



PRELIMINARY PLAT REVIEW PUBLIC HEARING

FOR: Alpenglo Subdivision
WHERE: Hwy 33 & W 3000 N
PREPARED FOR: BoCC – Public Hearing on February 26, 2024

APPLICANT & OWNER: Matt Haile, 3000 North Partners LLC
ENGINEER/SURVEYOR: AW Engineering

OVERVIEW:

Matt Haile originally proposed a 55 lot subdivision at 180 W 3000 N with each lot meeting the 2.5 acre minimum lot size. *The proposal has since been amended for a 19 lot subdivision* to meet Teton County code requirements related to access and egress. The proposal is a total of 3 parcels with an existing access from W 3000 N. The proposed subdivision is proposing access from Hwy 33. Each lot is proposed to have individual well and septic systems. There are no Natural Resource Overlays present on the property; however, it is within the Scenic Corridor Overlay.

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: RP05N45E118452, RP05N45E119400 & RP05N45E126000

LOCATION: Hwy 33 & W 3000 N

ZONING DISTRICT: A/RR-2.5

PROPERTY SIZE: 154.87 acres

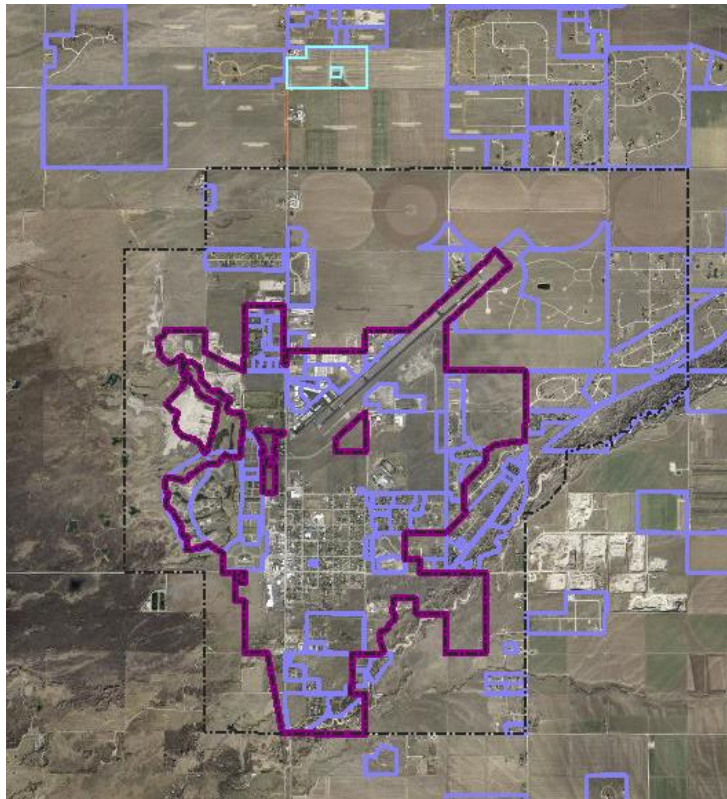
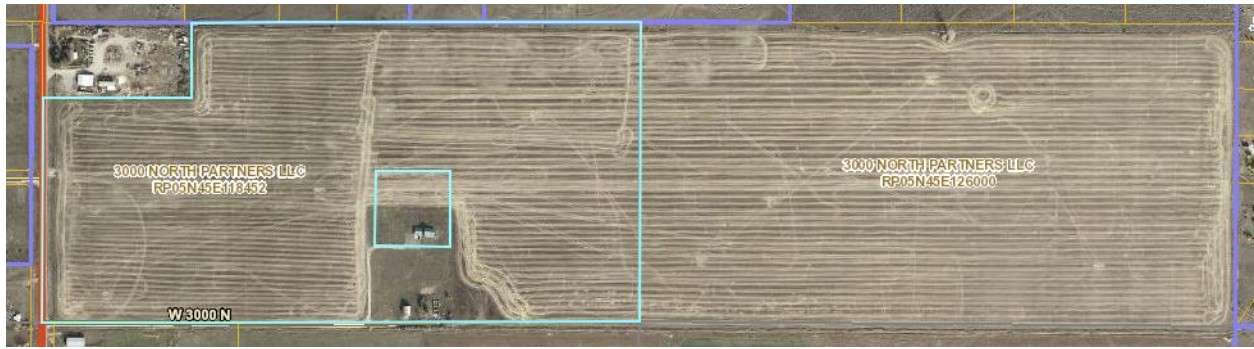


Figure 1. Vicinity map



*Figure 2. Aerial Image
The aerial image above shows the existing conditions of the property.*



*Figure 3. Overlays
Scenic Corridor Overlay is indicated in purple shading*

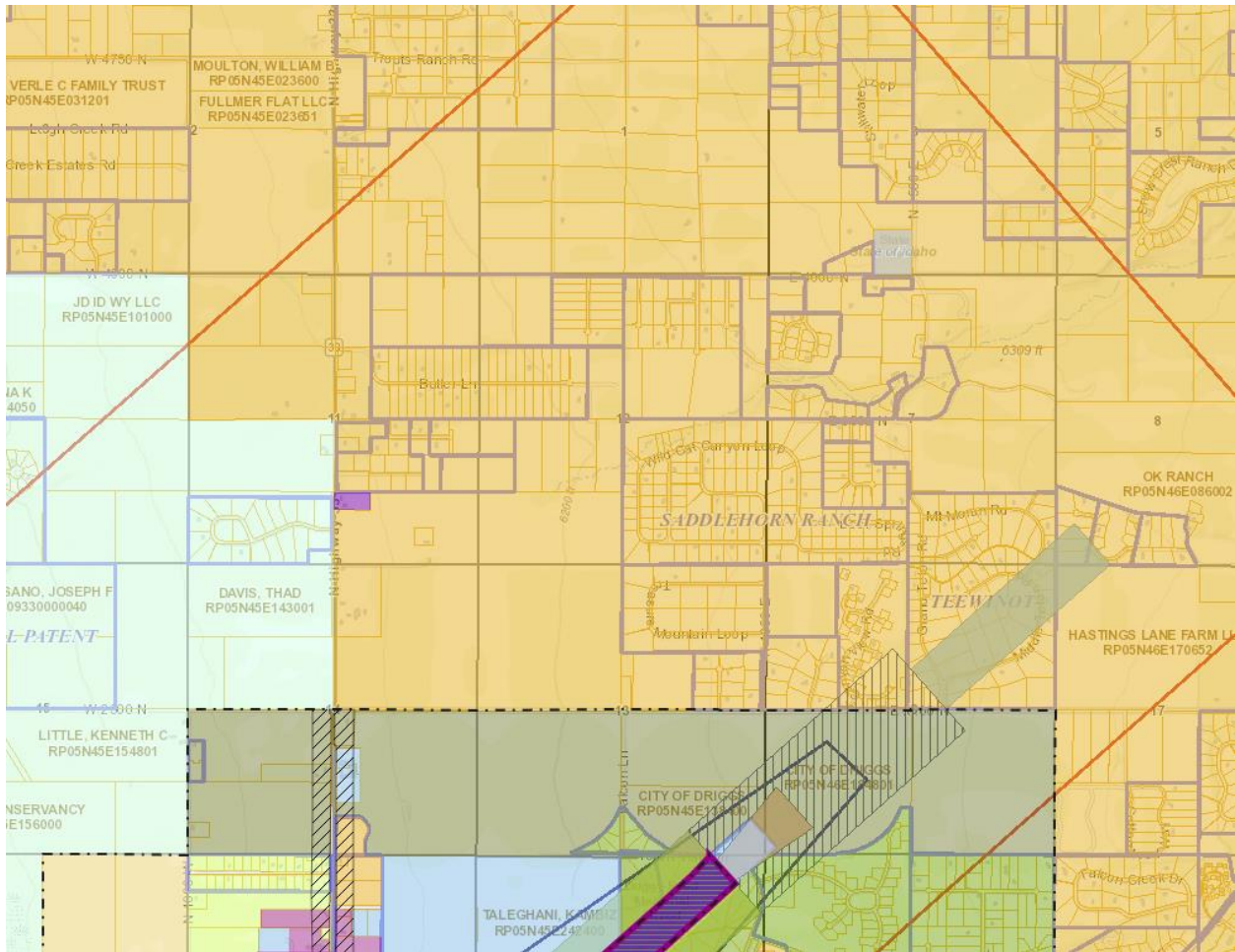


Figure 4. Dark orange box outlines the Airport Traffic Pattern Overlay for the City of Driggs

PROJECT DESCRIPTION

This proposal includes 3 parcels for a total of 154.87 acres. The 19 lot subdivision proposes access from HWY 33 on an interior subdivision road (Alpenglo Lane). A fire pond is proposed on lot 7 of the development. Individual well and septic is also proposed.

Building envelopes are included as part of the project, although all building is far setback from the scenic corridor. The applicant has submitted turn lane improvement plans to ITD for their approach to Hwy 33.

The existing home, owned by William Kitto, has provided a letter of authorization indicating their willingness to be a part of the subdivision proposal.

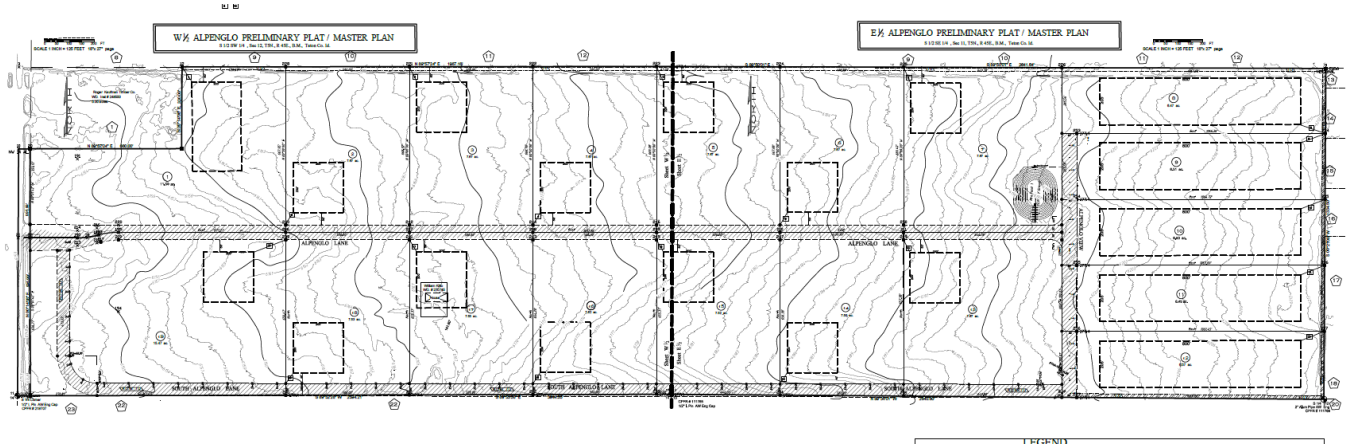


Figure 4. Preliminary Plat Layout

PROJECT BACKGROUND & REVIEW HISTORY

Pre-application: A pre-application conference was presumably held with previous planning staff before the concept application was submitted in 2021.

Concept Review: The first step in the subdivision process is a Concept Plan Review (9-3-2B). The proposal was reviewed and approved by the Teton County Planning and Zoning Commission on July 27, 2021 with the following motion.

Item #3. – PUBIC HEARING: Alpenglow Subdivision Concept Hearing AW Engineering, on behalf of 3000 North Partners, LLC, has submitted an application for a 57 lot subdivision of 154 acre parcel of land located at 180 W 3000 N, north of Driggs. The property is adjacent to Highway 33, and a portion is within the scenic corridor overlay. The property is zoned Ag/RR 2.5.

Legal Description: RP05N45E118452 S2SE4 LESS #1804 & #3481 SEC 11 T5N R45E and RP05N45E126000 S2SW4 SEC 12 T5N R45E

Mr. Chase reviewed the application for a 57 lot subdivision on 154 acres on Highway 33 between Driggs & Tetonia, a portion of which is in the Scenic Corridor. He discussed the proposed driveway locations and spoke briefly to the Public Works Director, Darryl Johnson, who wanted more information regarding the width of the driveways prior to making his comments. He was also not certain about test holes that may or may not have been dug by the applicant to test the water level for septic systems and the Fire Marshal has not provided written comment yet either but, his approval will be required before the Preliminary application submittal along with required studies.

Mr. Cook asked about building envelope requirements of the lots in the Scenic Corridor at the front of the subdivision. Mr. Chase was not aware of a requirement for building envelopes based on the Scenic Corridor review criteria.

Mrs. Sharon Woolstenhulme with AW Engineering, representing the applicant, discussed the proposed lot on the highway frontage that will be designated open space and will not be controlled by the HOA. Ms. Woolstenhulme explained the history of the existing structures on the site and the previous owner's intent to subdivide the property into 82 lots in 2007 just before the market crashed. The owners did not pursue the application and sold the land to the current owners. She explained the proposed fire suppression system and stated they will work with the Public Works Dept. to bring the driveways up to whatever standards are required. She commented this subdivision would help provide housing for the locals who work in Teton County.

Mr. Matt Haile, applicant, commented he envisioned that the homes would more likely be sold to a 2nd home market based on the lot size and the Teton views. He believed affordable housing would need to be closer to the cities or in the cities to take advantage of public utilities. He also commented he intended to supply an irrigation system to provide incentives for farmers to continue to farm the acreage that is not yet built on.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

Mr. Haddox asked about studies required. Mr. Chase commented they will need a traffic study and a fiscal impact study.

Ms. Tremblay asked if it would be the County's or ITD's decision to require a turn lane. Mr. Chase commented it would have to be approved by ITD and would have to do with the findings of the traffic study. Ms. Tremblay also asked about the intent of the front lot and whether there would be 56 or 57 residential lots. Mr. Haile commented they may decide to put a structure on the lot owned by the LLC but they are not proposing a residential structure on that lot. Mr. Chase suggested the use of the LLC owned lot should be clarified on the Final Plat document once determined.

Mr. Watters felt it was within the zone requirements but did not feel it was in compliance with the Comp Plan. He would like to see small lots with clustering and open space rather than 2.5 acre lots throughout. He was also concerned with 57 lots accessing Highway 33.

MOTION: Having concluded that the Criteria for Approval of a Concept Plan found in Title 9-3-2-B can be satisfied, I move to APPROVE the Concept Plan for Alpenglow subdivision as described in the application materials submitted May 28, 2021 with the following condition of approval:

1. Prior to Preliminary Plat submittal clarification on the buffering, number of lots for residential use, proposed access roads/driveway width, and the potential turn lane for entering/exiting the subdivision.

The previous planning administrator and senior planner failed to mention the scenic corridor overlay to the applicant. At this time, the Existing Conditions Inventory for the Scenic Corridor has not been requested. Previous Staff also failed to mention the requirement of a second access point to the subdivision, despite it being mentioned in the review by the Public Works Director.

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 April 11th, the PZC reviewed the application and tabled the application.

COMMISSION DELIBERATION:

Ms. Nolan was concerned with the applicant maximizing the area with lots and no amenities for the lot owners on-site. Ms. Love was concerned with all the conditions of approval recommended and wanted to see the traffic impact study updated as well as the fiscal impact study. Mr. Watters asked Ms. Krueger where the 2nd access could be located. Ms. Krueger commented all subdivisions over 20 lots are required to have a 2nd access and it is up to the applicant to make that happen and the conversation will need to involve ITD. Mr. Kaufman commented he was very familiar with the water issues on the site. He felt the 2nd access has to be incorporated somehow so there were several things that need to be addressed prior to moving forward.

MOTION: I move to table the public hearing for Alpenglo Subdivision Preliminary Plat in order to obtain additional information from the applicant or other agencies.

RESULT:	APPROVED [5 TO 2]
MOVER:	Tyler Wertenbruch, Commissioner
SECONDER:	Rebeca Nolan, Commissioner
AYES:	Timothy Watters, Chairman, Wyatt Penfold, Vice Chairman, Rebeca Nolan, Commissioner, James Weber, Commissioner, Tyler Wertenbruch, Commissioner
NAYS:	Wade Kaufman, Commissioner, Lindsey Love, Commissioner

On January 9, 2024, the PZC reviewed the amended application:

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 Alpenglo Subdivision as described in the application materials submitted on November 23, 2023, and additional information attached to the staff report and the listed conditions of approval as well as the following conditions:*

- 1) *Add to the CC&Rs regarding boundary fences of the properties and designated use for those; and*
- 2) *Plat note and adjustment to the road regarding the irrigation ditch on the south side of the property.*

RESULT: ADOPTED [Unanimous]
MOVER: Tyler Wertenbruch SECONDER: James Weber
AYES: Lindsey Love, Tim Watters, Wade Kaufman, James Weber, Tyler Wertenbruch
NAYES: None
ABSTAIN: None

The following were the conditions of approval listed in the staff report:

1. The plat should be updated in the following ways:
 1. A plat note should be added indicating that EIPH may require individual site visits for septic lot permitting.
 2. Scenic Corridor should be listed as an Overlay
2. Lot 1 building envelope length dimension should be added to the plat.

3. The building envelope for Lot 17 should match existing development unless it is being removed.
4. Engineer's cost estimate should be stamped and updated. The current date is 11/2022.
5. Any signs within the Scenic Corridor require a Sign Permit with Teton County. The Subdivision sign in this instance may require a Sign Permit based on placement.
6. Complete the airport traffic pattern overlay aviation easement agreement per the City of Driggs comment letter. This should be recorded with the development agreement.

Staff comment: Applicant has supplied additional information related to conditions 1-6 and is working with staff to review the Subdivision Sign.

REVIEW & INTER-AGENCY COMMENTS:

The County has solicited comments from other agencies and has received comments from the following entities.

1. **ROADS & UTILITIES:** The Public Works Director made the following comments on the Preliminary Plat as of 1/2/24:
 - No comments on the new proposal.
2. **FIRE PROTECTION:** Teton County Fire Marshal reviewed and approved the fire department access and water supply for the proposal (also attached).
3. **WASTEWATER TREATMENT:** The applicant has received preliminary approval from EIPH as of 9/16/2021. No groundwater was encountered, nor any bedrock. The parcel is not within any Wetland & Waterways Overlay areas. Therefore, a nutrient pathogen evaluation was requested. *A NP Investigation may still be requested.*
4. **PLANS & STUDIES:** Because this proposal is for more than 10 lots, a Traffic Impact Study was required. A portion of this property also falls within the Scenic Corridor as well as the City of Driggs Airport Traffic Pattern Overlay. The Staff analysis is included below.
5. **CITY OF DRIGGS:**
 - The City of Driggs has submitted comments related to concerns on the following items for the initial proposal of 55 lots. Teton County has not received any revised comments on the revised proposal of 19 lots:
 - **Transportation:** The proposal is in the scenic corridor and will create additional levels of traffic resulting from the proposed development that will impact intersections with State Hwy 33 and collector roads. The City requests that ITD be consulted with the TIS and that bicycle connectivity to Hwy 33 be required via a pathway.
 - **Park Impacts:** The City of Driggs believes that this amount of proposed development will have additional impacts on park and recreational facilities in the City of Driggs. The City would request Park land and improvements be required of the developer.
 - **Housing:** The City of Driggs recommends encouraging or requiring the developer to create recorded CCRs which would limit or prevent the homes from being used as STRs.
 - **Airport Traffic Pattern Overlay:** The proposed Alpenglo Subdivision is within the Airport Traffic Pattern Overlay. The City of Driggs has supplied a template for an Avigation Easement agreement and asks the County to include this requirement

as a condition of approval. *(Staff comment: Applicant has provided the avigation easement agreement – attachment S).*

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512. The public hearing for the BoCC was duly noticed in the Teton Valley News on February 7 and February 14, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on January 29, 2024. A notice was also posted on the property providing information about the public hearing on February 16, 2024.

PUBLIC COMMENT:

Staff did receive public comment on the application (see attached). General concerns were impacts to neighborhood character with such a large scale subdivision. Concerns were also raised about the view corridor and potential of wildlife habitat. Staff has not received any comments on the revised proposal.

CRITERIA FOR APPROVAL

The Planning and Zoning Commissioners 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 in the Rural Neighborhood Character Area. This area allows for low to medium density, where appropriate, density residential, with provisions for clustering/conservation development to preserve views. The proposal of 19 larger lots is more suited to the comprehensive plan vision. The building envelopes provided maintain conservation development as it relates to the scenic corridor and view preservation.
Objective: 2. The application complies with all applicable county regulations.
The proposal includes 19 lots that all meet the minimum lot requirements of 2.5 acres. All setbacks can be met. Fire suppression requirement has been met.
Objective: 3. If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).
The application is not a PUD.
Objective: 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.
There are no adopted trails and pathways on this property, and there are no proposed trails for the project.
Objective: 5. The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.
A nutrient pathogen evaluation has not been requested at this time. The parcel is not within the Wetlands & Waterways Overlay, and the initial EIPH preliminary approval did not have findings that would trigger this

study - no bedrock or ground water was found at the time of EIPH investigation, and the application is not for a commercial facility.

Objective: 6. The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.

The project is proposed to be served by individual wells and septic systems. The applicant has received preliminary approval from EIPH for this project as of 9/16/2021. EIPH indicated that individual site visits may still be required for each lot as they request a septic permit. Staff has indicated this should be added as a plat note.

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. A TIS is usually triggered with the creation of ten or more lots or when the PZC, BoCC or Administrator believe the development will have an impact on road conditions.

The TIS submitted contemplated the original proposal's number of lots (55). The conclusion of the study, as presented was that a left turn lane was warranted from the intersection of Hwy 33/ Dry Creek. Applicant has provided turn lane improvement plans. While the proposal has changed since the TIS was completed, the reduced density, still warrants the turn lane improvements requested by ITD.

Objective: 8. If the application is for land that is not adjacent to a state highway or a maintained county road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one state highway or a maintained county road, and adequate for anticipated traffic, and will be constructed to County Road Standards.

The project is proposing access from Highway 33. The applicant received a permit from ITD and has proposed additional turn lanes from the Highway to accommodate the new traffic.

Objective: 9. If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.

A natural resource analysis was not requested for this application. The parcel is within the Scenic Corridor Overlay as well as the Airport Traffic Pattern Overlay. The Scenic Corridor Overlay may have triggered the need for an existing conditions inventory but again, previous staff failed to mention this component, and subsequently this has not been requested of the applicant at this time. Building envelopes provided keep development outside of the scenic corridor. A sign permit is being reviewed for the subdivision monument sign which will be within the Scenic Corridor.

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 fiscal impact analysis was prepared for this project because it is for more than 20 lots. However, the amended application is under the threshold for this requirement. Subsequently, the report is not included in the proposal analysis.

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 (adopted study for subdivision review) indicated that this area was appropriate for 50-80 units per 100 acres or .65 du/acre. This proposal of 19 lots on 154.87 acres can meet this ratio at .13 du/acre. The accessory dwelling unit calculation would place this slightly higher at .25 du/acre.

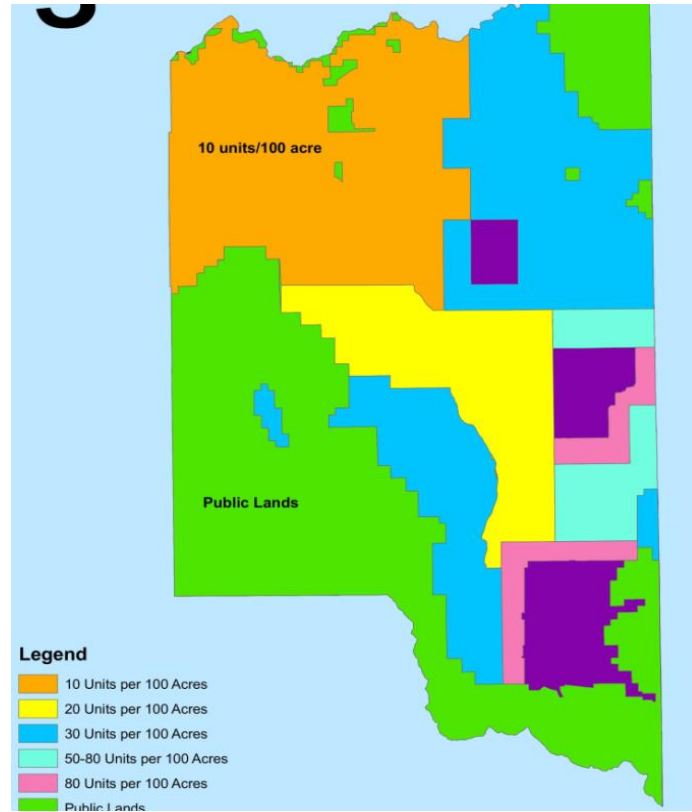


Figure 5. 2008 adopted CIP

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.

The applicant has submitted proposed CC&Rs for this subdivision. They include maintenance, general regulations and setbacks, weed control, and HOA responsibilities.

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.

Application is not within the Wildfire Hazard Overlay nor any other natural resource overlays. There is no floodplain present on the property.

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

CONDITIONS OF APPROVAL:

- 1. Any signs within the Scenic Corridor require a Sign Permit with Teton County. The Subdivision sign in this instance may require a Sign Permit based on placement.

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.
- E. Table the item for additional information from the applicant or other agencies.

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 Alpenglo Subdivision as described in the application materials submitted on November 23, 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 Alpenglo Subdivision as described in the application materials submitted on November 23, 2023 and additional information attached to the staff report, based on the following findings:

- 1.....

CONTINUATION

I move to continue the public hearing for Alpenglo 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

ATTACHMENTS:

- | | |
|--|---|
| A. Application (6 pages) | K. EIPH Review (1 page) |
| B. Preliminary Master Plan (2 pages) | L. ITD ROW Permit Application (6 pages) |
| C. Preliminary Plat (1 page) | M. Turn Lane Improvement Plans (23 pages) |
| D. Narrative (1 page) | N. CCRs (10 pages) |
| E. Improvement Plans (8 pages) | O. Development Agreement (15 pages) |
| F. Engineer’s Cost Estimate (1 page) | P. Fire Marshal Review (2 pages) |
| G. Road and Infrastructure Plans (8 pages) | Q. Public Comment (2 pages) |
| H. Traffic Impact Study (110 pages) | R. City of Driggs Letter (6 pages) |
| I. Kitto Authorization Form (1 page) | S. Avigation Easement Agreement (3 pages) |
| J. Draft Letter of Credit (1 page) | |

End of Staff Report