



**REQUEST FOR PRELIMINARY PLAT REVIEW**  
**BY:** AW ENGINEERING  
**FOR:** STEAMBOAT HILLS SUBDIVISION  
**WHERE:** East of Tetonia (~1000 E 7000 N)  
**PREPARED FOR:** Planning and Zoning Commission  
Review September 8, 2020

**APPLICANT & LANDOWNER:** J&E Infanger LLC- Emily Infanger Coghlan, Manager

**REQUEST:** The applicant is proposing a 2 lot subdivision on 25.35 acres. The residential lots will meet the zoning requirements and will each be 12.42 acres. The proposed subdivision is located east of the City of Tetonia.

**APPLICABLE COUNTY CODE:** Subdivision Concept Plan Review pursuant to Title 9, Chapter 3-2-B-2, Teton County Zoning Ordinance, (revised 05/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

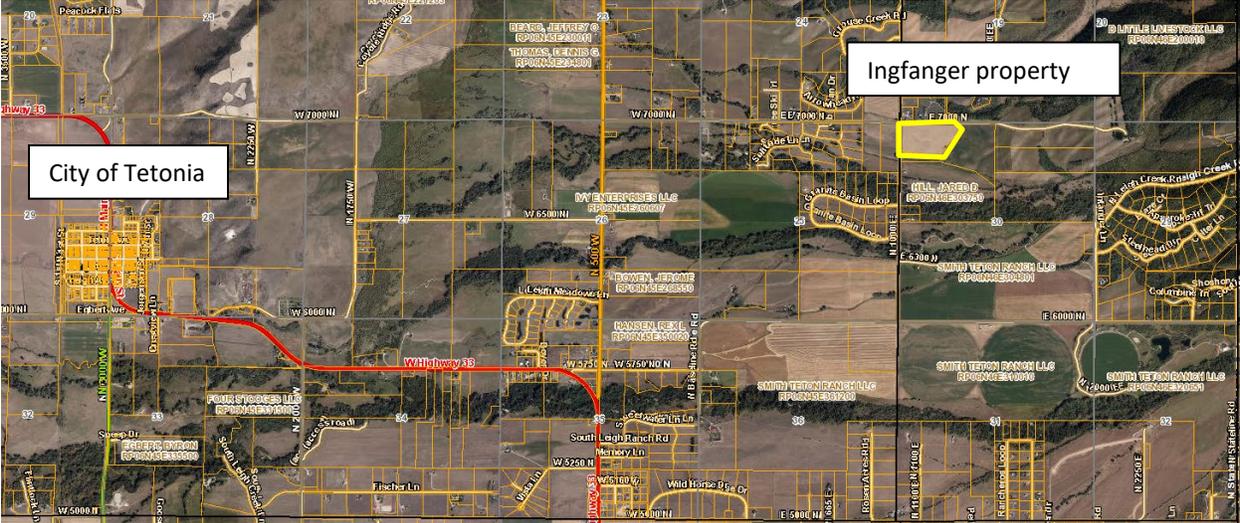
**LEGAL DESCRIPTION:** RP06N46E303151, TAX #7196 SEC 30 T6N R46E

**LOCATION:** East of Tetonia (~1000 E 7000 N)

**ZONING DISTRICT:** A/RR -2.5

**PROPERTY SIZE:** 24.87 acres

**VICINITY MAP:**



**PROJECT DESCRIPTION:**

The Infanger property is located on the east side of 1000 East and south of 7000 North. The property is currently vacant and appears to have been used for cultivated agriculture. It also appears that the existing farm access is from the southwest corner, just north of a canal. Nearby subdivisions include Dry Ridge Ranch to the southwest, the three lot “702 North 100 East subdivision” to the north, and several other subdivisions west of the property. Land to the east and directly south includes unplatted agricultural and forested land.

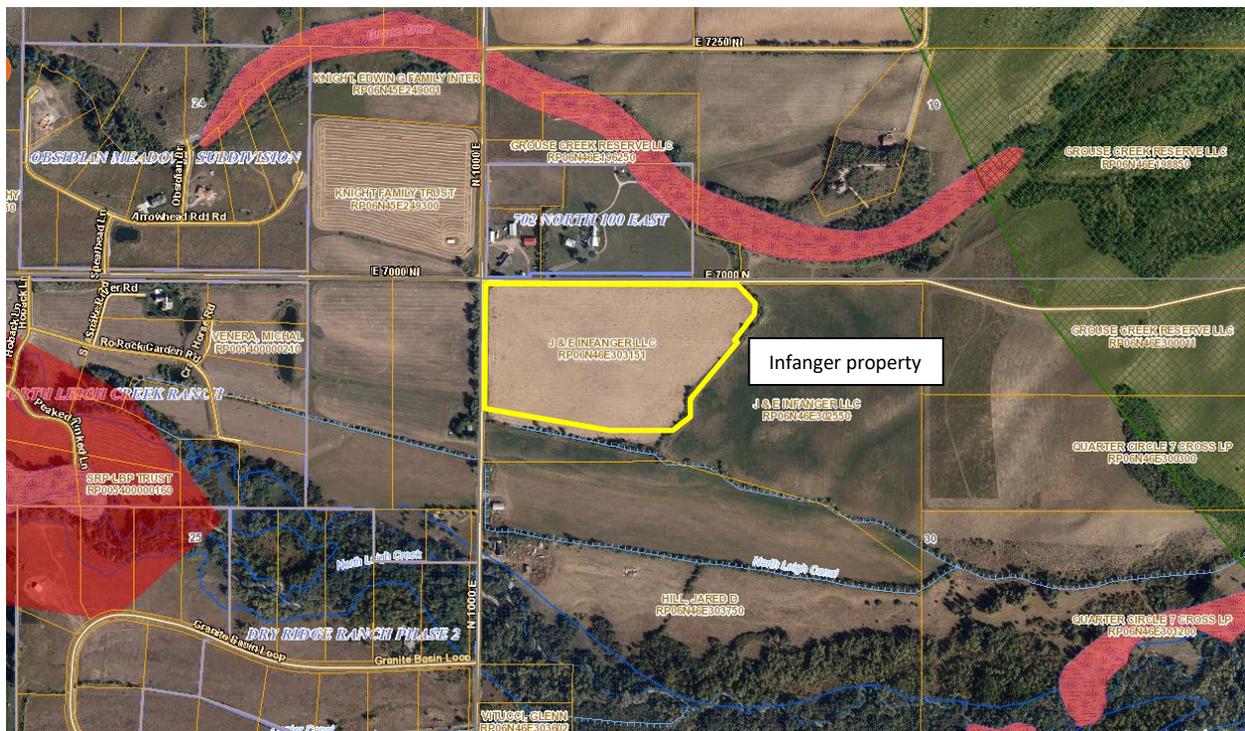
A pre-application meeting was held with the applicant’s representative and Planning staff to review the proposal and answer questions regarding the process. The Public Works Director was asked to comment on preferences for proposed road access for the residential lots.

Fire protection is typically triggered by the development of more than two lots. The project was discussed with the Fire Marshal in a meeting where he confirmed that no fire suppression will be 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 concept plan was reviewed administratively. No additional studies are being suggested at this time based on the scale and absence of overlays.

**AERIAL IMAGE:**



The property is in proximity to both Grouse Creek and North Leigh Creek, but it doesn’t appear to be within 300’ of either stream. The property is near a couple of canals. No overlay areas are located on the property. As described in the narrative, the property was previously divided with an agricultural exempt land division.

**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. 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 (Therese Balkenbush), and other agencies providing services or potentially impacted by development.

Road Improvements: The shared access meets required offset from the intersection of N 1000 E and E 7000 N. Applicant will need to acquire an access permit from County Road and Bridge Department prior to construction of improvements.

Fire Protection: None proposed. In a meeting on February 20<sup>th</sup>, the Fire Marshal identified that no water source will be required. A follow up correspondence indicated no fire related concerns.

Wastewater Treatment: Onsite individual septic systems are proposed Eastern Idaho Public Health District provided comments and identify that the applicants made application with the Health District and have been instructed to monitor groundwater elevations through the high groundwater season of 2020. This may affect the depth to which a septic system can be placed but not likely prevent septic systems from being approved.

**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 Planning & Zoning Commission was duly noticed in the Teton Valley News published August 19<sup>th</sup> and 26<sup>th</sup>, 2020. Notice to adjacent property owners within 300 feet of the property boundary were sent August 17, 2020. Notice was posted on the site August 24, 2020. No public comment has been received.

**CONSIDERATION OF APPROVAL:**

The Commission shall only recommend approval 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):

**a. The application is consistent with the Comprehensive Plan.**

The applicant's narrative, prepared for concept review, references policies in a previous version of the Comprehensive Plan related to private property rights and contends that the Comprehensive Plan is not a governing, binding code. The Narrative does cite other current policies including economic development, transportation, Natural Resources and Economic Development and others which support the project.

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 the applicants were requested to monitor groundwater levels through the season. Findings could dictate the depth of septic systems, however the health district indicated that systems should be able to be placed on the properties (see EIPH comment letter).

- 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 a County road which runs along the west of the property. The applicants are proposing a single access point which will require an access permit from the Road and Bridge Department and replace an existing access point.

- 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 ~25 acres. The Capital Improvements Plan was prepared based on the assumption of higher density (30 units/100 acres for this area based on existing development patterns), 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 CCRs 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.

#### **POTENTIAL CONDITIONS OF APPROVAL**

- Obtain access approval from Teton County Road & Bridge prior to Final Plat.
- Continue working with Eastern Idaho Public Health District for septic system approval.

#### **PLANNING & ZONING COMMISSION ACTION:**

- 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 request, or adding conditions of approval, having provided the reasons and justifications for the approval and for 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.

**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 RECOMMEND APPROVAL of the Preliminary Plat for Steamboat Hills and as supplemented with additional applicant information attached to this staff report.*

**DENIAL**

*Having concluded that the Criteria for Approval of a Subdivision Preliminary Plan found in Title 9-3-2(C-8) have not been satisfied, I move to RECOMMEND DENIAL of the Preliminary Plan for Steamboat Hills Subdivision as described in the application materials submitted July 20, 2020 based on the following findings:*

- 1. ...

*The following could be done to obtain approval:*

- 1. ...

**Attachments:**

- |   |  |
|---|--|
| 1. Application (6 pages)  | 6. Declaration of Covenants, Conditions and Restrictions (6 pages) |
| 2. Narrative (9 pages)  | 7. Landscape and Entrance Sign plans (1 page)                      |
| 3. Preliminary Plat/Master Plan Drawings (1 page)               | 8. Comment Letter from EIPH (1 page)                               |
| 4. Soil Report (12 pages)                                       | 9. Comment Letter from Public Works (1 page)                       |
| 5. Development Agreement and Engineers Cost Estimate (13 pages) | 10. Comment from Fire Marshal (1 page)                             |

**End of Staff Report**