



PRELIMINARY PLAT REVIEW PUBLIC HEARING

FOR: Osprey Landing Subdivision
WHERE: Hwy 33 W 3000 S
PREPARED FOR: Planning and Zoning Commission
Public Hearing on May 14, 2024

APPLICANT & OWNER: Bidache, Inc., represented by Sadek Darwiche
ENGINEER/SURVEYOR: Y2 Consultants, Megan Nelms

OVERVIEW: Applicant is proposing a 12 lot subdivision on 30 acres on Hwy 33 and W 3000 S. Proposed lots are all 2.5 acres. A fire pond is proposed on Lots 3 and 4 of the development. Each lot is proposed to have individual well and septic systems. Parcel is within the regulatory floodplain and scenic corridor overlays.

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: RP04N45E118401; TAX #7404 SEC 11 T4N R45E

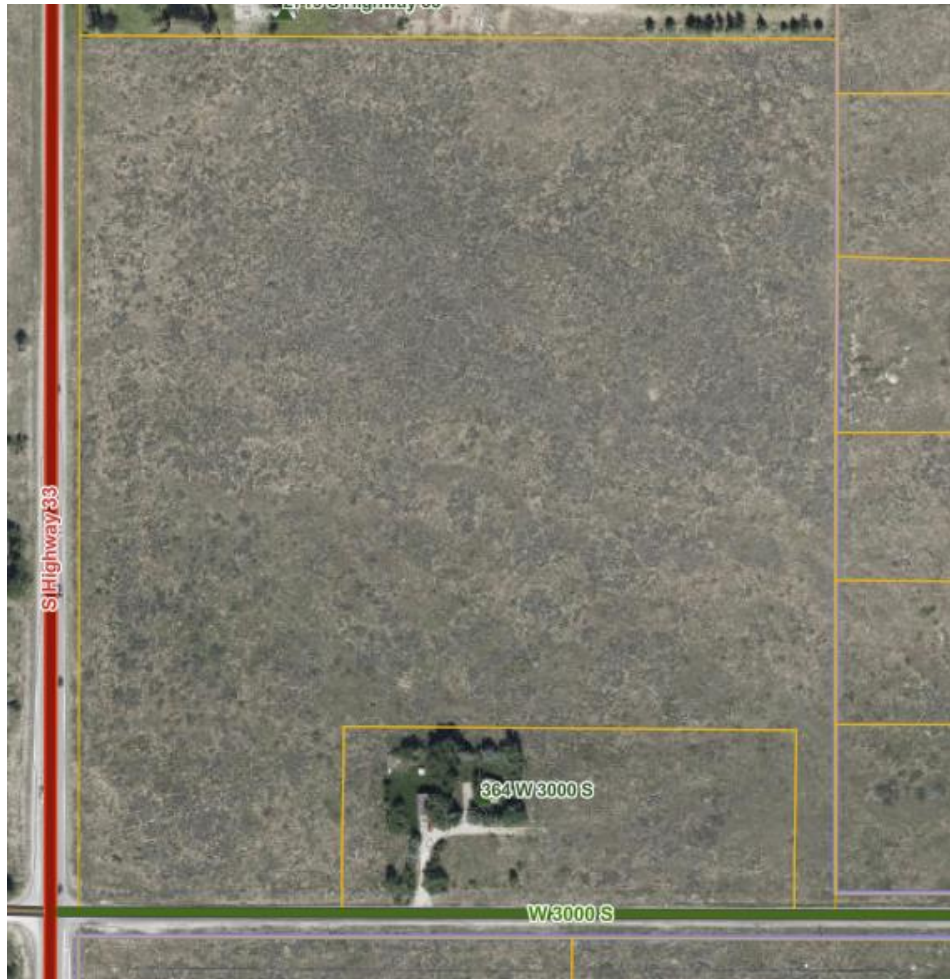
LOCATION: Hwy 33 & W 3000 S

ZONING DISTRICT: A/RR-2.5

PROPERTY SIZE: 30 acres



Figure 1. Vicinity map



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

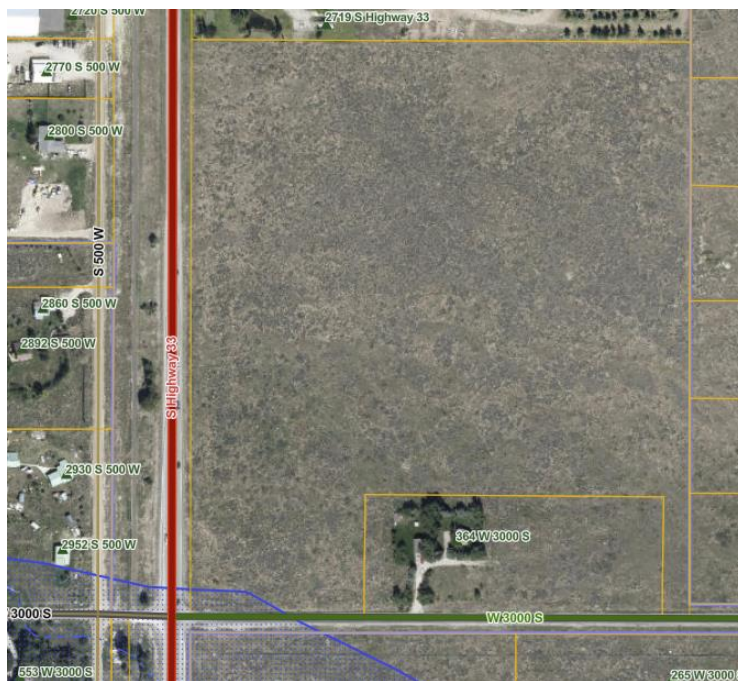


Figure 3. Regulatory Floodplain

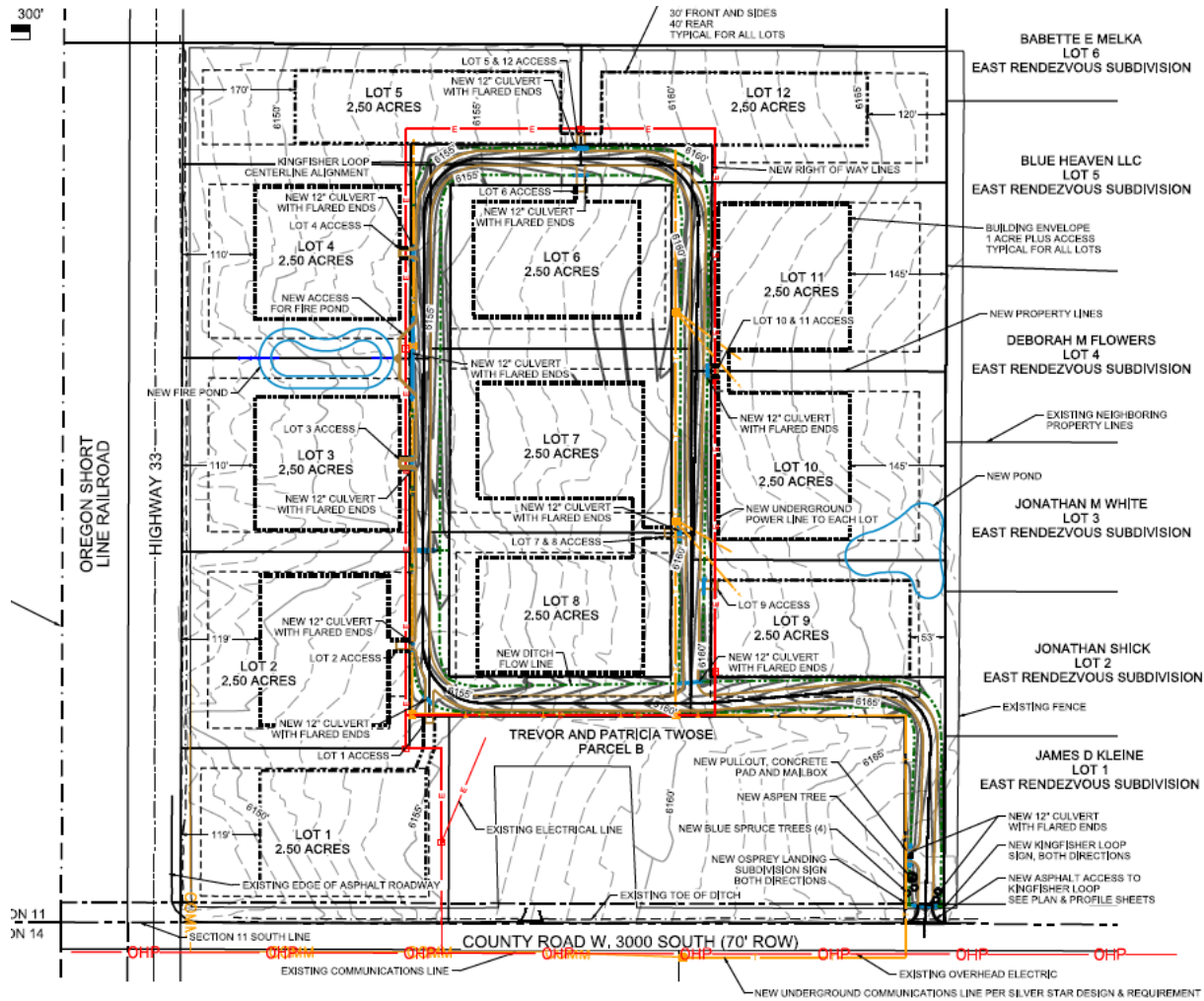


Figure 5. Improvement Plans with potential building envelopes

PROJECT BACKGROUND & REVIEW HISTORY

Pre-application: The pre-application conference was held with previous planning staff in 2021.

Concept Review: The first step in the subdivision process is a Concept Plan Review (9-3-2B). The application was deemed complete 6/30/2021. The application was reviewed by the Planning & Zoning Commission on September 28, 2021.

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 Osprey Landing Subdivision as described in the application materials submitted June 30, 2021 and as updated with additional applicant information attached to this staff report with the condition that all required studies be conducted prior to Preliminary Plat submittal.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taylor Cook, Commissioner
SECONDER:	J.A. Michelbacher, Vice Chairman
AYES:	J.A. Michelbacher, Vice Chairman, Erica Tremblay, Commissioner, Timothy Watters, Commissioner, Taylor Cook, Commissioner, Rebeca Nolan, Commissioner
ABSENT:	Jack Haddox, Chairman, Wyatt Penfold, Commissioner

OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):

The preliminary plat phase is a two-step process with review by both the Planning and Zoning commission and Board of County Commissioners, where the fact-finding details and specific requirements of the ordinance and law are determined. All of the issues surrounding required infrastructure will be resolved, or have a clear solution acceptable to the County, before scheduling the final plat review.

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 5/3/24:
 - o An access permit will need to be obtained through Road & Bridge prior to construction within E3000S right-of-way.
 - o Traffic Impact Study results show W 3000 S LOS F in 2030 and 2045 build out years. Although left turn lanes and deceleration lanes exist on SH 33, improvements could include acceleration lanes in both directions on SH 33 and a dedicated left turn lane for Westbound traffic on E 3000 S. Public Works recommends requiring a pro-rated contribution for off-site improvements based on volume increase due to Osprey Landing projections.

2. **FIRE PROTECTION:** Teton County Fire Marshal reviewed and approved the fire department access and water supply for the proposal on 5/7/24.

3. **WASTEWATER TREATMENT:** The applicant has received preliminary approval from EIPH as of 7/19/22. No groundwater was encountered, nor any bedrock. The parcel is not within any Wetland & Waterways Overlay areas. Therefore, a nutrient pathogen evaluation waiver was submitted. The technical review concurs that an NP Evaluation is not necessary.

4. **PLANS & STUDIES:** The application triggered a Traffic Impact Study and Natural Resource Analysis because of the regulatory floodplain and scenic corridor. Parcel is also within the Big Game Migration Corridor of the now pending Natural Resource Overlay map.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512. The public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News on April 24 and May 4, 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 30, 2024.

PUBLIC COMMENT:

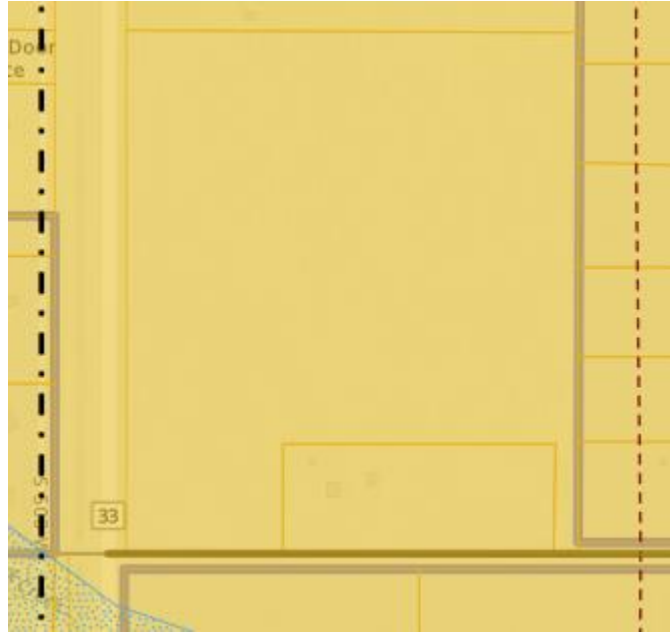
Staff has not received public comment on this application as of 5/8/2024.

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.

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.



Figures 4 & 5. Comprehensive Plan Framework

Rural Neighborhood: Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. The unincorporated town of Felt is also considered a Rural Neighborhood area. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Desired future character and land uses for the Rural Neighborhoods include:

- A transitional character in between that of Town Neighborhoods and Rural Areas
- Medium density single family neighborhoods with large open spaces and provisions for clustering
- Amenity-based neighborhoods
- Safe and convenient street and pathway connections within these areas and, when practical, to Towns
- Well-defined open space areas that connect to provide corridors
- A clear distinction between residential development and open space/agricultural areas

A 12 lot proposal in the Rural Neighborhood zone could comply with the comprehensive plan; however the proposal includes no open space or clustering that would better align with the vision of the comprehensive plan and protection of the scenic corridor.

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

The proposal includes 12 lots that all meet the minimum lot size requirements of 2.5 acres. All setbacks can be met, including the existing development. Fire suppression requirement has been met. There are no existing violations on the property.

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 waiver was submitted. There are waterways on the property but none that are named in the Wetlands & Waterways Overlays (8-2-1).

The EIPH preliminary approval letter did not discover any of the other triggers of an NP evaluation requirement. No groundwater within ten feet of the ground surface, no bedrock within ten feet, no commercial or industrial facility; and no areas within the development falling within an area of higher nitrate-nitrogen (5 mg/L or higher).

TC did ask the technical consultants to review this request. They agree that the waiver is sufficient and none of the triggers for the study have been found.

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 7/19/2022.

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 because of the number of lots proposed. Applicant has supplied a TIS (attached to this packet):

CONCLUSIONS

The W 3000 S / SH 33 intersection LOS is predicted to significantly degrade by the year 2030, although this is almost entirely due to population and traffic growth in the area, not from the subdivision itself.

Construction of the Osprey Landing Subdivisions will not impact mainline operations on W 3000 S. The new approach street intersections will operate at LOS "A" at all times.

The study also suggests that the 2-way stop controlled intersection of Hwy 33 and 3000 is "probably on the verge of capacity failure, whether or not the subdivision is built."

Staff recommends the applicant work with public works and planning to find the proportionate share of the turn lanes and that amount be added to the development agreement as a lump sum.

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 W 3000 S. All lots must be accessed from the interior subdivision road, and the road must be built to County Local Road Standards. A plat note should be added indicating that all lots will be accessed via the interior subdivision road.

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 required for this project. The property has current regulatory floodplain on the SW corner of the property and scenic corridor with all lots near Hwy 33. The NRA submitted reviews the now pending layers from the updated NRO as well.

CHAPTER 4 – PROPOSED MITIGATION

BUILDING ENVELOPE PLACEMENT

Based upon feedback received from IDFG regarding wildlife movement in the area surrounding the Osprey Landing Parcel, the client chose to prioritize a clustered design that supported wildlife movement around its exterior. All building envelopes were reduced to 1 acre in size and clustered to the center of the parcel around Kingfisher Loop. As a result, a movement corridor was maintained approximately 35 meters wide on the west side of the subdivision and 45 meters on the east side. On the east side, the 45-meter corridor combined with the corridor in the neighboring subdivision creates an overall corridor that is approximately 100 meters wide. Building envelopes can be viewed in Figure 3.

FENCING

There are no current plans to alter the existing fence around the parcel currently used for boundary delineation. Future fencing will be stipulated by the fencing section of the Land Management Plan section of this report.

RECLAMATION

There will be short and long-term disturbance with the development of the proposed Osprey Landing Subdivision. All temporarily disturbed upland areas will be replanted with native species with a seeding mix prescribed by soil type and moisture expectations.

PONDS

All wildlife species are expected to benefit from the proposed ponds on the Osprey Landing parcel. Aside from providing readily available fire prevention to the subdivision, these ponds will provide access to water for wildlife throughout much of the year. Open water is mostly lacking around the proposed subdivision and this pond would entice many bird species, especially those during migration. The wildlife pond is located in the wildlife corridor as a resource to all wildlife using the corridor. If a device is incorporated to limit freezing, such as an aerator, the ponds could provide access to species that overwinter in the Teton Valley, such as trumpeter swans. Further, these ponds will likely to be an oasis for invertebrates, amphibians and other prey species sought by sandhill cranes and other water birds. Native vegetation will be planted around the pond to increase screening for wildlife surrounding building envelopes. The proposed ponds can be viewed in Figure 3.

BERM

A berm is proposed for construction along the western edge of the parcel to provide additional screening of the subdivision from Highway 33. Coupled with the proposed vegetation screening discussed below, this feature will provide a way for big game to exit the highway right of way and travel around the subdivision to the southern cottonwood corridor.

VEGETATION SCREENING

Per stipulations regarding the Scenic Overlay, all future lot owners will be required to install landscaping to screen the view of any outdoor storage areas, outdoor trash collection areas, satellite dishes over two (2) meters in diameter, and areas with inoperable equipment or more than four (4) inoperable cars or trucks from Highway 33. Further, the client has chosen to install dense screening along the proposed berm on the western edge of the parcel.

To create further separation between building envelope disturbance and the western wildlife corridor. Future owners will be required to install vegetation screening at the edge of their development or building envelope.

All installed landscaping and screening discussed above will be designed to provide functionality early in its establishment and when it's fully established decades into the future. The design will utilize native shrub and tree species like those found in vegetation communities along Darby Creek, south of the parcel. It is expected to include conifer species such as spruce, deciduous trees such as aspen, and shorter stature flowering/fruited shrubs such as chokecherry and currants. To further support pollinator species, lilacs and dogwood are considered as well.

These upland mitigation improvements will provide an overall enhancement to wildlife habitat on the parcel including big game, raptors, songbirds and pollinators. Once established, the screening along the eastern side of the parcel will support habitat connectivity for elk, mule deer, and moose by screening the human development.

The NRA should indicate the area with the 100 year floodplain. The preliminary draft floodplain data is very similar. We need documentation per Title 12. The plat should also incorporate the building envelope.

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 not prepared for this project because it is for fewer 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 study for subdivision review) indicated that this area was appropriate for 50-80 units per 100 acres or .65 du/acre. This proposal of 12 lots on 30 acres can meet this ratio at .4 du/acre. The accessory dwelling unit calculation would place this slightly higher at .8 du/acre.

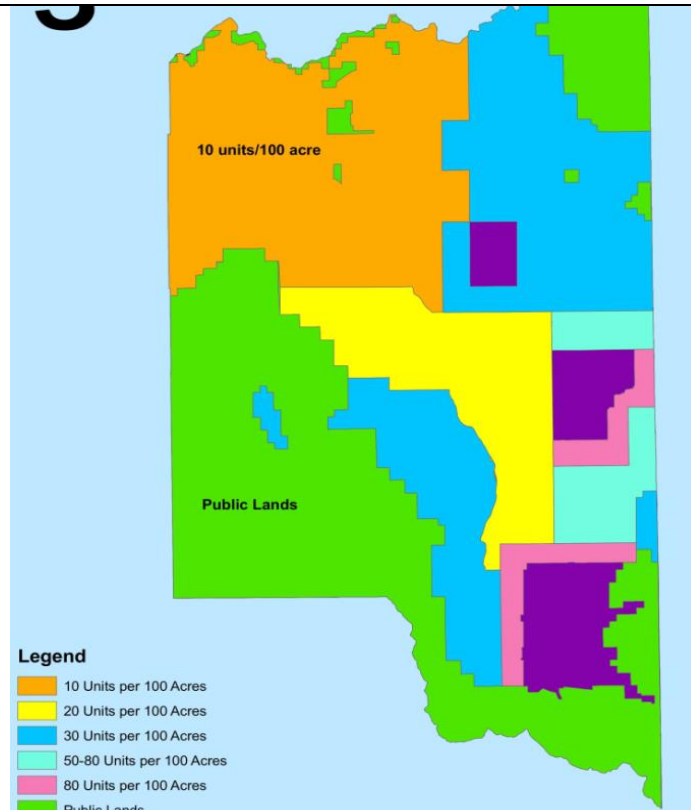


Figure 5. 2008 adopted CIP

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 HOA responsibilities.

The CCRs should be updated to include the land management components of the NRA (page 19), adequate septic tank maintenance, fencing requirements, dark sky lighting requirements of Teton County, and noxious weed management.

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.

Proposed lot one lies within the regulatory floodplain. Applicant has suggested creating a building envelope for that lot to keep development outside of the floodplain. Per Title 12, the applicant shall at a minimum provide the building envelope to keep development outside of the floodplain, where possible.

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

- Traffic Impact Study results show W 3000 S LOS F in 2030 and 2045 build out years. Although left turn lanes and deceleration lanes exist on SH 33, improvements could include acceleration lanes

in both directions on SH 33 and a dedicated left turn lane for Westbound traffic on E 3000 S. Public Works recommends requiring a pro-rated contribution for off-site improvements based on volume increase due to Osprey Landing projections.

- The NRA needs to incorporate floodplain analysis.

V. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. Subdivision Standards

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
- (3) Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
- (4) All subdivisions shall have at least one access road connected to land outside the Regulatory Floodplain with the surface of the road at or above the FPE whenever possible.
- (5) All building envelopes shall be located a distance of at least twice the regular bankfull channel width of the stream or river channel from the ordinary high water mark (or bankfull location), or out of the SFHA boundary.
- (6) All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- (7) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (8) The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, as appropriate.

CONDITIONS OF APPROVAL:

1. The plat should be updated in the following ways:
 1. Signature for Planning & Zoning is the Chair person.
 2. Plat should include the proposed building envelopes from the improvements plans –
 3. A plat note indicating that all lots will be accessed from the interior subdivision road.
 4. A plat note be added referencing the flood plain.
2. An approved access permit for the subdivision road off of W 3000 S should be submitted with the final plat application.
3. Landscaping plan should include the proposed Berm for scenic corridor mitigation. It should be included in the improvement plans and cost estimate.
4. The CCRs should be updated in the following ways:
 1. To reflect the land management measures in the NRA.
 2. That adequate septic tank maintenance be required per current DEQ and EIPH recommendations
 3. Section 4.2 should include wildlife friendly fencing.
 4. 4.9 Exterior Lighting should comply with Teton County Dark Sky Lighting Requirements
 5. 9.2 refers to water rights on community lands – applicant should provide a letter about the water rights present on the property.
 6. CCRs should also address noxious weed management.
5. Financial Surety of 125% of the stamped and dated cost estimate is required with the final plat application.

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.
- 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 RECOMMEND APPROVAL of the Preliminary Plat for Osprey Landing Subdivision as described in the application materials submitted on February 23, 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-B have not been satisfied, I move to RECOMMEND DENIAL of the Preliminary Plat for Osprey Landing Subdivision as described in the application materials submitted on February 23, 2024 and additional information attached to the staff report, based on the following findings:

- 1.....

CONTINUATION

I move to continue the public hearing for Osprey Landing 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) | J. CCRs (39 pages) |
| B. Preliminary Plat (2 pages) | K. NP Waiver (12 pages) |
| C. Preliminary Plat Narrative (5 pages) | L. LOA (1 page) |
| D. Improvement Plans (25 pages) | M. LLC Paperwork (2 pages) |
| E. Natural Resource Analysis (35 pages) | N. Warranty Deed (3 pages) |
| F. Development Agreement (16 pages) | O. Hazards Report (6 pages) |
| G. Cost Estimate (1 page) | P. NP Waiver Review (1 page) |
| H. Traffic Impact Study (48 pages) | Q. Public Works Review (1 page) |
| I. EIPH Preliminary letter (5 pages) | R. Fire Marshal Review (1 page) |

End of Staff Report