



## FINAL PLAT PUBLIC HEARING

**FOR:** Harlan Ranch Subdivision  
**WHERE:** 1333 W 3500 S, Driggs  
**PREPARED FOR:** Board of County Commissioners –  
Public Hearing on February 26, 2024

**LANDOWNER & APPLICANT:** Clear Springs Ranch, LLC (Travis Bush)  
**ENGINEER:** Arrowleaf Engineering

**REQUEST:** Travis Bush has submitted an application for a 16-lot subdivision of 96 acres of land located at 1333 W 3500 S, Victor. The application includes 12 lots that are 4 acres and 4 lot that are 12 acres. The property has split zoning, with approximately 14.4 acres in the Agriculture 20 zone, and the remaining 82 acres within the Rural Residential 2.5-acre zone district. The western portions of the property are located within the Priority Wetland, Floodplain, and Songbird overlays.

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

**LEGAL DESCRIPTION:** RP04N45E157204; TAX #5691 SEC 15 T4N R45E

**LOCATION:** 1333 W 3500 S, Driggs

**ZONING DISTRICT:** A/RR-2.5

**PROPERTY SIZE:** 96.46 acres

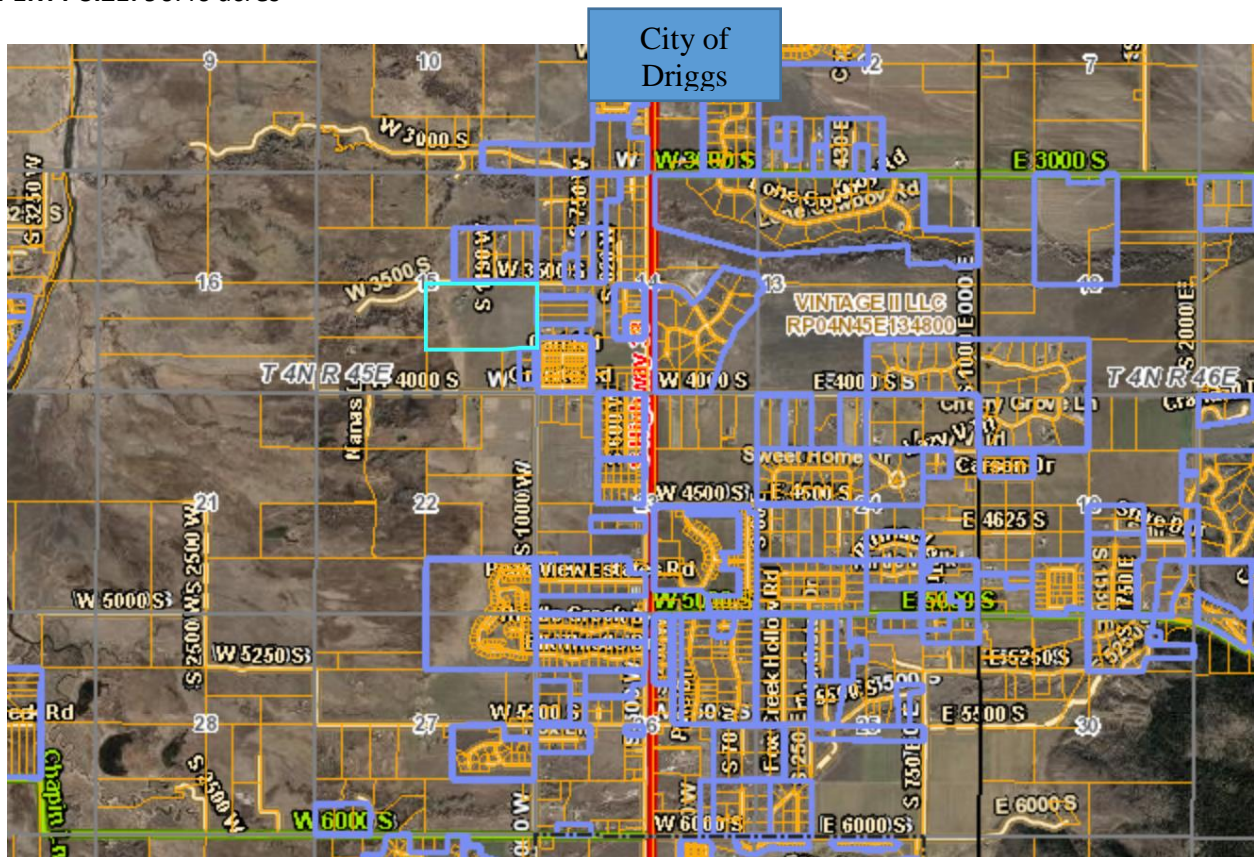


Figure 1. Vicinity Map (pending subdivisions are in red)



*Figure 2. Aerial Image; shows split zoning (beige: A-20) (green A/RR-2.5) Approximately 13.7 acres lies within A-20 and 82.5 acres lies within A-RR-2.5. The 16 lot proposal meets the calculations for split zoning provided in Title 8, 8-3-3: Interpretation of Zoning in Split Zoning Situations*



*Figure 3. Aerial Image; shows the existing conditions of the property as well as floodplain overlay*



Figure 4. Indicates Priority Wetland habitat and Songbird/Raptor Breeding/Wintering Habitat

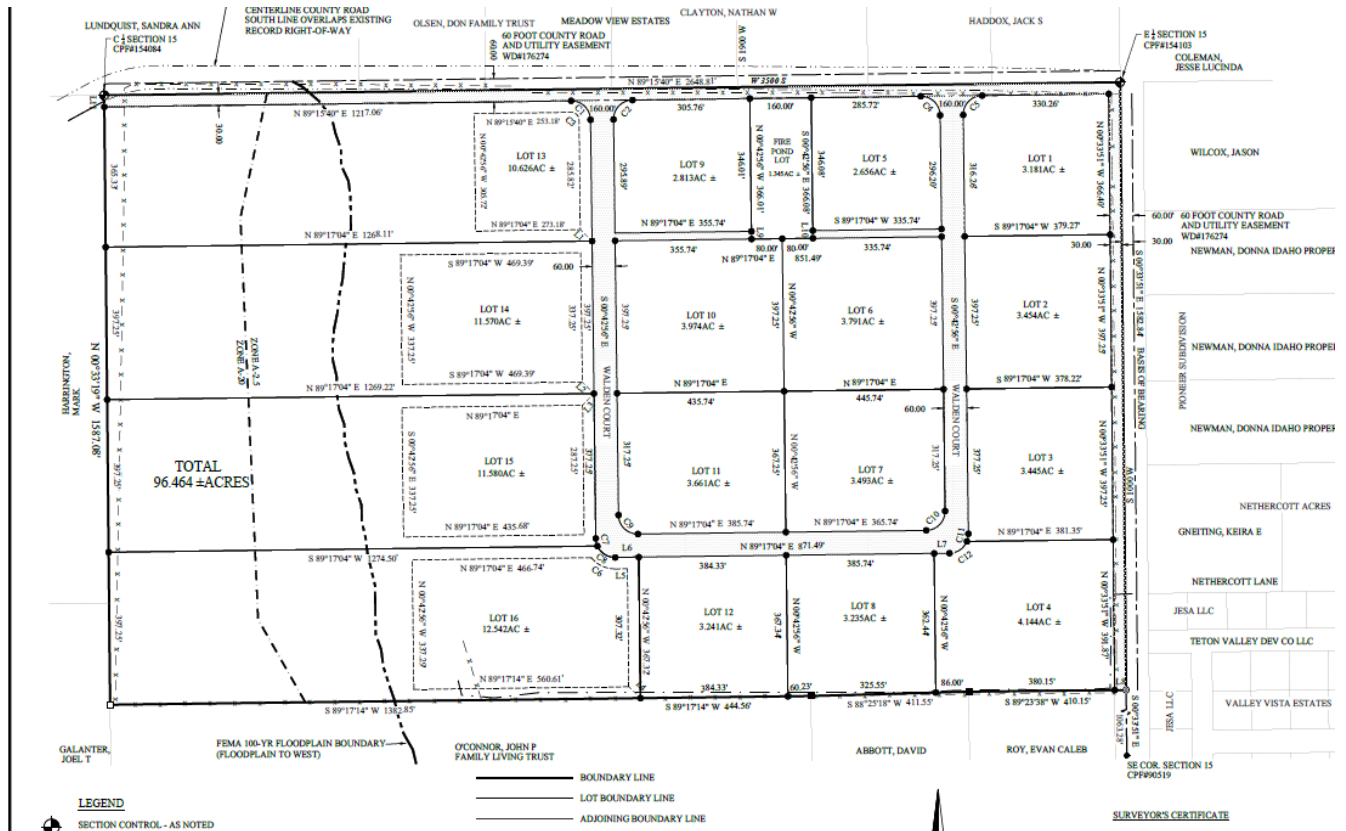


Figure 5. Final Plat



Figure 6. Restoration Plan – a 275 foot buffer will be passively restored to native emergent and scrub-shrub wetlands. The HOA will be responsible for monitoring the conservation area and documenting it.

**PROJECT BACKGROUND & REVIEW HISTORY**

**Pre-application Conference:** A pre-application was completed May 13, 2021 with previous planning staff.

**Concept Plan:** A Concept Plan was submitted May 28, 2021. It was reviewed and approved by the PZC on July 13, 2021:

**OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):** Preliminary Plat phase is a two-step process with review by both the Planning and Zoning Commission and Board of County Commissioners, where the fact finding details and specific requirements of the ordinance, and law, are determined. All of the issues surrounding required infrastructure will be resolved, or have a clear solution acceptable to the County, before scheduling Final Plat review.

**Planning & Zoning Commission Preliminary Plat Review:** The PZC reviewed and approved the Preliminary Plat on August 8, 2023 with the following conditions included in the staff report:

1. The CC&Rs should be amended to:
  - a. Include Teton County Dark Sky Lighting requirements.
  - b. Fencing be designed to minimize impacts on indicator species’ current use of the property and habitat connectivity (page 8 of NRA).
2. Amend the plat:
  - a. Add a plat note indicating all lots will be accessed from the interior subdivision road.
3. A subdivision sign is a necessary improvement. Please update the cost estimate and place the sign specs either in the improvement plans or the landscaping plan.
4. The landscaping plan should incorporate entrance landscaping, which should also be included in the cost estimate. There are no specific standards other than general landscaping of native plants, trees, and shrubs (9-4-1(G)) & (9-4-1(H)).
5. An open space management plan should be submitted for the Fire Pond Lot. See the NRA recommendations for mitigation measures that should be included in that plan.

In addition to

1. Lots 13-16 locate septic and leach fields as far east as possible.

2. ITD review of Traffic Impact Study be provided before hearing with BOCC.
3. Lots 13-16 be revisited for site inspections by EIPH.

The BoCC reviewed the Preliminary Plat on October 10, 2023:

**MOTION: APPROVAL**

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-B have been satisfied, I move to APPROVE the Preliminary Plat for Harlan Ranch Subdivision as described in the application materials submitted March 5, 2023 and additional materials attached to the staff report, based on the following conditions: 1. The Applicant will pay a one-time lump sum to serve as a proportionate share of costs of modifications to State Highway 33 as needed to accommodate the subdivision to be included in the development agreement with a sunset of seven years, and shall work with planning staff to determine this proportionate share.

2. The road width for W3500 South shall be evaluated by Public Works. If the road width is not compliant with County Standards, the road will be improved to meet County standards.

3. The CC&Rs should be amended to: a. Include Teton County Dark Sky Lighting requirements in addition to current “down lit requirements”. b. Fencing be designed to minimize impacts on indicator species’ current use of the property and to provide for habitat connectivity (page 8 of NRA).

4. A subdivision sign is a necessary improvement. Update the cost estimate and place the sign specifications either in the improvement plans or the landscaping plan.

5. The landscaping plan should incorporate entrance landscaping, which should also be included in the cost estimate. There are no specific standards other than general landscaping of native plants, trees, and shrubs (9-4-1(G)) & (9-4-1(H)).

6. Address Public Works Comments: a. Access permits for W3500S will be required for both intersections for final plat approval. b. The existing structures outside the defined envelopes for Lots 13 & 14 shall be removed. c. Remove the existing access from W3500S for structures on Lot 13. Access should be relocated to Walden Circle to minimize access points on County collector roads.

7. Provide a mitigation plan to permanently mitigate impacts to wildlife, including raptor and songbird and indicator species habitats on adjoining protected properties through restoration and improvement of wetland and shrub habitats on the western portion of the property to provide a habitat buffer and provide a financial surety to complete mitigation actions and maintain habitat improvements.

8. The Engineers’ Cost Estimate shall be revised to include the 20% contingency amount in the total. An Irrevocable letter of Credit based upon the Engineers Cost Estimate shall be revised correspondingly.

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

**Staff comments:**

1. Applicant has included the proportionate share lump sum payment within the development agreement.
2. W 3500 S was evaluated by Public Works, and the applicant has prepared improvement plans to bring the road to standards.
3. The CCRs were amended by the applicant.
4. A subdivision sign and entrance landscaping plan was provided.
5. Native grasses spruce and aspen are proposed in the entrance landscaping.
6. Public Works comments were addressed. An access permit was approved by Road and Bridge for the access points to W 3500.
7. Applicant has submitted a restoration plan.
8. The Engineers Cost Estimate was updated to include the contingency amount. The LOC was submitted but is for 100% of the cost estimate, not 125% which is needed.

**INTER-AGENCY COMMENTS & REVIEW:**

The County has solicited comment from other agencies and entities.

- **ROADS & UTILITIES:** A final technical survey review is not yet complete. Any revisions requested must be made before printing mylars and recording.

- **FIRE PROTECTION:** The proposal triggers the need for fire suppression. Teton County Fire Marshal made the following comment:
  - Is approved for fire department apparatus.
  - The proposed pond for fire suppression water supply is approved and may need County review as the fill location is on the West 3500 S 1000 W Road.
  - Fire pond shall be inspected and tested annually per the 2018 International Fire Code.
  
- **WASTEWATER TREATMENT:** Applicant worked with Eastern Idaho Public Health to receive preliminary approvals for the capacity of an additional septic systems to serve the subdivision. Preliminary approval letter is dated 12/06/2021.
  
- **PLANS & STUDIES:** The property does contain priority wetland habitat, Regulatory Floodplain and Songbird overlays. An NRA/WHA were completed and submitted as part of the Preliminary Plat review. Applicant has provided building envelopes on the western lots that keep development outside of the wetland habitat overlay and floodplain. Applicant has created a restoration and conservation plan which should be incorporated into the CCRs for monitoring.
  - A nutrient pathogen evaluation was completed and reviewed by the technical consultant as part of the Preliminary Plat review. The conclusion of the study was that there would not be significant degradation to the groundwater or surface water from the proposal.
  - A TIS was completed and indicated that turn lanes were warranted for W 3500. The developer has added the lump sum language in the development agreement.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67; Section 67-6509, and Title 9, Section 3-2-) of the Teton County Subdivision Ordinance. The public hearing for the BoCC was duly noticed in the Teton Valley News published on February 7 and February 14, 2024. Notice to adjacent property owners within 300 feet of the property boundary were sent on January 29, 2024. Notice was posted on the site on February 16, 2024.

**PUBLIC COMMENTS:**

Staff has not received any public comments as of 2/21/24.

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

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. The letter of credit should be for 125% of the stamped and dated cost estimate. It currently is just for 100%.
2. The Restoration Plan should be incorporated into the CCRs.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

- A. Approval of the Final Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approval of the Final Plat, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Denial of the Final Plat application request provide the reasons and justifications for the denial.
- D. Continue to a future Board Public Hearing with reasons given as to the continuation or need for additional information.

**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 Harlan Ranch Subdivision as described in the application materials submitted December 21, 2023 and additional information attached to the staff report. (with the following conditions of approval...)

**CONTINUATION**

I move to continue the public hearing *to a specific date and time* for the final plat for Harlan Ranch Subdivision in order to obtain additional information from the applicant or other agencies.

**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 Final Plat for Harlan Ranch Subdivision as described in the application materials submitted December 21, 2023, and additional information attached to the staff report, based on the following findings:

1. ...

**Jade Krueger, Planning Administrator**

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**ATTACHMENTS:**

- A. Application (3 pages)
- B. Final Plat Narrative (2 pages)
- C. Engineers Cost Estimate (1 page)
- D. Improvement Plans (8 pages)
- E. CCRs (19 pages)
- F. Development Agreement (9 pages)

- G. Restoration Plan (2 pages)
- H. Fire Marshal Review (1 page)
- I. Letter of Credit (2 pages)
- J. Landscaping Plan (3 pages)

K. Final Plat (2 pages)

**End of Staff Report**