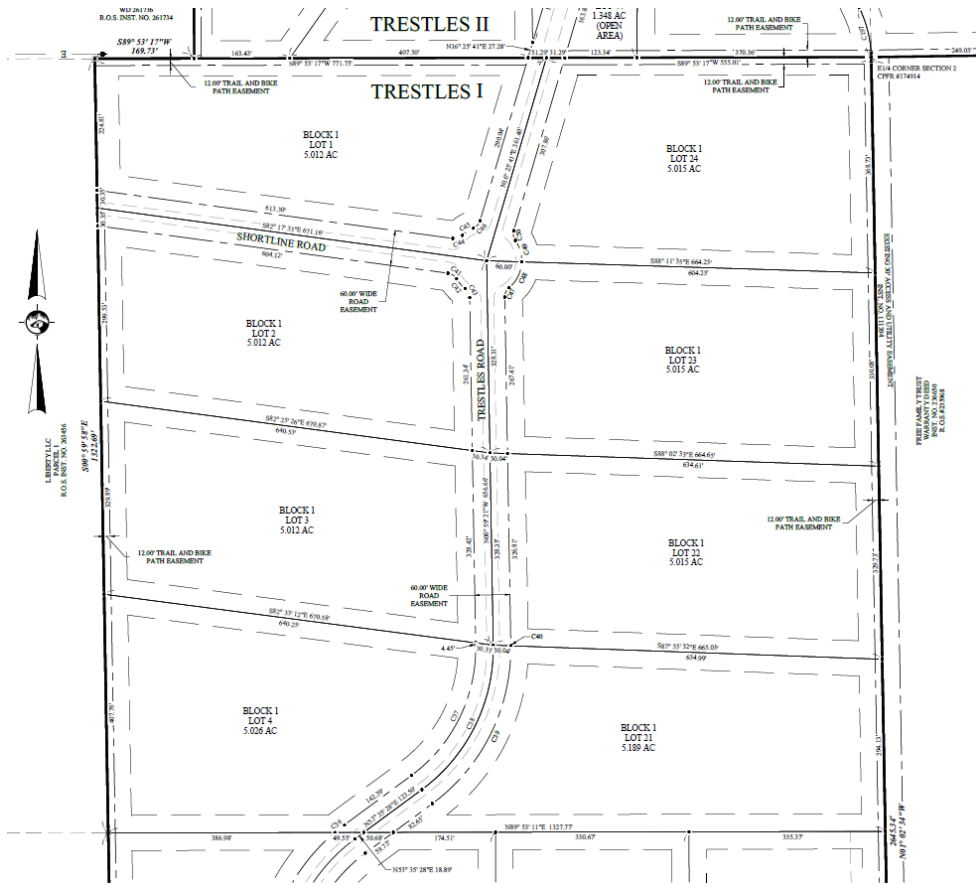


Figure 7f. Southern portion of development – just north of Figure 7e



Figure 8. Master Plan (for context of preliminary plat) – supplied by applicant (in 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 Trestles Subdivision 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. The application does not meet Objectives 1, 2, 5, 9 & 10 and the application does not satisfy the requirements set forth as condition #5 of approval to pass Concept.

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| <p>RESULADOPTED MOVER: Rebecca Nolan SECONDER: Tyler Wertenbruch AYES Rebecca Nolan, James Weber, Tyler Wertenbruch NAYES Wyatt Penfold ABSTAIN One</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 U 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: The Public Works Director made the following comments (also attached to the staff report):

- Applicant will need to obtain an Access Permit from Road & Bridge. Minimum 300 feet separation between access points is desired. The proposed access point is directly across from an existing driveway and appears to meet 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.
- Plat is proposing a second access point through Wildflower Subdivision. The developer must show proof of ability to construct the second access independent of Trestles Subdivision development (i.e. easement or agreement).
- Recommend having developer provide an alternate road configuration for Phase II that better addresses the purpose for a second access requirement.
- 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: The proposal is more than 2 lots and therefore does trigger fire suppression. Teton County Fire Marshal Earle Giles III, made the following comment (also attached to the staff report):

- Is approved for fire department access and the proposed water systems for fire suppression

Teton County Fire Chief Maltavarne 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.

WASTE WATER TREATMENT: The applicants individually coordinated with EIPH to receive approvals as separate subdivision applications prior to the combined application. Staff is unsure if this approval is still valid given the combination of applications for Trestles, which is now 68 lots. Applicant should obtain an approval for the Trestles subdivision that is complete for the presented application. *Staff comment: This was a condition of approval on the concept application. 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 Trestles Preliminary 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 Trestles development, 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) Subdivision Access: The more northern portion of the development, referred to as "Phase II," appears to only have one access point on "Trestles Road" for forty buildable lots, since Fall Creek subdivision has appeared to deny access through their private road. This does not meet Fire code requirements and needs to be addressed.

3) 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:

- a) 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.

4) 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:

- The natural resources present (Wetland & Waterways, Priority Wetland Habitat, Big Game Migration Corridor & Seasonal Range, Sharptail Grouse Breeding & Wintering Habitat) triggered the need for a NRA and WHA. There is also scenic corridor in this north western portion of the property as well which would trigger this requirement.
- The Wetlands & Waterways Overlay also triggered the need for a Nutrient Pathogen Evaluation. Applicant’s narrative on page 5 incorrectly states this was not a requirement. This should be corrected.
- The number of units proposed triggered a Traffic Impact Study and Fiscal Impact Analysis.
- All studies were presented as part of the application submission.

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:

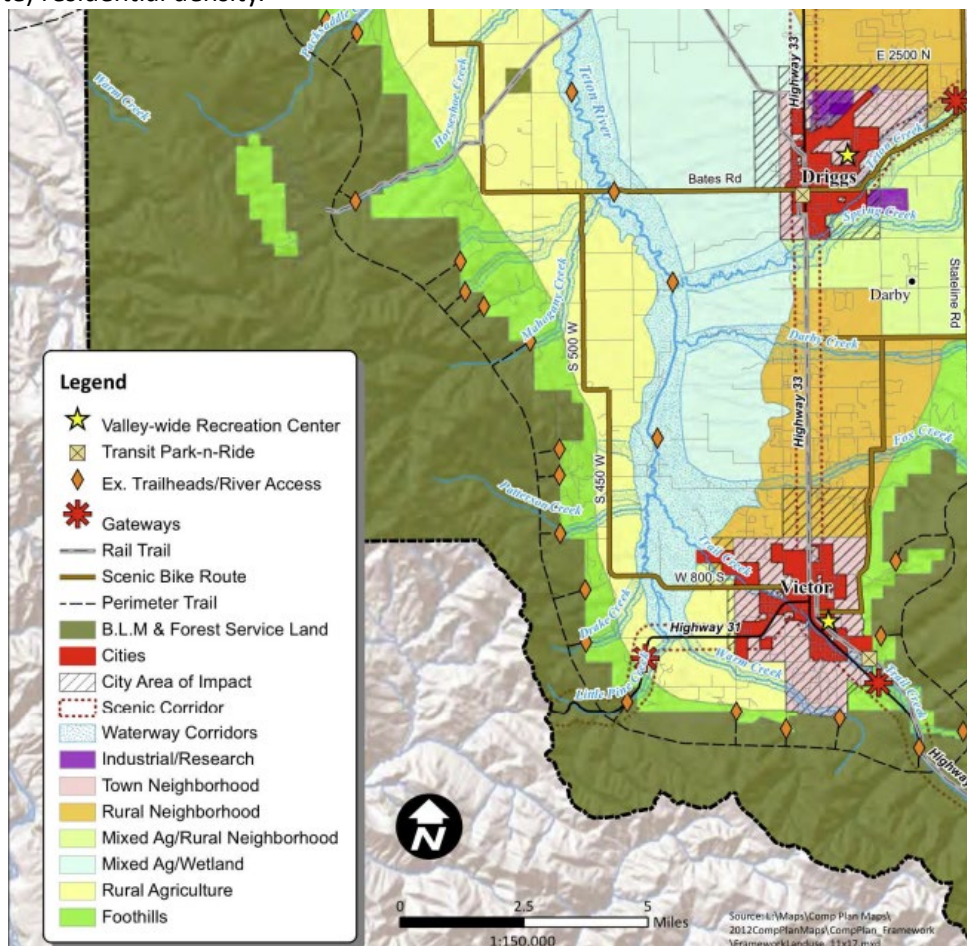
Staff received public comment on this application (all attached to this staff report). Most concerns revolve around density of the proposal, traffic impacts, wildlife impacts, sprawl of development beyond the City limits of Driggs, lack of compliance with the Comprehensive Plan, and lack of mitigation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

Staff believes this could be better suited with clustered developed through a PUD application. Without provisions for clustering or conservation development and wildlife habitat enhancement and protection, the current proposal does not meet the vision of the comprehensive plan. Staff has suggested the application proposed a clustered PUD to the applicant several times, including the latest concept staff report.

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

Application does not appear to comply with all county regulations.

1) **Proposed Lot 44 of Block 2** is proposed as only 1.348 acres. It is proposed as open space but regardless, this does not meet the minimum zoning requirements of a subdivision. **Proposed Lot 3 of Block 2** (proposed as residential) is also 1.658 acres which does not meet the minimum zoning requirements. **Proposed Block 2, Lot 1** is 2.273 acres, which does not meet the requirement. **Proposed Lot 17 Block 1 is 2.44 acres**, which again does not meet the minimum zoning requirements of 2.5 acres for the A/RR-2.5 acre zone district under Titles 8 & 9 of TCC. The narrative incorrectly states on page 2 that “Per those rules (2012 zoning ordinances, Titles 8 & 9), all of the residential lots meet or exceed the minimum size of 2.5 acres.”

2) Per Title 9, the order of subdivision operations is as follows:

2. After concept approval, the applicant prepares for preliminary plat. This goes before the Planning & Zoning

Commission first for a recommendation and then to the BoCC for a final decision.

3. Once an application has received preliminary plat approval from the BoCC, the applicant may prepare all

final documents including final master plan, final plat, CCRs, Development Agreement, and Improvement

Plans. Once Final Plat Application is submitted (and the application is deemed complete), it can be scheduled for a final plat hearing before the BoCC.

4. The applicant must then receive final plat approval from the BoCC. The applicant must then record the

Final Development Agreement, Final Master Plan, Final CCRs, and final Improvement Plans within four (4) months of that approval date. Financial Surety of improvements is also provided at this stage. As a note, a final master plan would only be required if it is a phased PUD.

5. Final plats cannot be recorded until all improvements are done. There is no established time limit under the previous Title 9 for when final plats must be recorded; rather there is (or will be) a time limit established in the development agreement for when all the improvements should be done. If, for example, your development agreement indicates that your improvements will be done in 18 months, you must have completed your improvements within that timeframe, had county inspection and approval, and then come to record your final plat.

6. Lots cannot be sold until the final plat is recorded (and all of the improvements are done, inspected and approved by Teton County). As-built plans are required to confirm the approved improvements match what was constructed.

Parcel has seen some earthwork and neighbor complaints of potential infrastructure improvements occurring before final plat approval.





The 2023 Aerial Imagery would also indicate that work on project improvements has been completed prior to final plat approval:



Figures 11-13. Pictures from the property during site posting
 Figure 14. Aerial image of property (2023 aerial imagery)

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.

There are no adopted trails and pathways on this property. The Recreation Master Plan from Teton County suggests a pathway on E 1000 and 3000 S. The applicant has proposed a 15' pathway easement on the south part of his property and a 12' pathway easement along the sides of the property as an internal amenity to the subdivision.

Applicant states this should suffice as open space combined with the 12.051 acres provided in the two open space lots but staff believes this is inadequate for a development of this scale.

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.

The application triggered the need for a Nutrient Pathogen Evaluation because of Spring Creek's presence

on the northern portion of the property. Applicants submitted a nutrient pathogen evaluation but the technical review had many requested revisions.

Technical Review of the presented NP Evaluation:

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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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 w). 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 applicant has received preliminary approval from EIPH for the individual subdivision applications (Trestles and Ember Ridge) in 2021. Staff is unsure if this approval is still valid given the combination of applications for Trestles, which is now 68 lots. Applicant should obtain an approval for the Trestles subdivision that is complete, representative and accurate for the presented application.

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, 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)

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 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, 9:15 AM ★

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 and wildlife habitat assessment were triggered by the presence of the Big Game Migration Corridor & Seasonal Range on the property. The wetlands and riparian area near Spring Creek are a proposed open space lot which should preserve them from development.

Findings/Conclusions

Utilization by Big Game, Songbird/Raptors is primarily in the riparian/waterway habitat and observations of browsing, scat, etc., indicate ethereal use by these species. The riparian/waterway habitat in addition to adjacent farmland is all contained in Block 2 Lot 6. The 10.671 acres of Open Area/Space will provide double the amount of suitable wildlife habitat than the overlays suggest. As previously mentioned, this area may be a candidate for a permanent conservation easement.

However, this area is entirely comprised of agricultural cropland which provides low seasonal range and migration corridors for big game. The primary use by big game species is expected to be from moose, seasonally utilizing the wetland/riparian area.

The proposed Trestles Subdivision Phase I & II, has a small portion of the total property within the Wildlife Habitat Overlay, contains no "crucial habitats" and is primarily cultivated cropland which provides low foraging and reproductive habitat for indicator wildlife species. There will be no direct impacts to indicator wildlife species from the proposed development.

The 10.671-acre Open Area which includes all the prime wildlife habitat within the proposed development and upland buffer will remain intact and potentially become a permanent conservation easement. This protection off sets any potential impacts direct and/or secondary to wildlife within the parcel. There are no areas where the proposed development poses a threat to the water quality of a river, stream or wetland.

The following management practices for residents within the proposed subdivision include,

Lighting – Outdoor lighting will be downcast and motion detector lights will be encouraged.

Pet Control – Owners of family pets will be restrained from interacting with wildlife should an encounter occur.

Wildlife Friendly Fencing – There are existing working fences along the perimeter of the parcel. All new fence construction will follow guidelines per Teton County Idaho Zoning Ordinance, Title 9 Division 9-3-2 (C-2-c-WH-vi-b) (Teton County, 2013b).

The **BoCC** should deliberate if the design review criteria for the WH overlays are met by the proposal TCC 9-3-2(C-2-c-HS). Staff has suggested to the applicants that building envelopes in the Big Game Migration

Corridor & Seasonal Range would minimize impact to the overlay but they were not provided. *(Staff comment: The updated 2023 NROs are not regulatory as the map is currently rescinded. This comment is therefore a suggestion, not a requirement.)*

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)

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 of 182 units. If the applicants request to not provide any mitigation, Staff would recommend to the BoCC that a technical review of the FIA be completed to confirm the study results.

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 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 subdivision proposal. The open space being provided by Wildflower Reserve is a requirement of a PUD application, not a mitigation method for Trestles Subdivision.

Staff would recommend a formal, technical review by an outside consultant if the applicant refuses to provide meaningful mitigation.

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 CIP (for which was in place at the time of subdivision application and should be used in subdivision review) indicated that this area was appropriate for 80 units per 100 acres. This proposal of 66 residential lots on approximately 212.26 acres can meet this dwelling unit per acre ratio at .31 du/acre. With accessory dwelling units, the ratio would increase to .62 du/acre.

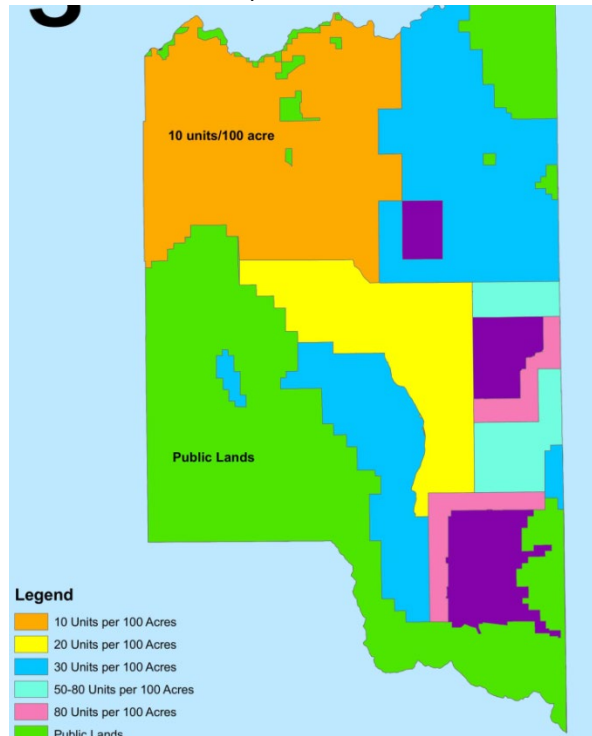


Figure 15. 2008 adopted CIP

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. They include forming HOA, voting, design, fees, development and restrictions.

The CCRs should be updated to reflect the mitigation measures presented in the NRA and WHA:

Lighting – Outdoor lighting will be downcast and motion detector lights will be encouraged.

Pet Control – Owners of family pets will be restrained from interacting with wildlife should an encounter occur.

Wildlife Friendly Fencing – There are existing working fences along the perimeter of the parcel.

All new fence construction will follow guidelines per Teton County Idaho Zoning Ordinance, Title 9 Division 9-3-2 (C-2-c-WH-vi-b) (Teton County, 2013b).

They should also include all owners of the subdivision. Currently only Curt Behle is listed as the Owner/Manager.

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 floodplain on the property. However, because this area is proposed as an open space lot, it would keep development outside of the floodplain. There are no steep slopes on the property nor any wildland urban interface. The parcel is 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 Traffic Impact Study or the Fiscal Impact Analysis, which without mitigation could warrant health and safety concerns with a development of this size.

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

Staff Recommendations:

As presented, the project does not conform to the zoning district requirements under Titles 8 & 9 and cannot be approved:

- a. **4 lots within the subdivision proposal do not meet the minimum lot size requirements:** **Proposed Lot 44 of Block 2** is proposed as only 1.348 acres. It is proposed as open space but regardless, this does not meet the minimum zoning requirements of a subdivision. **Proposed Lot 3 of Block 2** (proposed as residential) is also 1.658 acres which does not meet the minimum zoning requirements. **Proposed Block 2, Lot 1** (proposed as residential) is 2.273 acres, which does not meet the requirement. **Proposed Lot 17 Block 1** (proposed as residential) is 2.44 acres, which again does not meet the minimum zoning requirements of 2.5 acres for the A/RR-2.5 acre zone district under Titles 8 & 9 of TCC.

Other considerations:

1. 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. A second technical review of those revisions has not yet been completed. *(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.)*
2. The applicants individually coordinated with EIPH to receive approvals as separate subdivision applications prior to the combined application. Staff is unsure if this approval is still valid given the combination of applications for Trestles, which is now 68 lots. Applicant should obtain an approval from EIPH for the Trestles subdivision that is complete for the presented application. *Staff comment: This was a condition of approval for the concept plan approval that was not met. Since the PZC hearing, a revised letter from EIPH was submitted.*
3. Applicants have not presented any mitigation proposals for the Fiscal Impact Analysis, despite meeting with staff and various agencies. This is inadequate. If the application is recommended for approval, Staff would recommend a formal, technical review of the FIA by an outside consultant if the applicant refuses to provide meaningful mitigation.
4. Parcel has undergone earthwork indicating infrastructure improvements occurring before final plat approval.
5. The BoCC should deliberate if the design review criteria for the WH overlays are met by the proposal (TCC 9-3-2(C-2-c-HS)). Staff has suggested to the applicants that building envelopes in the Big Game Migration Corridor & Seasonal Range would minimize impact to the overlay but they were not provided.

CONDITIONS OF APPROVAL

1. The development agreement must include all owners responsible for the development. Currently it only has one owner within one LLC.
2. The improvement plans need to include entrance landscaping and subdivision signs. Those were not presented. Further, the documents reference City of Rexburg standards.
3. Applicant shall design improvement plans for all improvements on S 2000. Cost estimate should be updated to reflect the improvements.
4. Narrative, page 5, incorrectly states a Nutrient Pathogen Evaluation was not necessary. This should be updated to reflect accurate information.
5. Applicant must provide documented legal use of the secondary access road – The road which Wildflower Reserve PUD is proposing is the second point of access for this proposed subdivision. Applicant must demonstrate the ability to build/operate and maintain the road for their proposal independently of Wildflower Reserve PUD, in the instance that Wildflower does not develop. An owned easement may be a means of indicating this ability.
6. Address all public works comments:
 - Applicant will need to obtain an Access Permit from Road & Bridge. Minimum 300 feet separation between access points is desired. The proposed access point is directly across from an existing driveway and appears to meet 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.
 - Plat is proposing a second access point through Wildflower Subdivision. The developer must show proof of ability to construct the second access independent of Trestles Subdivision development (i.e. easement or agreement).
 - Recommend having developer provide an alternate road configuration for Phase II that better addresses the purpose for a second access requirement.
 - 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)
7. 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).*
8. CCRs should be updated to reflect the mitigation measures presented in the NRA and WHA:
 - a. *Lighting* – Outdoor lighting will be downcast and motion detector lights will be encouraged.
 - b. *Pet Control* – Owners of family pets will be restrained from interacting with wildlife should an encounter occur.

- c. *Wildlife Friendly Fencing* – There are existing working fences along the perimeter of the parcel. All new fence construction will follow guidelines per Teton County Idaho Zoning Ordinance, Title 9 Division 9-3-2 (C-2-c-WH-vi-b) (Teton County, 2013b).

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 Trestles Subdivision 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 Trestles Subdivision 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.

CONTINUATION

I move to continue the public hearing for Trestles Subdivision Preliminary Plat in order to obtain additional information from the applicant or other agencies *for the following hearing date and time...*

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) | L) Wertheim LLC documentation (2 pages) |
| B) Narrative (6 pages) | M) Behle LLC documentation (24 pages) |
| C) Preliminary Plat (10 pages) | N) Demand for a Takings Analysis (2 pages) |
| D) Fiscal Impact Analysis (91 pages) | O) Supplement (134 pages) |
| E) Traffic Impact Study (121 pages) | • Appendix A: Property Deeds (page 16-31) |
| F) Nutrient Pathogen Evaluation (207 pages) | • C: Development Agreement (page 59- 71) |
| G) NP Technical Review (2 pages) | • Cost Estimate (page 75-79) |
| H) NP Review Letter DEQ – 1 (1 page) | • D: Drafted CC&Rs (pages 82-106) |
| I) Improvement Plans Part one (21 pages) | • E: Letter of Intent of financial surety (page 107-108) |
| J) Improvement Plans Part two (23 pages) | • J: Open Space Management Plan (page 109- |
| K) Natural Resource Analysis (18 pages) | |

112)

- K: EIPH letters (117-134 pages)
- P) Letter of Authorization Liberty LLC (2 pages)
- Q) Fire Marshal Review (1 page)
- R) NP Review by DEQ – 2 (1 page)
- S) Public Comment (31 pages)

- T) Public Works Review (1 page)
- U) [Response to Staff Report \(126 pages\)](#)
- V) *PZC Meeting Minutes from November (15 pages)*
- W) *NP Emails/Update (50 pages)*
- X) *EIPH Updates (10 pages)*

End of Staff Report