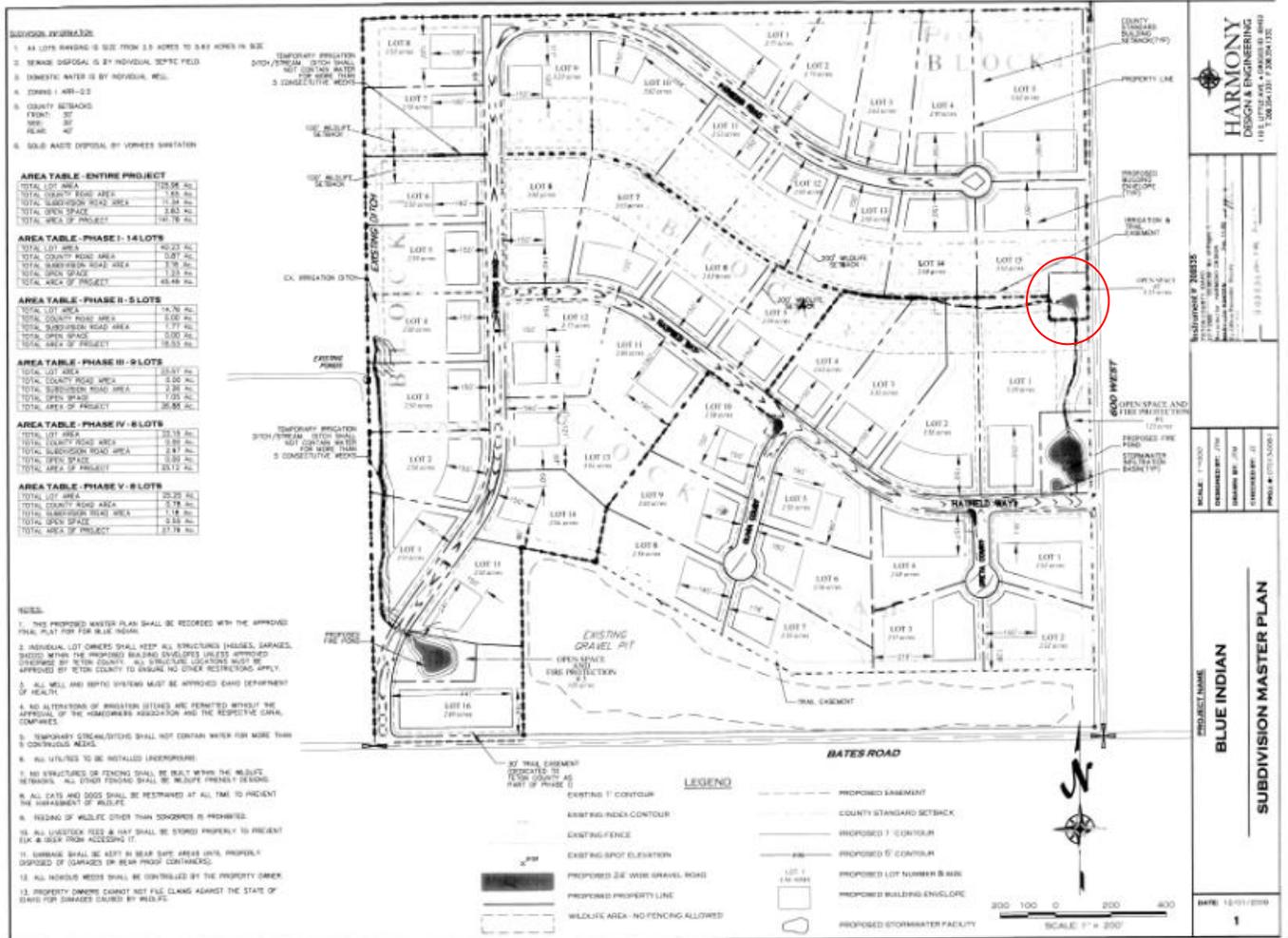


HISTORY:

- Blue Indian Final Plat Master Plan was approval for 44 lots in November 12, 2009.
- Blue Indian Phase I Certificate of Completion of Infrastructure for first 14 lots was granted on November 11, 2011.
- Blue Indian Final Phase Final Plat submittal now includes all work for remaining 30 lots.



The old Blue Indian Master Plan- note ditch running to pond (red circle) along east boundary- both are deleted in new plan.

CONSIDERATIONS
Development Agreement

Section 2: The Blue Indian Development Agreement has been updated to include the new cost estimate amounts for the remaining planned improvements. It should be noted that the developer will provide paid-in-full receipts from Fall River Electric Co-op and Silver Star Communications before the Development Agreement is recorded. An official at Fall River said that they do not begin work on any residential power line installation until 100% of the installation cost estimate is paid-in-full in advance. Given this, these two line items for the wire utilities are not included in the public improvements estimate. To repeat, the Final Plat will not be released for recording until all infrastructure is installed, inspected, and signed off. Section 9 states that the receipts are due at the time of submitting surety for all the other infrastructure.

Sections 11: The applicant agreed to modify the Development Agreement to require installation of all infrastructure prior to having the record plat recorded in the County Clerk's Office. This is the present standard for all new subdivisions being applied for in Teton County.

Wildlife Corridor:

Along the "Wildlife Corridor" and the presently undeveloped lots, the land is still being planted for agriculture. The conversion of the agricultural field to a native-vegetation habitat will occur once 10 homes are completed (per Section 4). In order to leverage this planting, the staff added condition #6. Also, the surety for the planting of natural habitat to replace the agriculture land will be held until such time that the replanting takes place. A system to irrigate the trees and native plants should be added to the cost estimate for establishing the Wildlife Corridor. This particular "public improvement" need not be planted in order to record the record plat.



Phase I lots and Hatfield Way and Olivia Court roads are depicted

Open Space:

Previously the plan depicted a very small catchment pond and near North 6000 West. A seasonal ditch was the source of water for this water feature. The expectation was that the ditch would flow less than 5 months per year. The actual function of the ditch and pond was to transport water to the nearby fire pond. The applicant no longer believes the ditch, with its limited flow, is a worthwhile addition. The open space lot where the pond was planned is 0.55 acres.

Staff believes the ditch along the west property line could be a water source for irrigating the aspen trees proposed to be planted in the wildlife corridor. In any case, the trees will need irrigation from some source and a condition of approval has been added to account for this.

Telephone Infrastructure:

The applicant was behind a recent code amendment proposal to remove the requirement from Title 9 that telephone land lines be installed in subdivisions. That topic was discussed at the Planning and Zoning Commission Public Hearing of September 2012. Members of Silver Star Communications were present and the Commission found no compelling reason to omit telephone landlines from required infrastructure.

Bonding Contingency Amount

During the approval meeting for the final plat on November 11, 2009, there was some discussion about whether a 10% or 25% contingency amount would be added to the infrastructure estimate. The BOCC set the surety amount for all infrastructure at 110% for Phase 1 and 125% for Phases 2-3-4-5. The Harmony Design estimate correctly adds the 25% for all remaining infrastructure that is not paid in advance (the two wire utilities).

Previous Preliminary Plat Requirements Applicable to this Final Plat:

- A donation of \$400 was required to offset impacts to Bates Road / 6000 West and as a donation to Teton Fire Protection District. No impact fee existed at the time of this application.
- The Wildlife Corridor Planting Plan was tied to the Phase IV stage previously; it is now tied to the number of homes built.
- The County has adopted Outdoor Lighting standards and these shall now apply to all new construction to be built at Blue Indian.
- Previously the adjoining development Scenic River Estates, had part of the responsibility to improve North 6000 West and Blue Indian's approval was partly based on the road being improved to county standard. Scenic River never met its responsibility and now all the improvements fall to Blue Indian, per the Phase I Development Agreement. A cost estimate for widening and graveling 6000 West is included in the Harmony cost estimate.

PUBLIC AND ADJOINING LANDOWNER FINAL PLAT NOTIFICATIONS

1. Legal ads were made to the Teton Valley News in accordance with local and state requirements.
2. A development notification was mailed to property owners in accordance with Idaho Code 67-6509 and 67-6511; it included those landowners within 300 feet and to those who own land within subdivisions within 300 feet of the subject property.
3. The site was posted in accordance with state statute.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC

A letter from nearby land owner Tye Tilt was the only comment letter received at the time of this staff report.

FINDINGS OF FACT:

The findings of fact for making a decision about a final plat application are enumerated in Section 9-3-2 (D-2-h) below in italics. A response to each bulleted finding is provided below the italicized finding:

Findings:

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.

This finding can be made. No exceptions to applicable restrictions in the Subdivision Code have been identified and the applicant has not requested any exceptions to applicable restrictions.

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)

This finding can be made. All applicable provisions of the Code are addressed and conditions of approval have been added to further insure that the public health, safety and welfare are upheld. These conditions would make physical improvements to the County Roads, contribute funds to the County Road and Fire Protection systems, would plant native plants for wildlife habitat when agricultural crops are no longer planted, and would install all internal subdivision infrastructure to insure health and welfare.

iii. The information required in the application has been verified and is correct.

This finding can be made. The application materials have been checked and reviewed by various applicable agencies and the final plat will be reviewed by a contract surveyor before recording.

iv. The PUD contains the minimum of open space required by this Title or amount of open space agreed to in the plans and plat. (Amd.06-05)

This finding can be made. This Final Phases plat presents the same amount of open space as was presented in the Blue Indian Master Plan that meets eth applicable code.

BOARD OF COUNTY COMMISSIONERS ACTION:

- A. APPROVE the application as presented and attach no conditions of approval.
- B. APPROVE WITH CONDITIONS the Board might add or modify the recommended conditions as deemed necessary based on items put forth on the public record.
- C. DENY the application and provide the reasons and justifications for the denial.
- D. CONTINUE consideration of the application to a future public hearing with reasons given as to the continuation or need for additional information.

PLANNING STAFF RECOMMENDATIONS

Action B: Planning Staff recommends **approval** of the Blue Indian Final Plat, subject to the following conditions of approval:

- 1) In accordance with Section 9-4-2-C-1 and 2 of the current Subdivision Ordinance, the applicant shall provide a letter of credit to the County covering construction, operation and maintenance of all the specified public improvements listed in the Harmony Design Cost Estimate for Phase II.
- 2) The required improvements to County Road North 6000 West shall be built and inspected to meet County Road standards from the Bates Road intersection to the north side of Hatfield Way prior to the subdivision record plat being recorded in the Clerk's Office.
- 3) A paid-in-full-receipt from both Silver Star Communications and Fall River Electric shall be presented to and approved by the Planning Administrator prior to the recording of the Development Agreement or record plat.
- 4) The County's Outdoor Lighting standards that are in effect at the time of any building permit submission shall apply to all structures requiring a building permit.
- 5) The Final Plat to be recorded is subject to technical survey review of the County's contract plat reviewer- Williams Engineering, Incorporated. All revisions identified by WEI shall be made prior to the recordation of the Final Plat. WEI or the Planning Staff may determine whether any required revisions are acceptable. The Final Plat shall not be released for recording until the WEI invoice for plat review is paid.
- 6) The Final Plat shall not be released for recordation until all infrastructure is complete and a Certification of Subdivision Completion is signed by the County Planning Administrator, Fire Marshall, County Engineer and the project's Engineer of Record.
- 7) The seeding of presently used agricultural land to become natural habitat in the area designated as "Wildlife Corridor" shall be in accordance to the Pierson Land Works Wildlife Corridor Planting Plan. Timing for the conversion to native vegetation shall be no later than after 10 homes have received Certificates of Occupancy. No Certificate of Occupancy shall be issued for an 11th residence until the Wildlife Corridor has been fully planted and inspected and approved by the Planning Administrator. A system to irrigate the trees and native plants should be added to the cost estimate for establishing the Wildlife Corridor.
- 8) The Master Plan shall have two plat notes added prior to recordation: 1) A standard provision regarding the Idaho Right to Farm Act 2) A statement that no further subdivision of lots is permitted.
- 9) A donation / assessment of \$400 per each lot will be collected at the time of Building Permit submittal. Said fee shall be disbursed to The Fire Protection District and to Road and Bridge in a fund earmarked for road improvements to Bates Road or North 6000 West.

SUGGESTED MOTION

*Having made the required Final Plat findings of fact enumerated in Section 9-3-2 (D-2-h), I recommend **approval** of the Blue Indian Final Plat for the Final Phases, as depicted in the June 29, 2012 Harmony Design Master Plan and the AW Engineering Final Plat-revision date March 2, 2012. The final plat approval and recordation of the Development Agreement and record plat is subject to the conditions of approval listed in the Planning Staff report...[?with the following modifications to conditions X,Y,Z?].*

Attachments:

- Final Plat Application
- AW engineering Final Plat 2 sheets
- Blue Indian Master Plan- Phase II- 1 Sheet Harmony Design
- Blue Indian Development Agreement – Oct. 1, 2012 version
- Blue Indian Specific Concerns Narrative Aug. 1, 2012
- Email from Matt Hail regarding Silver Star & Fall River paid receipts
- Harmony Design Cost Estimate – Phase II
- Fall River Job Estimate
- Silver Star Cost Estimate , Development Agreement and Wire schematic
- Wildlife Corridor Planting Plan –Pierson Land Works Blue Indian Phase 2 Construction Plans- Harmony Design- SEE BOCC GROUP READING FILE IN OFFICE
- Blue Indian Road Construction Plans- Phase 2. SEE BOCC GROUP READING FILE IN OFFICE
- WEI Engineering review Comments September 27, 2012
- Harmony Design response to WEI engineering comments Oct 1, 2012
- Harmony Design letter September 25-response to WEI comments
- WEI email October 2, 2012 re-response on Harmony Design engineering
- Idaho Fish And Game Comment letter Nov. 12, 2009
- Email from IDFG reiterating same comments as 2009- Paul Faulkner
- Teton Fire Protection District review letter July 11, 2012
- County tax Assessor email confirming taxes paid Aug 6, 2012
- Eastern Idaho Public Health Department approval letter October 2, 2012
- Notice of Public Hearing Letter September 13, 2012 Teton County
- Comment letter Tye Tilt September 24, 2012