STAFF REPORT

CONCEPT REVIEW OF A PROPOSED PLAT AMENDMENT: SIGNIFICANT CHANGES- DECREASE SCALE, IMPACT FOR CANYON CREEK RANCH PLANNED UNIT DEVELOMPENT

Prepared July 1for the July 12th, 2011
Planning & Zoning Commission Public Hearing

OWNER: Idaho Ranch Subdivision, LLC **APPLICANT:** Herb Heimerl

REQUESTS:

A Concept Review Pursuant to Section 9-3-2 (D-3-d-iii) Plat Changes
Portions of Canyon Creek Ranch PUD would be replatted and the number of lots would be reduced from the approved density of 350 lots down to 280 lots; thereby eliminating seventy lots for a 20% reduction.

The lot reductions listed above consists of:

Replat Area A- Blocks 1, 2, 3 & 4. A reduction from 58 lots to 8 lots (-50 lots)
Replat Area B- Block 18, a reduction from 25 lots to 15 lots (-10 lots)
Replat Area C- Block 21, eliminate 10 lots (-10 lots)

In consideration for reducing the density 20%, the applicant requests that the terms of the Development Agreement be modified to allow five additional years before construction must be completed for the first scheduled phase. The first phase is comprised of six (6) lots and the existing agreement states that the first phase be completed by July, 2013. There are 26 total phases. This application requests that Phase 1 have an extension of completion date to July, 2018.

CODES:

Teton County Subdivision Ordinance Section 9-3-2 (D-3) Plat Changes as amended Nov. 2010.
PUD approved under September, 2007 Teton County Subdivision Ordinance

LEGAL DESCRIPTION:

Portions of Sections 21, 28, 29, 32, 33, 34
Township 5 North, Range 43 North

LOCATION:

On the border of Madison County, south of Highway 33 on approximately 4 square miles on the north end of the Big Hole Mountains. West access from Pony Creek Road.

PROPERTY SIZE: 2,609 acres

ZONING:

Underlying zoning is A-20, but Canyon Creek Ranch was approved as a Planned Unit Development which sets unique zoning and development standards

OVERLAYS: Wildlife Habitat Overlay

PLANNING STAFF RECOMMENDATIONS:

Staff recommends that the Planning Commission take no vote to recommend approval or denial of the Canyon Creek Ranch Concept Plan replat application. The Commission may choose to request additional information of the applicant or Planning Staff so that they may better understand the already-approved project and weigh the request to extend the time line for construction in exchange for a 20% reduction in lots.

VICINITY MAP

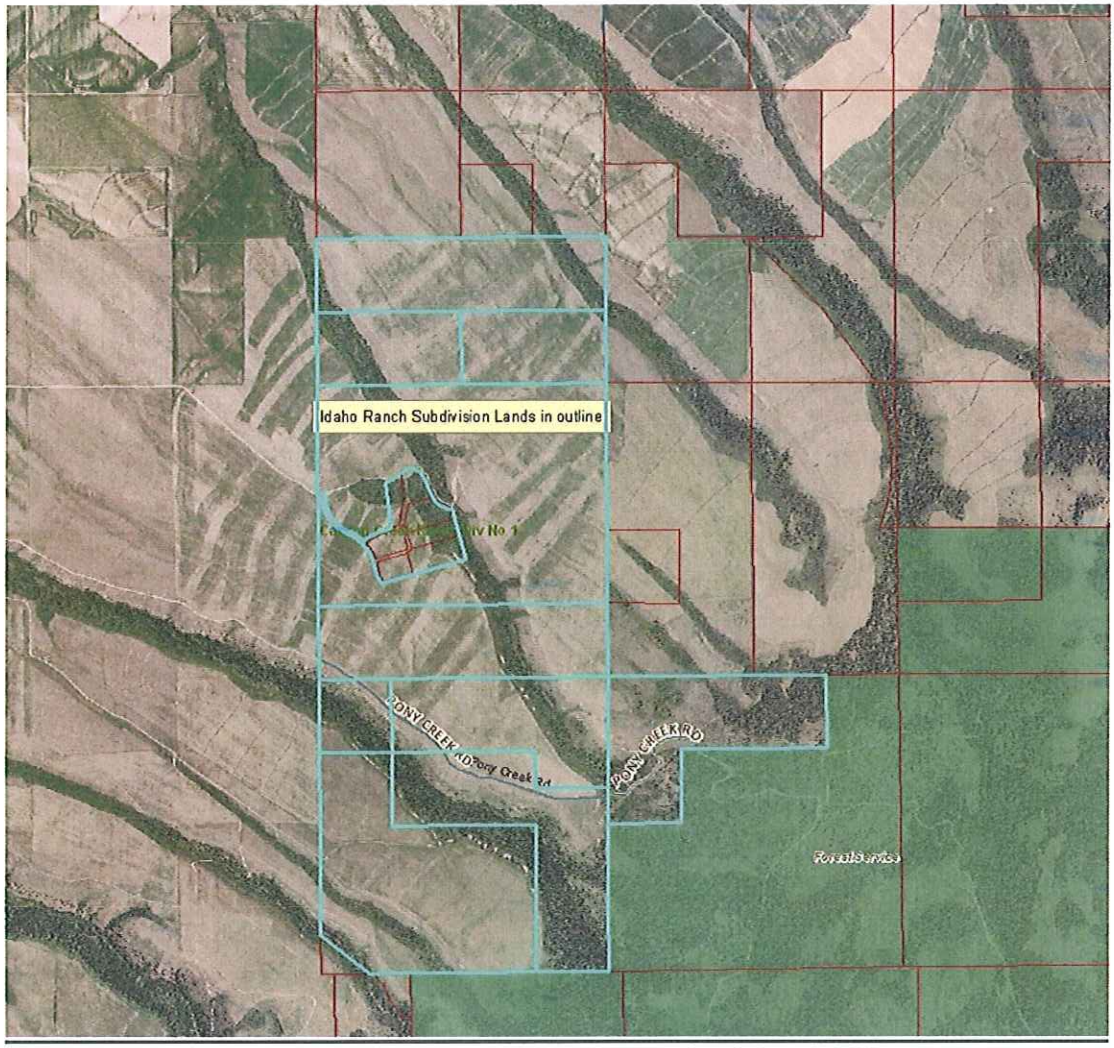

Figure 1: Area encompassed by Canyon Creek Ranch PUD

BACKGROUND INFORMATION

Canyon Creek Ranch is a large development in a remote area of Teton County (on the Teton County-Madison County border). A master plan was approved in 2009 for 350 lots. At the time of approval, the developer had a Natural Resource Analysis completed on the property. While staff has not read the entire analysis, the developer has indicated his intent to keep development out of Pony Creek draw and limit development to two other draws on the property. The property where development has been slated has grouse leks and also abuts Forest Service land. The proposed plat amendment reduces the number of lots (by consolidating 58 lots into 8 lots, and limiting a building envelope, but not reducing lot area) on one of the two draws originally slated for development.

It is staff's opinion, that the original approval of this development does not meet some of the policies articulated in the Comprehensive Plan. It is also staff's opinion, that this is delicated habitat and a

large-scale development is inappropriate for the site. That said, the development has been approved and the applicant is offering to reduce the number of lots, and, therefore, the potential impact of the development. A question arises about how best to minimize the impacts of this development via the replatting process. It is staff's position that merely reducing the number of lots is not a meaningful reduction of impacts, but rather decreasing the footprint of this development would be better.

STAFF ANALYSIS

The application was received June 13 and this report is being written two weeks later. The staff would like to better understand how or where more significant community benefits could be realized with a more realistic reduction in the amount of units, or especially a re-distribution of the development footprint on this 4-square mile area. It is true that any reduction in density is favorable to the fiscal cost associated with servicing this development. Likewise, a lessening of density of the development in areas that are more valuable to many species (not just a single species) is desirable.

The application narrative fails to provide much evidence that a reduction of 70 lots actually produces a significant increase in community or environmental benefits. The Commissioners probably understand that the real estate assumptions that were made when this project was approved are far different from those of today. There are several factors to consider when deciding if this project is viable (regardless of how many years construction is put off). These factors include:

- Lots are not selling well in the County, and new building permits have gone from 390 a year to less than 75.
- This is a very far-flung location and employment centers are a far commute. Minimal transit options exist for workers to commute to Driggs, Victor, Jackson and Rexburg.
- For second home owners and retirees, the high end, luxury market for lots has stalled. Many of the lots in this subdivision are quite small and might not fit with the current luxury market. Additionally, loans for new homes are more difficult to obtain now than when this project was approved.
- Retirees would have to weigh the proximity to medical facilities, which are presently not close to this project location.
- This project, as it was approved and platted, may no longer have a critical mass of buyers to establish a homeowners association and plow roads and maintain communal property. The geographic area of Canyon Creek Ranch becomes especially filled with snow due to the winds that are common here.

CONSISTENCY WITH THE APPLICABLE POLICIES OF 2004-2010 TC COMPREHENSIVE PLAN

The 2004 Comprehensive Plan enumerated a vision and set of policies for the Valley that are listed below. The Commission should examine these statements and consider how the Canyon Creek Ranch Replat Concept Review relates to them.

Chapter 5 Property Rights:

Policy 3: The land use ordinances and actions of Teton County, including the policies, restrictions, conditions and fees, shall not violate private property rights, shall minimize adverse impact on property values and minimize technical limitation on the use of property consistent with state and federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law.

Staff response: The constitutional right to develop in accordance with the County's specific zoning and subdivision regulations is not in question here. The right to apply for an extension of timelines is in no way affected by this policy. The development entitlements to Canyon Creek Ranch would only be in jeopardy of being lost if the timelines and conditions of approval in the Development Agreement

contract were breached. If no construction was completed by July 2013, and no extension granted, then terms of the Development Agreement would not be met.

Chapter 6 Population:

Policy 1: Demographic information is important and needs to be gathered by the county government and continually updated.

Staff response: The net increase in the number of new households at this location is potentially very significant, at least theoretically, for the built-out Canyon Creek Ranch project. With build-out of 350 dwelling units, potentially 750 or more people could reside at this location. Presently, the area is considered remote from schools, shopping and governmental services as the projected straddles the Teton-Madison County line. The Rexburg shopping and governmental centers are closer to this project, but the area is still distant from those urban services in Madison County. Reduction of lots could decrease these impacts to both Madison and Teton Counties.

Chapter 8 Economic Development

Policy 3: One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.

Staff response: A fiscal Impact calculation model was not available during the review of this project. Given that the calculator uses county miles from services as the primary variable, it is quite likely that the costs to provide fire, utility, emergency and school transportation services to the built-out Canyon Creek Ranch project would significantly exceed the tax revenues. A reduction of 70 lots would theoretically lessen the cost to provide County services and would reduce miles of vehicle travel on the state highway and county roads.

Chapter 9 Land Use

Policy 1: Protect open space throughout the County. Enhance the mechanisms available to incorporate the same in developments.

Staff response: In retrospect it is highly debatable whether the approval of Canyon Creek Ranch in 2009 is consistent with this policy. The question related to the present replat application is whether a reduction of 70 units at the proposed plat locations can at least be in greater consistency with this policy.

Policy 2: The scenic corridor is valued and view corridors should be maintained and protected. Guide development along the county's highways so that a sense of open space is protected. It is recognized that views across the valley from the main transportation routes are integral to the rural experience and a sense of open space in Teton Valley. It is desirable to maintain view corridors.

Staff response: This project is not highly visible from Highway 33.

Policy 3: Accommodate new residential growth in the county using methods that preserve Teton Valley's pristine qualities and foster efficient provision of services. Concentrate higher-density development in the cities or in their areas of impact. (See Implementation 10)

Staff response: This 2004 Comp plan policy would appear to be contrary to the approval of such a high number of dwelling units in this location. If the project were being considered this year and not approved in 2009, this Planning Staff would be obligated to point out that this Comp-Plan policy would not support approval of this density at this location and in this environmental setting. The question related to the present replat application is whether a reduction of 70 units at the proposed plat locations can at least be in greater consistency with this policy.

Policy 4: Higher density developments should be located within or near the cities or within or near their areas of impact. Developments in the unincorporated county may be based on the density based zoning concept which will provide significant open space.

Staff response: This project does plan to keep much of the 2,609 acres free of development and calls it open space. However, the percentage of open space at a remote location such as this may not be comparable to open space in a more densely populated area where there is a deficiency in open space and much of the land is a built-environment in need of natural surroundings to compliment the man-made environment. It is more plausible to regard any development at this location as a contributor to habitat fragmentation more than providing meaningful open space to the residents of the county. Forest Service lands nearby provide recreational and ecological open space to an extent, but the wooded canyons that bisect the Canyon Creek Ranch are particularly valuable habitats and migration corridors. A meaningful replat of this project could protect more habitat area from fragmentation and would cluster and concentrate development onto a smaller acreage "footprint."

Chapter 10 Natural Resources:

Policy 4: Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands.

Staff response: This 2004 Comp plan policy would appear to be contrary to the approval of such a high number of dwelling units in this location. The roads and 350 houses would be expected to contribute to less starry night skies, less open space for animals using adjacent National Forest, and less clean air, especially in the absence of CC&Rs or other restrictions on fireplace emissions. Additionally, the Forest Service has asked for specific access points and building envelope buffers to be called out on the Master Plan for the protection of access to the forests and fire protection.

Policy 5: Encourage the conservation and protection of important plant, fish and wildlife habitats.

Staff response: This 2004 Comp plan policy would appear to be contrary to the approval of such a high number of dwelling units in this location. The question related to the present replat application is whether a reduction of 70 units at the proposed plat locations can at least be in greater consistency with this policy.

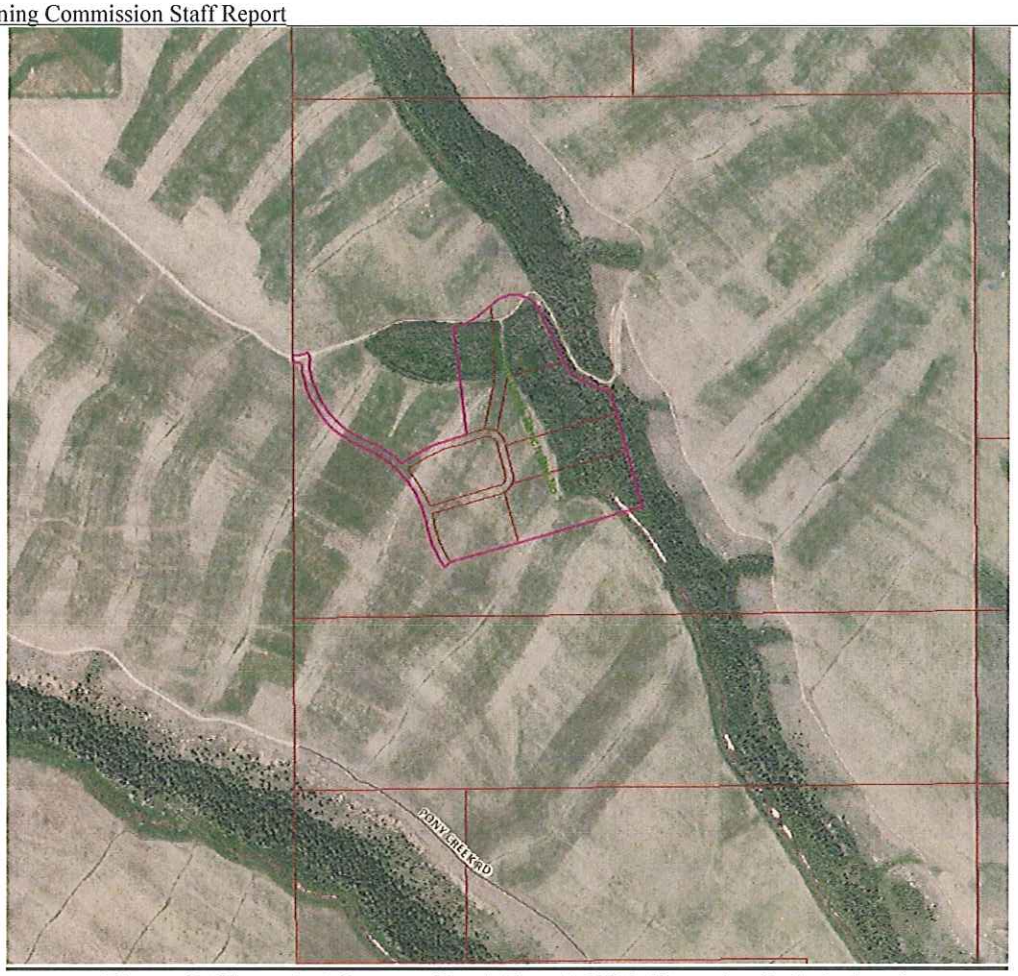

Figure 2: Phase 1 of Canyon Creek Ranch PUD (the only platted phase)

Chapter 11 Hazardous Areas

Staff response: Replat is not expected to involve hazardous areas.

Chapter 12 Public Services & Utilities:

Staff response: A full analysis of the magnitude of reduction to public services has not been completed at the time of this report's writing.

Chapter 13 Transportation

Many of the county roads are not appropriately engineered for significant increases in private or commercial traffic. Allowing only lower-density developments in the unincorporated county will help minimize the strain on the county's road and bridge budget as the county grows. Directing denser growth near the existing cities will help maximize efficient provision of road maintenance and water and sewer services.

Staff response: Approval of Canyon Creek Ranch in 2009 is not consistent with this policy. The project will also put more traffic onto Madison County roads. The replat and reduction of vehicle trips from over 2600 trips per day (at build-out of 350 units) and a reduction of 70 dwellings would lower the average daily trips by over 500 trips per day.

Chapter 14 Recreation

Staff response: The replat is not expected to affect the recreation component to the development.

Chapter 16 Housing

Policy 3: *High-density developments should be within the cities and city impact areas whenever possible.*

Staff response: Approval of Canyon Creek Ranch in 2009 is not consistent with this policy. The replat and reduction of 70 units does not make this project significantly more consistent with this Comp- Plan policy.

Chapter 17 Community Design

Policy 1: *Encourage the preservation of the scenic vistas, open space, mountains, forests, night skies and wetlands.*

Policy 2: *Encourage the preservation of the county's rural character.*

Staff response: Approval of Canyon Creek Ranch in 2009 is not consistent with these two policies; The question related to the present replat application is whether a reduction of 70 units at the proposed plat locations can at least be in greater consistency with these policies.

CONSISTENCY WITH THE APPLICABLE TETON COUNTY SUBDIVISION CODE

Teton County Title 9, the Subdivision Ordinance, outlines criteria for approval for a plat amendment, significant change- decrease scale, impact.

Subsection 9-3-2 (D-3-a)

The purpose and intent also is to reduce the intrusion of development into sensitive natural areas of the county and reduce governmental costs associated with scattered development by expediting changes to recorded plats that reduce the number of vacant platted lots in the county.

Staff response: The proposed plat amendment does reduce the intrusion of development into sensitive areas, particularly those of biological concern. The question arises, however, does it make a *significant* reduction? Likewise with reducing costs associated with providing services to far-flung developments. Twenty percent fewer lots is 20% fewer calls to the sheriff's and fire department. However, is that a significant decrease? Is it a decrease such that the County would be able to provide services to the development given the reduction of lots?

Subsection 9-3-2 (D-3-b-iii)

Decrease Scale, Impact are changes that substantially decrease the scale or scope of the platted subdivision, and substantially decrease the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community.

Staff response: Canyon Creek Ranch PUD is located in an area that is not ideal for development in general. While there is no immediate residential neighborhood to impact, the build-out of this development will substantially affect the surrounding area. Affects include: access to Forest Service Lands, increased traffic on surrounding roads, increased light pollution at night, increased impacts to wildlife in the form of habitat reduction and fragmentation, and potential service costs to the County, among others. Does the reduction of 70 lots of this subdivision constitute a substantial decrease in impacts to the County? Certainly, some reduction is better than no reduction, but the question related to this present application is whether a reduction of 70 lots at the proposed locations constitutes a public benefit.

AGENCY & DEPARTMENTAL TECHNICAL COMMENTS

No comments were solicited at the time of this replat applications' submittal.

PUBLIC NOTICE:

1. Legal ads were made to the Teton Valley News in accordance with local and state requirements.
2. A development notification was mailed to landowners within 300 feet and to those who own land within subdivisions within 300 feet of the subject property.
3. A development notice was posted onsite in accordance with all code requirements.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC

No comments have been received at the time of this reports writing.

Report prepared by Planner Curt Moore

Attachments:

Application Materials