



PRELIMINARY PLAT REVIEW PUBLIC HEARING
FOR: Canvasback Short Plat Subdivision
WHERE: N 1000 E and near E 5000 N
PREPARED FOR: Planning and Zoning Commission
Public Hearing on May 14, 2024

OWNER: Todd Helman (Terrace Capital)
APPLICANT / ENGINEER: Taylor Cook (Nelson Engineering)

OVERVIEW: The application is proposing a 3-lot residential subdivision on 19.06 acres of currently vacant land. The lots will meet the County zoning size requirements for the 2.5 acre minimum lot size in the A/RR 2.5 zone. Because it is a 3-lot subdivision without any overlays present, the application can be processed as a Short Plat.

APPLICABLE COUNTY CODE: Subdivision Preliminary Plat Review pursuant to Title 9, Chapter 3 Teton County Subdivision Ordinance, (revised 5/16/2013) including 9-3-2-C for preliminary plat review and 9-3-3 for Short Plat Subdivision (revised 01/26/2022), Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

LEGAL DESCRIPTION: RP05N45E010500; TAX #3447 SEC 1 T5N R45E
LOCATION: N 1000 E and near E 5000 N, SE of Teton
ZONING DISTRICT: A/RR – 2.5
PROPERTY SIZE: 19.06 Acres

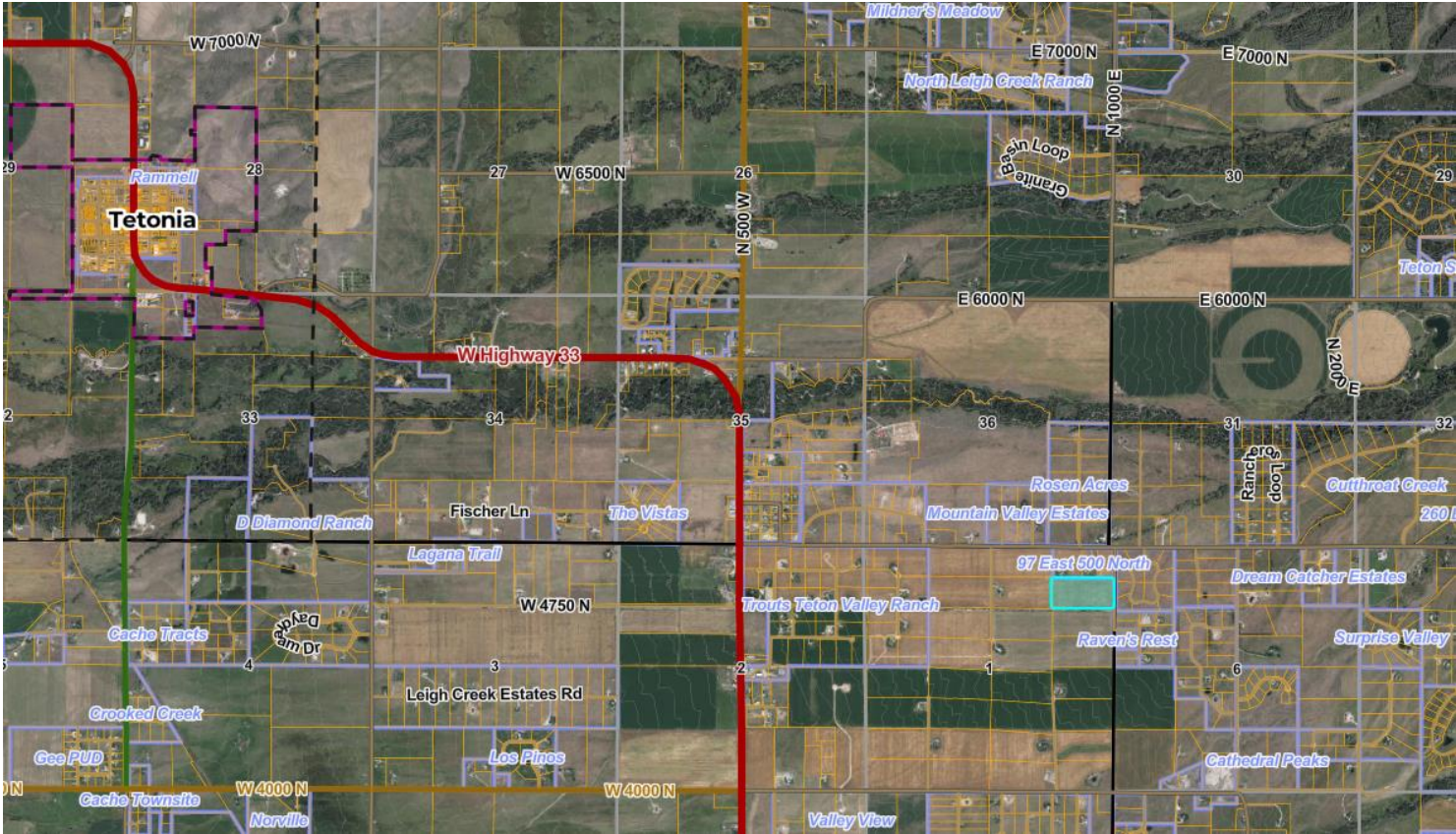


Figure 1. Vicinity Map; Subject Parcel Highlighted Blue.



Figure 2. Aerial Image; Subject Parcel Highlighted Blue.

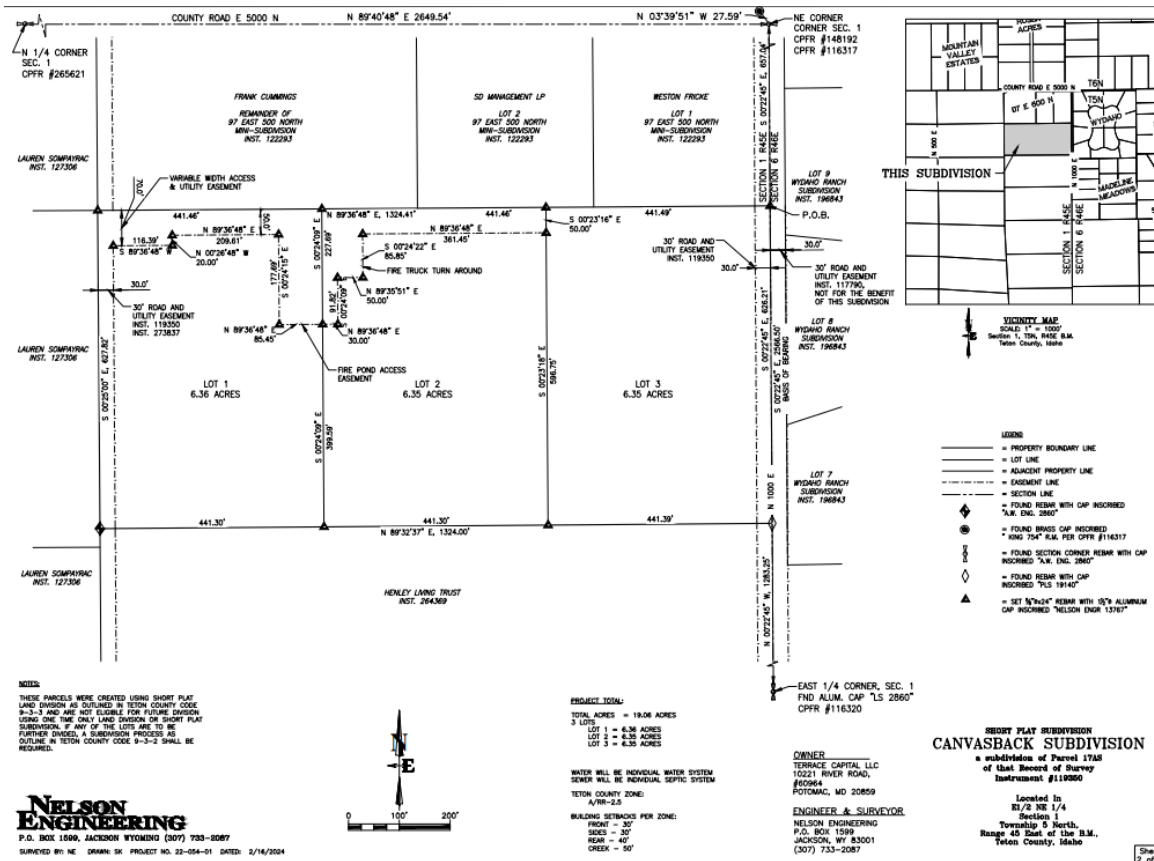


Figure 3. Preliminary Plat

PROJECT BACKGROUND & REVIEW HISTORY

Concept Plan: The Concept Plan was received on March 28, 2022. Staff reviewed and approved administratively because the parcel does not contain any overlays and because the proposal is for fewer than 10 lots. The review was approved May 17, 2022 with the following considerations and items requested for preliminary plat:

1. N 1000 E is shown as a County Road, however it is not listed on the Official County Road Map. *The applicant needs to provide proof that the subdivision has legal use of N 1000 E for access. The applicant also needs to confirm the access for Lot 1.*

(Staff Comment): Applicant has changed access to come from E 5000 N. Working on access agreements.

Administrator comment: Since proposing access from 5000, the easements weren't found to be wide enough. Applicant will need to access all lots from N 1000 E and provide an access and maintenance agreement.

PZC Preliminary Hearing: The preliminary plat application was submitted on March 12, 2024.

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.

REVIEW & INTER-AGENCY COMMENTS:

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

- **ROADS & UTILITIES:** A review by Public Works is attached (letter dated 5/3/24). Comments are as follows:
 - It appears that the applicant has changed the access to Canvas back through parcel RP001700000R0 north of the proposed subdivision. Plat and improvement plans show a 30 foot road & utility easement across this parcel. Subdivisions are required to build roads to County Local Road Standards which includes a minimum 50 foot right-of-way. Applicant will need to show proof of access via a 50' minimum right-of-way.
 - Access onto E5000N will need improved. An access permit will be required through Road & Bridge to work in County right-of-way.
 - Access and interior roads will need to be built to Local Road Standards
 - *Staff comment: Applicant has since revised access to again come from N 1000 E. Applicant will need to revise the plat, improvement plans, provide proof of legal access and provide a maintenance agreement for the private road.*
- **FIRE PROTECTION:** The proposal is for more than two lots triggers and therefore triggers the need for fire suppression. The applicant is proposing a fire pond on proposed Lot 1.
 - Approved for fire department apparatus access only.
 - Fire hydrant shall be the dry barrel hydrant used in the cities of Victor or Driggs not P.V.C.
 - Fire hydrant location shall be moved to accommodate side fill fire department tenders and not requiring a backing operation.
- **WASTEWATER TREATMENT:** The applicant has coordinated directly with EIPH and received Preliminary Approval as of August 16, 2022.

- **PLANS & STUDIES:** No overlay areas are present on the site which would require analysis of natural resources or wildlife habitat. The scale of the proposed subdivision does not require study of fiscal impacts or traffic analysis. The Comprehensive Plan identifies this area as Rural Neighborhood. This calls for transitional character in between that of Town Neighborhood and Rural Areas

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 9-3-2-(C-5-b) of the Teton County Code. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on April 24, 2024 and May 1, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on April 16, 2024. A notice was also posted on the property providing information about the public hearing on April 24, 2024.

PUBLIC COMMENTS:

No public comments have been received as of 05/07/2024.

CRITERIA FOR APPROVAL

The Planning and Zoning Commissioners 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.
The Comprehensive Plan lists this area in the framework map as Town Neighborhood. This is within the AOI of the City of Victor. The future character desired uses includes single-family detached housing in low densities, parks and greenways, pathway connections to towns and pedestrian amenities.
Objective: 2. The application complies with all applicable county regulations.
The application appears to comply with all applicable County regulations.
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).
<i>N/A: The application is not a PUD.</i>
Objective: 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.
<i>N/A: No trails and pathways will lie within the subdivision.</i>
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.
<i>N/A: A nutrient pathogen evaluation was not required for this proposal.</i>
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 will be served by individual wells and septic systems. The applicant has provided preliminary approval from EIPH as of 08/16/22.
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.

N/A: Due to the nature of the application, a Traffic Impact Study that was not prepared

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 subdivision is working to get access from E 5000 N, which is a County Road and considered a minor collector – currently a gravel road. The interior road will provide access to all subdivision lots and be constructed to County Local Road standards. A road access and maintenance agreement is being negotiated to indicate that the neighboring parcel will share the road with Canvasback Short Plat Subdivision.

Administrator Comment- Applicant will no longer be proposing access from E 5000 N and will pursue access from 1000, which is a private road. Applicant shall provide proof of legal access and an access/maintenance agreement for road use. All improvement plans/plats and subsequent documents will need revisions.

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.

N/A: There are no natural resource overlays on this property; therefore no studies were requested.

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.

N/A: A Public Service/ Fiscal Analysis for this proposal was not required because it is for less than 20 lots.

Objective: 11. The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.

All applicable fees based on the Impact Fee Program (2023 CIP) will be assessed at the time of building. The 2008 CIP (adopted CIP for subdivision review) identified this area as appropriate for 30 units per 100 acres or .3 du / acre. 3 lots per 20.12 acres could meet this ratio; the ADU potential full build-out would also meet this ratio.

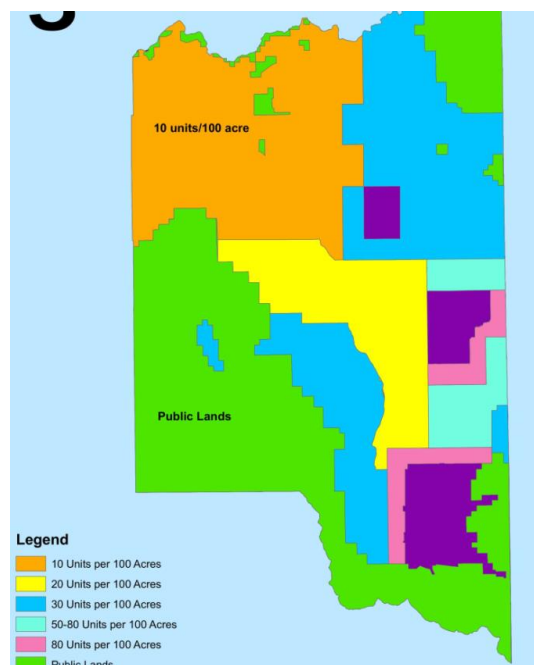


Figure 8. 2008 Adopted CIP Densities

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. The CCRs include maintenance of structures, water rights, voting, and complying with outdoor lighting requirements. The CCRs should be updated to reflect that utilities are provided to new lots of the subdivision.

Objective: 13. If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C- 3), the application shall meet as many of the criteria as possible.

There is no floodplain nor any steep slopes. The average slope of the property is around the 0-10% grade. Staff hasn't identified any health, safety, or general welfare concerns.

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

Applicant has since revised access to again come from N 1000 E. Applicant will need to revise the plat, improvement plans, provide proof of legal access and provide a maintenance agreement for the private road. Staff recommends continuation until the preliminary plat could be approved.

CONDITIONS OF APPROVAL

1. Fire suppression needs further review by the fire marshal to confirm hydrants.
2. 125% of the total cost estimate is the financial surety required at the final plat application.
3. The interior subdivision road shall be built to County Local Road Standards.
4. The access to the subdivision shall also be built to County Local Standards to a maintained County or State Highway.

PLANNING & ZONING COMMISSION ACTIONS

- A. Recommend approval of the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of 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. Recommend Denial of the Preliminary Plat application and provide the reasons and justifications for the denial.
- D. Continue to a future PZC 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 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 RECOMMEND APPROVAL of the Preliminary Plat for Canvasback Short Plat Subdivision as described in the application materials submitted March 12, 2024 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-C have not been satisfied, I move to RECOMMEND DENIAL of the Canvasback Short Plat Subdivision as described in the application materials submitted March 12, 2024 and additional information attached to the staff report, based on the following findings: ... The following could be done to obtain approval: ...

CONTINUATION

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

Prepared by:

Torin Bjorklund, Associate Planner

Jade Krueger, Planning Administrator

ATTACHMENTS:

- | | |
|-------------------------------------|-----------------------------------|
| A. Application (6 pages) | G. CCRs (7 pages) |
| B. Narrative (1 page) | H. Applicable Ordinance (7 pages) |
| C. Preliminary Plat (2 pages) | I. EIPH Prelim Approval (5 pages) |
| D. Improvement Plans (7 pages) | J. Draft Warrant Deeds (9 pages) |
| E. Engineer Cost Estimate (1 page) | K. Public Works Letter (1 page) |
| F. Development Agreement (12 pages) | L. Fire Marshal Review (1 page) |

End of Staff Report