



PRELIMINARY PLAT REVIEW PUBLIC HEARING

By: AW Engineers
For: Flatiron Subdivision
Where: Southwest of Victor ~9455 S 2000 W
Prepared For: Board of County Commissioners review
9-9-2019

APPLICANT & LANDOWNER: Simon and Connie Tafoya

REQUEST: The applicant is proposing a 2 lot subdivision on approximately 10 acres. The residential lots will meet the zoning requirements and be approximately 4.1 and 5 acres. The proposed subdivision is located south and west of the City of Victor.

APPLICABLE COUNTY CODE: Title 7 Chapter 3, Victor Area of City Impact, Subdivision Preliminary Plat Review pursuant to Title 9, Chapter 3-2-C, Teton County Zoning Ordinance, (revised 05/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

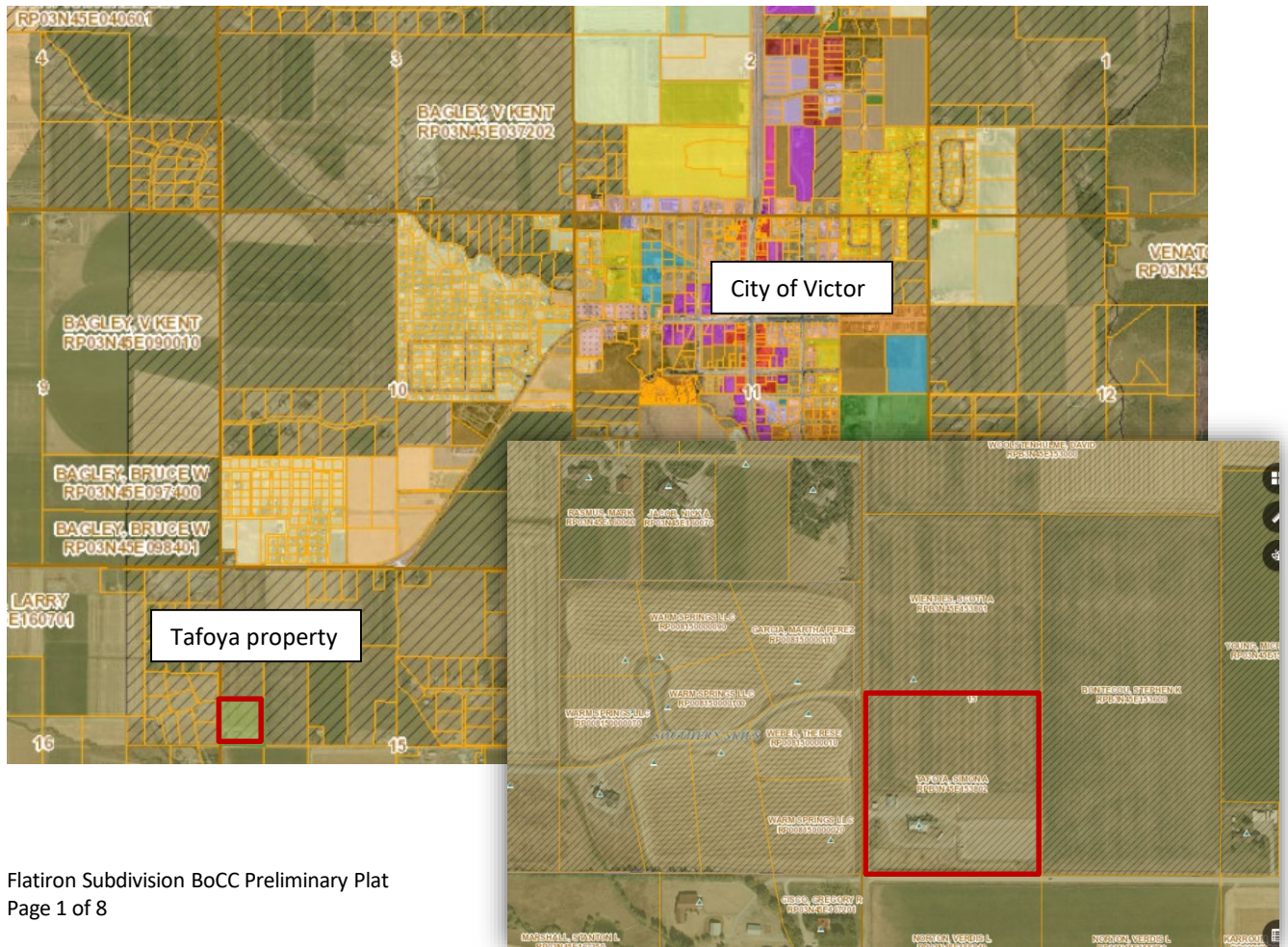
LEGAL DESCRIPTION: RP03N45E153803, TAX #4305 SEC 15 T3N R45E

LOCATION: 9455 S 2000 W; Southwest of the City of Victor

ZONING DISTRICT: A/RR -2.5

PROPERTY SIZE: 10.01 acres

VICINITY MAP:



PROJECT DESCRIPTION:

The property has an existing residence and accessory structures on the southern portion of the parcel. The remaining land has been used for farming. It is across the County Road S 2000 West from an existing subdivision, Southern Skies, which includes 10 lots and has a fire suppression system. The area includes a variety of agricultural parcels as well as subdivided land with partial buildout. The property is within the impact area of the City of Victor so the City has been notified of the application and asked to comment. The property is not within the Urban Growth Boundary of the city.

A pre-application meeting was held with the applicants' surveyor on June 19th, 2018 and the applicant met with Planning staff to review the proposal and answer questions regarding the process. The property has frontage on both 9500 South and 2000 West but accesses from 2000 West. The Public Works Director was asked to comment on proposed road access. An existing road was recently constructed on the south boundary of the property to the north, roughly across from Southern Skies Drive. The current application is proposing continuing access for Lot 1 from the existing access point and adding access to Lot 2 directly adjacent to the access to the north, and across from Southern Skies Drive.

No overlay areas, shown on GIS maps, are located on the property. No trails are proposed and no trails are indicated on trail maps adopted by Teton County.

Fire protection is typically triggered by the development of more than two lots. Although the Concept plan had three lots the current proposal only includes two, therefore no fire suppression onsite system is required.

PROJECT BACKGROUND:

The first step in the subdivision process is a Concept Plan Review (9-3-2B). Because the proposed subdivision has fewer than ten lots, a public hearing before the Teton County Planning and Zoning Commission is only required if the subdivision contains Overlay Areas. In this instance, overlay areas are not present and the review was processed administratively. No additional studies are being suggested at this time based on the scale and absence of overlays. The Planning Commission held the required public hearing on August 13, 2019 at which time they recommended approval of the application without additional conditions.

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.

INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS AND KEY ISSUES:

A pre-application meeting was held with the applicant on June 19th, 2018. Information was solicited from other agencies and departments in process of Concept application review and prior to Preliminary Plat review. Members of the Development Review Committee including, Teton County

Public Works Director (Darryl Johnson), Teton County Fire Marshal (Earle Giles), Eastern Idaho Public Health, and other agencies providing services or potentially impacted by development.

The County Engineer had the following comments:

Roads:

- Road and Bridge: Access Management encourages a minimum safe stopping distance between driveways. Minimum safe stopping distance for a 35 mph posted road is 250' and 305' for 40 mph. (The applicants modified the plat to allow for the desired separation including a shared driveway with the property to the north providing for a better access configuration. It also closely aligns with the Southern Skies Drive on the west side of S 2000 W.)

Fire Protection: No comments or concerns were provided at this time by the Fire Marshal.

Wastewater Treatment: Onsite individual septic systems are proposed
Eastern Idaho Public Health District provided the following comments specific to this application:

1. EIPH approves the subdivision application and preliminary plat for Flatiron subdivision.
2. Please contact the EIPH office for appropriate health certificate and sanitary rules/regulations to be recorded with the plat.

City of Victor: The City initially identified that the property had not been correctly recorded for de-annexation from City Limits. The City has rectified this error and provided the supporting documentation to clarify jurisdiction. The impact area agreement with the City allows the City to require studies they deem necessary or allows for review by the City Planning and Zoning Commission. Comments will be requested before hearing the Preliminary plat.

- 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.
- Easements: The Preliminary plat identifies a 15' Irrigation easement along the northeast boundary of the property as well as county road easements on the west and south.
- Building Envelopes: No proposed building envelopes are identified beyond the required County building setbacks. The site does not appear to include any obvious features that would suggest the need to establish building envelopes at a particular location. Existing outbuildings are built within the identified setbacks.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE:

Idaho Code, Title 67; Section 67-6509, and Title 9, Section 3-2-(B-2) of the Teton County Zoning Ordinance. The public hearing for the BoCC was duly noticed in the Teton Valley News published August 22 and August 29, 2019. Notice to adjacent property owners within 300 feet of the property boundary were sent August 22, 2019. Notice was posted on the site August 21, 2019. No public comment has been received at this time

CONSIDERATION OF APPROVAL:

The Board shall only approve the application 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 approve with conditions that would ensure that the proposed development meets the criteria):

a. The application is consistent with the Comprehensive Plan.

The applicant’s narrative, prepared for Concept review, addresses conformance with goals and policies of the Comprehensive Plan on pages 1-3.

The following goals and policies are identified as potentially applicable to this application:

Goal ED 2. Preserve our rural character and heritage and promote local agricultural industries.

Consider policies 2.1, 2.3, 2.5 and 2.6.

Goal ED 4. Accommodate additional population by supporting development that is economically responsible to the County and the community.

Consider policies 4.1, 4.2, 4.4, 4.5, 4.8, 4.9 and 4.13

Goal NROR 1. Conserve our public lands, trail systems and natural resources...

Consider Policies 1.2, 1.5 and 1.6

Goal NROR 4. Balance private property rights and protection of our natural resources.

4.1 Ensure development regulations balance natural resources protection, view shed protection and growth, are clear and predictable, and preserve the economic value of the land.

Goal NROR 5. Recognize, respect and/or mitigate natural hazards, including but not limited to flooding, earthquakes, landslides, radon, and fires.

Goal NROR 6. Promote natural resource protection by a variety of means including financial compensation for willing buyer/seller agreements that promote open space acquisition and land and water easements.

Goal NROR 8. Respect sensitive habitat and migration areas for wildlife.

Goal CEF 4. Adequately fund existing and future public services and facilities.

4.5 New development shall be approved only when adequate public facilities and services are available, or when necessary improvements will be made as part of the development project.

Goal ARH 1. Preserve and enhance Teton Valley’s small town feel, rural heritage, and distinctive identity.

Goal ARH 2. Balance property rights and rural character.

Goal ARH3. Support and enhance agriculture and ranching.

Goal ARH5: Reduce infestation / introduction of invasive species.

b. The application complies with all applicable County regulations.

This application appears to comply with applicable County regulations.

c. 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).

This application is not for a PUD.

- d. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.**

This project is not proposing any trails nor are there trails on the property designated on a trails map.

- e. 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 Study is not required for this application.

- f. 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.**

Septic systems have been investigated for the subdivision and are preliminarily approved with no recommended mitigation measures.

- g. 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 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.**

A Traffic Impact Study is not required for this application.

- h. 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.**

This proposed subdivision is adjacent to County roads which run along the south and west of the property. The applicant is proposing continued use of an existing access point and construction of a new access parallel to a driveway to the north and across from Southern Skies Drive.

- i. 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.

No mapped overlay areas are on the property.

- j. 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 is not required for this application.

- k. The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.**

This proposal will include two residential lots on ~10 acres. The Capital Improvements Plan was prepared based on the assumption of higher density (80 or more units per 100 acres), therefore it is consistent with the CIP conclusions which assumed a higher density.

- l. 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 proposed CC&Rs establish a homeowner's association to address maintenance of the properties in the future.

- m. 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.**

This is not applicable.

- n. 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.**

This application is not for a planned community PUD.

CONDITIONS OF APPROVAL

- Obtain access approval from Teton County Road & Bridge prior to Final Plat.



BOARD OF COUNTY COMMISSIONERS ACTION:

- A. 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. Approval of the Preliminary 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 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.

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 Subdivision Preliminary Plat found in Title 9-3-2(C-8) can be satisfied and having found that the proposal is generally consistent with the goals and policies of the 2012-2030 Teton County Comprehensive Plan,

- *I move to APPROVE the Preliminary Plat for Flatiron Subdivision as described in the application materials submitted June 26, 2019 and as supplemented with additional applicant information attached to this staff report.*

CONTINUATION

Having reviewed the application materials for Flatiron Subdivision Preliminary Plat; I hereby move to continue the public hearing for the Board Meeting on ..., specific date and time, to consider additional information or studies requested from the applicant or agencies.

DENIAL

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in Title 9-3-2(C-8) have not been satisfied, I move to DENY the Preliminary Plat for Flatiron Subdivision based on the following findings:

1. ...

The following could be done to obtain approval:

1. ...

Prepared by Joshua Chase, Senior Planner

Attachments:

1. Application (6 pages)
2. Updated Narrative (4 pages))
3. Preliminary Plat Drawing (1 page)
4. Soil Resource Report (8 pages)
5. Engineering report (3 pages)
6. Landscaping plan and Access plan drawing (1 page)
7. Letter from Health District dated 6/13/2019 (1 page)

End of Staff Report