

# MEMO



**To:** Tetonia Planning & Zoning Commission (PZC)

**From:** Ashley Koehler, Contract Planner

**Memo Date:** December 3, 2020

**Meeting Date:** December 7, 2020

**Project Name:** Buckrail Ranch Subdivision

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**SUMMARY** The purpose of the hearing is to consider and make a recommendation on a 20-lot subdivision located in the Tetonia Area of Impact. Any decision on the subdivision also requires review by the Tetonia City Council, Teton County P&Z Commission and final decision by the Board of County Commissioners.

PARCEL: RP06N45E205550

OWNER: Buckrail Ranch, LLC

APPLICANT: Buckrail Ranch, LLC represented by Dean Rodatos and Brent Crowther, Civilize Engineering

LOCATION: NE corner of Hwy 33 and Hwy 32

ACRES: 78.67

ZONING: Agriculture/Rural Residential 2.5 acre (County)

**ATTACHMENTS** Application packet received by City of Tetonia 10/16/20, with updated Plat on 11/17/20. Staff Report from Teton County planners to Teton County P&Z Commission and meeting minutes from 11/10/20. Access permit from ITD.

**PROPOSAL** See application packet.

## REVIEW PROCESS, CRITERIA & ANALYSIS

### Area of Impact (City Code 9-10-10)

The Area of Impact ordinance for Tetonia was adopted by Tetonia in 2008, but never accepted and adopted in Teton County. Instead, the previous Area of Impact (AOI) agreement from 1995 is being used since it was adopted in both the City and County. This Agreement (Tetonia Ord No. 95-081495) states that both the City and County subdivision ordinances and Comprehensive Plans should be used to review this proposal. As part of the Preliminary Plat review, the Tetonia P&Z Commission is required to "...review and recommend special conditions, including site design standards, for the development agreement pertaining to the proposed development." Tetonia P&Z Commission will also review and provide a recommendation on the Final plat application.

**Public Hearing:** This proposal was noticed as a public hearing and as of the date of this Report no written comments have been received.

### Subdivision Review (City Code 9-11-06)

Below is an outline of the applicable standards:

- Roads: Right-of-way width is 50' and meets the minimum of 60' for local streets.
- Block Length: 400' is the maximum block length required. This standard is not met. This City Code standard anticipates subdivisions that are in city limits and follow a block pattern. Where this is not in city limits, it is recommended that the County Code standard should be used.
- Lot Requirements: Defer to County zoning standards for lot sizes in the A-2.5 zone.
- Open Space Requirements: 10% of the gross land area shall be open space (7.9 acres). This amount of land is used as a buffer between the highways and the lots. This land is eligible to be used as open space if it held as common area and managed by a HOA. **The plat should be updated so that 7.9 acres is**

labeled as open space and a Development Agreement submitted indicating the ownership and maintenance plan for the open space.

- Tetonia Public Works reviewed and had no comments.

### **Tetonia Comprehensive Plan**

Applicable statements, goals and objectives are listed:

- Transportation Plan (pg 24) shows that a “future minor collector” should be established midway through this parcel and a “future major collector” along the north to connect the Highway to the properties to the east. P&Z to discuss with the applicant on if a road easement is warranted between lots 10 & 11 or 15 & 16 or elsewhere to support future connectivity to adjacent properties.
- Land Use Map (pgs 10 & 23) identifies this area as “Agriculture” described as “rural residential and other types of open land area. Established to protect against spasmodic, disorderly, and indiscriminate development that would adversely affect agriculture.”
- Entryway corridors are important for Tetonia, so the landscaping shown on the Plat should be installed to further support this.
- “Encourage varied types of housing to meet the needs of a growing population.”
- “City Code shall require new development outside the city limits to be compatible with city public facilities requirements so future city expansion is supported.” This is not a requirement in the Code. The development proposes well and septic. Current Code prohibits the extension of water mains outside of city limits.
- “Goal 1. Preserve the integrity of Highway 33... Provide areas of open space adjacent to the highway and original city edge.” This subdivision proposes an open space buffer along Hwy 33.

### **RECOMMENDATION & OPTIONAL MOTIONS**

It is recommended that P&Z Commission review these items, specifically the items in **red** with the applicant and make a recommendation to City Council and Teton County. Below are optional recommendations:

1. Motion to recommend approval of the subdivision based on the finding that the proposal meets the Code requirements if the following items are addressed:
  - a. The subdivision plat is labeled so that at least 7.9 acres is labeled as open space.
  - b. A Development Agreement is submitted that includes an ownership and maintenance plan for the common areas, open space, and road.
  - c. The open space along Hwy 33 should be planted with trees to serve as a landscape buffer as shown on the plat.
  - d. Others: \_\_\_\_\_
    - i. *Include a road easement allowing through connections to adjacent properties if developed.*
2. Motion to recommend denial of the subdivision based on the finding(s) that: \_\_\_\_\_
3. Motion to continue the review and recommendation on the subdivision until the following information is submitted: \_\_\_\_\_



# Buckrail Ranch

2020

## Subdivision Application Preliminary Plan



### Civilize, PLLC

Management and Engineering

[bcrowther@civilize.design](mailto:bcrowther@civilize.design)

3853 W. Mountain View Drive

Rexburg, ID 83440

208-351-2824

11/16/2020



# **Buckrail Ranch**

## **Supplementary Information**

### **Subdivision Application – Preliminary Plan**

**Parcel Number:** RP06N45E205550

**Acres:** 78.67

**Legal Description:** TAX #6807 PARCEL 5 SEC 20 T6N R45E

**Zoning:** A/RR-2.5 Agriculture / Rural Residential, 2.5-acre min. lot size

**Approved Subdivision Name:** Buckrail Ranch

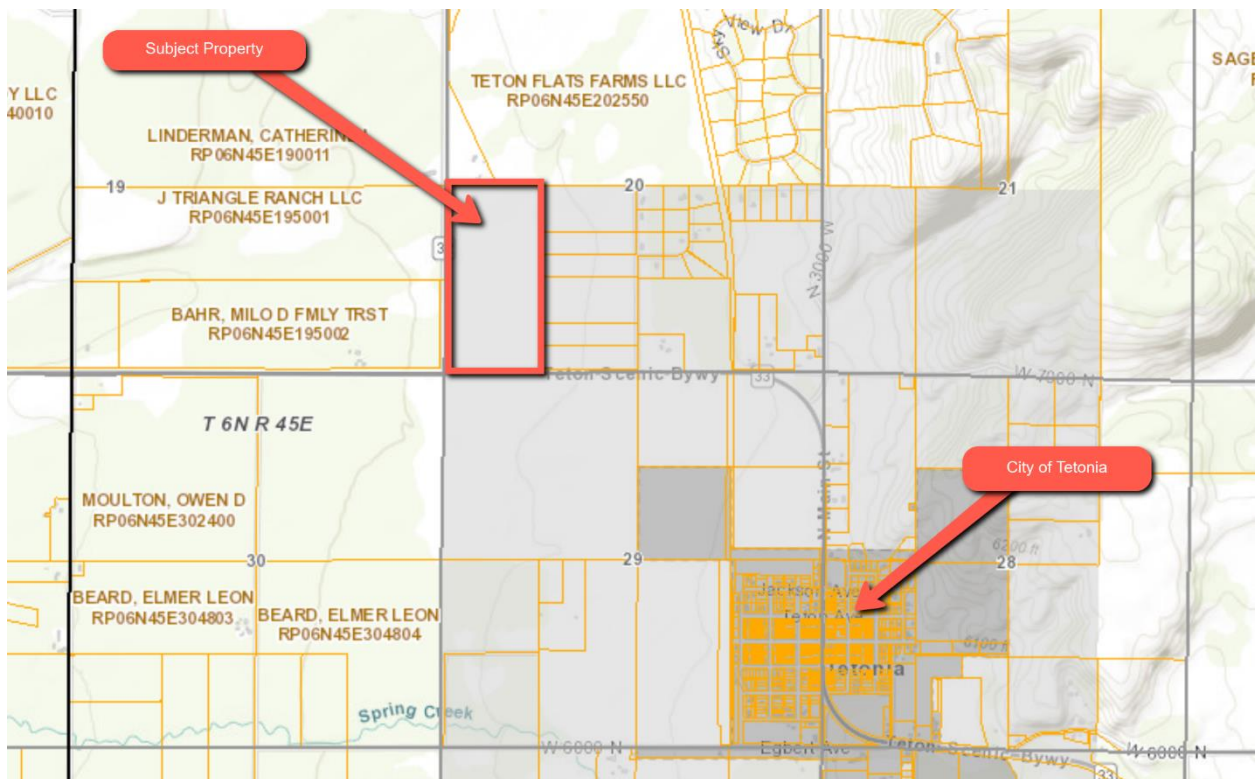
**Approved Road Name:** Buckrail Ranch Road

**Access Roads:** Hwy 32 (Primary) and Hwy 33 (Secondary and for emergency vehicles and services)

**Zoning Overlays:** City of Tetonia Area of Impact Overlay, Scenic Corridor Overlay 330' on both South and West side frontages.

**Resource Overlays:** None      **Floodzone:** No      **Airport Overlay:** No      **Hazard Area:** No

**Migratory Area:** No      **Adjacent to Public Lands:** No      **FEMA Zones:** None



# **INTRODUCTION**

Buckrail Ranch is a proposed residential subdivision located at the intersection of Hwy 33 and 32 northwest of the City of Teton, in Teton County, Idaho. The site consists of 78.67 acres of vacant farmland bordered by Hwy 33 to the south and Hwy 32 to the west, and residential developments to the east and north. The site is zoned A/RR-2.5; the proposed development consists of 24 residential lots with a minimum lot size of 2.5 acres per the requirements of the Teton County Zoning Ordinance.

## **PROJECT COMPONENTS**

### **Access & Circulation**

The development will be accessed via Hwy 32 on the West side of the property and have a secondary access road on Hwy 33 for emergency and service vehicles. Lots within the subdivision will be served by an internal private roadway featuring five roundabouts with that will serve a dual purpose as traffic and speed control, and as landscape features. All roads within the subdivision will be constructed to Teton County street guidelines for local roads. Maintenance and plowing of the subdivision roads will be the responsibility of the Buckrail Ranch Homeowner's Association.

### **Setbacks & Building Envelopes**

In all cases, building setbacks will comply with the minimum setbacks required by Teton County. Building envelopes, which often exceed the minimum setback requirements, are being implemented in the subdivision covenants, conditions, and restrictions (CCR) to further limit the location of future buildings.

### **Open Space and Density**

There is no requirement for open space in the A/RR-2.5 zoning district.

### **Domestic Water**

Domestic water will be provided by individual wells on each lot. Installation, maintenance, and permitting of domestic wells will be the responsibility of individual lot owners.

### **Stormwater**

During initial construction appropriate erosion control measures and best practices will be used to minimize erosion and pollution. The proposed development maintains the natural drainage patterns of the site to the maximum extent practicable. The predominant natural drainage channel on the site is a dry swale running from north to south. A detailed Stormwater Management Plan will be prepared and submitted with the Preliminary Plat Application.

### **Wastewater**

Wastewater treatment will be accomplished using a small individual septic system on each lot. The septic systems must be designed, constructed, and maintained in accordance with Eastern Idaho Public Health

standards. Permitting, construction, and maintenance of septic systems will be the responsibility of individual lot owners.

## Fire Protection

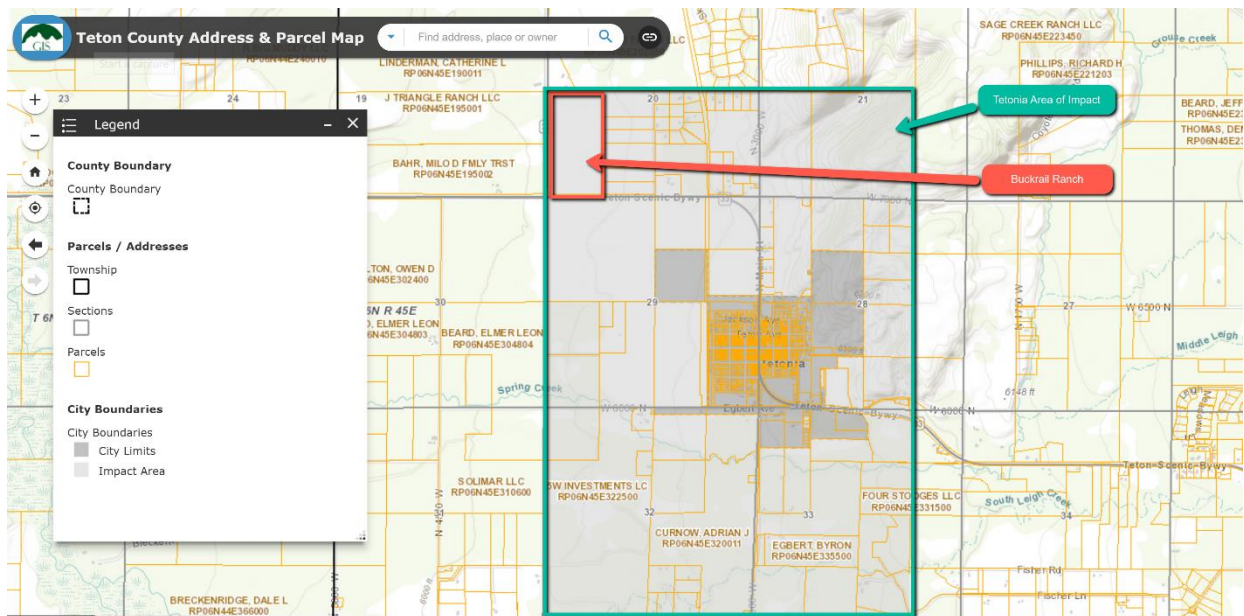
The concept allows for two fire ponds with dry hydrants that will serve a dual purpose as water supply for fire protection and aesthetic elements of the subdivision.

## Geophysical Hazards

There are no FEMA Special Flood Hazard Areas (SFHA) mapped on the site. There is no surface water on the site. The site is not located in a Natural Resource Overlay. No critical habitat areas are known or mapped on the subject site. The site is mapped as “Class 1: Low Liquefaction Susceptibility”, the lowest risk of three categories relating to earthquake hazard.

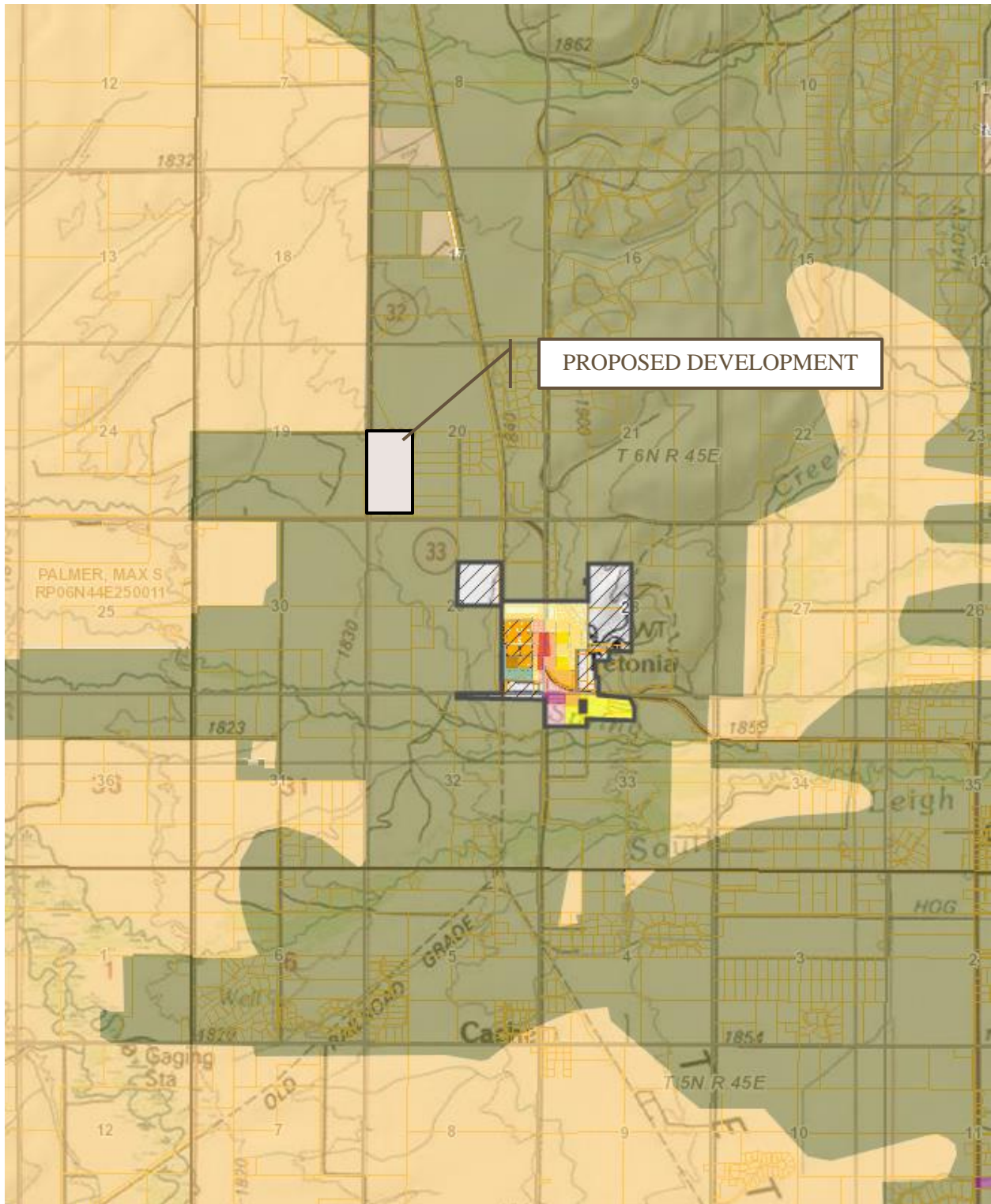
## City of Tetonia Impact Area

The project lies within the impact area for the City of Tetonia and thus must also be reviewed by the City of Tetonia Planning & Zoning Commission and approved by the City of Tetonia City Council in accordance with Title 7, Chapter 2 of the Teton County Code as well as Title 9, Chapter 10, Article 10 of the Tetonia City Land Use Code. Those sections stipulate that both jurisdictions shall review the applications and plats and that subdivision ordinances of both the County and the City apply to development within the impact area.





# SECTION I: PERSONAL AND PROPERTY RELATED DATA



## **Latest recorded deed to the property**

See appendix.

## **Development name approved by GIS**

Development name and road named checked with GIS. Names are good.

## **10% of total base fee (see current fee schedule)**

Fees enclosed.

## **Affidavit of Legal Interest**

See Permission Letter in the appendices.

## **Pre-application Conference**

Pre-application conference held with Planning & Zoning Administrator on September 24, 2020 at 10:45 a.m. via Zoom conference call.



# **SECTION II – CONSIDERATION FOR APPROVAL**

## Conformance of the Subdivision/PUD with the Comprehensive Plan.

Buckrail Ranch will comply with the Comprehensive Plan and provide residential housing opportunities that preserve the heritage and traditions of the community.

### 1. Our Community Envisions a Sustainable Future for Teton County. We will strive to: Establish a vibrant, diverse and stable economy.

The proposed development contemplates allowing single family homes with a smaller footprint than is often found throughout the Teton Basin which encourages settlement of families and a middle-class workforce that contributes to the vibrant, diverse and stable economy.



### 2. Create and maintain a well connected, multi-modal network of transportation infrastructure to provide convenient and safe mobility for all residents, visitors and businesses.

The proposed development is situated at one of the major transportation nexuses in the valley, the intersection of Hwy. 33 and Hwy. 32 just north of the burg of Teton. As such, the development takes advantage of the existing major collector roads while exerting minimal impact on the existing transportation system.

### 3. Preserve natural resources and a healthy environment, which are essential for creating viable future economic and recreational opportunities for all users.

As proposed, the development complies with the existing zoning of 2.5 acres which allows for the preservation of natural resources and maintains a healthy outdoor environment for the residents.

### 4. Contribute to our strong sense of community by providing quality facilities, services and activities to benefit the community.

The proposed development is within the impact area of the City of Teton and the future residents will participate in the activities and events of the that community.

### 5. Maintain, nurture and enhance the rural character and heritage of Teton Valley.

In keeping with the character of the community, the architectural design of the homes will be limited to what can best be described as “modern farmhouse” style homes, with minimum square footages of 1200

square feet. Low density smaller square footage homes on large lots will help maintain the open space nature of the area. Mobile, modular, prefab, or tiny homes will be strictly prohibited.

## **Availability of Public Services to Accommodate the Proposed Development.**

Given the location of the proposed development, the intersection of Hwy, 33 and Hwy, 32, the property is readily accessible. Emergency service and public services have ready access to the property.

At present, with the water rights stripped from the property by previous landowners, the land use is generally waste agricultural property with limited agricultural economic prospect.

## **Conformity of the Proposed Development with the Capital Improvements Plan.**

The two primary roads providing access to the property are owned by the State of Idaho rather than Teton County. As such, the Teton County Capital Improvements Plan has limited impact on the proposed development. Rather, any capital improvements to the roads accessing the property are included in the State Transportation Plan with design and construction managed by the Idaho Transportation Department.

## **Public Financial Capability of Supporting Services for the Proposed Development.**

The proposed development does not extend the physical distance necessary to receive supporting services such as police, fire protection ambulance, or school buses. Rather, the development is located in the impact area of Teton at the intersection of two major highways into the Valley. Quite frankly, the location of the development is right where one would prefer development to occur to minimize the impact to supporting public services.

## **Other health, Safety or General Welfare Concerns that May be Brought to the County's Attention**

No health, safety or general welfare concerns outside of those experienced by any other county resident are known to be associated with the proposed development.

# **SECTION III: CHECKLIST OF ITEMS REQUIRED ON THE PLAN/PLAT DOCUMENT**



## **1. Number of Plans:**

Two (2) sets of plans (on 11" X 17" or 18" X 24") and one digital copy prepared by a professional land Surveyor/Engineer are provided with the application.

## **2. Items on Plan/Plat:**

**Plat is labeled "Preliminary Master Plan" in the lower right corner**

Yes

**Open space, as required**

Open space is provided per the County requirements

**Neighboring property boundaries and owners within 300 feet**

Neighboring property boundaries and owners are reflected on the Preliminary Master Plan within 300 feet to the north and east. The proposed subdivision is bounded on the south by Hwy. 33 and on the west by Hwy. 32.

**Date prepared and date of any revisions**

The date the document was prepared is provided in the title block as well as revisions in the revision block.

**Scale of drawings**

The drawing scale is 1" = 120' when printed full-size on 22" x 34" paper. When viewing on 11" x 17" paper, the scale is 1/2 size as well with 1" = 240'.

**North arrow**

The north arrow is shown in the upper right-hand corner along with the scale.

**Vicinity map**

A vicinity map is provided on the cover sheet.

**Section(s), Township, Range**

The Section, Township, and Range are provided in the notes section of the Preliminary Master Plan. For reference, they are provided below:

PUBLIC LAND SURVEY SYSTEM..... W 1/2, SW 1/4, SEC. 20, TWP 6N, RNG 45E. B.M.  
LATITUDE AND LONGITUDE ..... 43°49'42" N, 111°10'40" W

## Specific phase, if any, has been labeled

As presently conceived, the project has a single phase.

## 3. Topographical Information:

### Contour lines

One-foot contour lines have been added to the Preliminary Master Plan. For reference, topographic lines from the relevant USGS Quadrangle as mapped in the Teton County GIS system are provided in the figure below. There is approximately 10 feet of fall across the property moving east to west.:

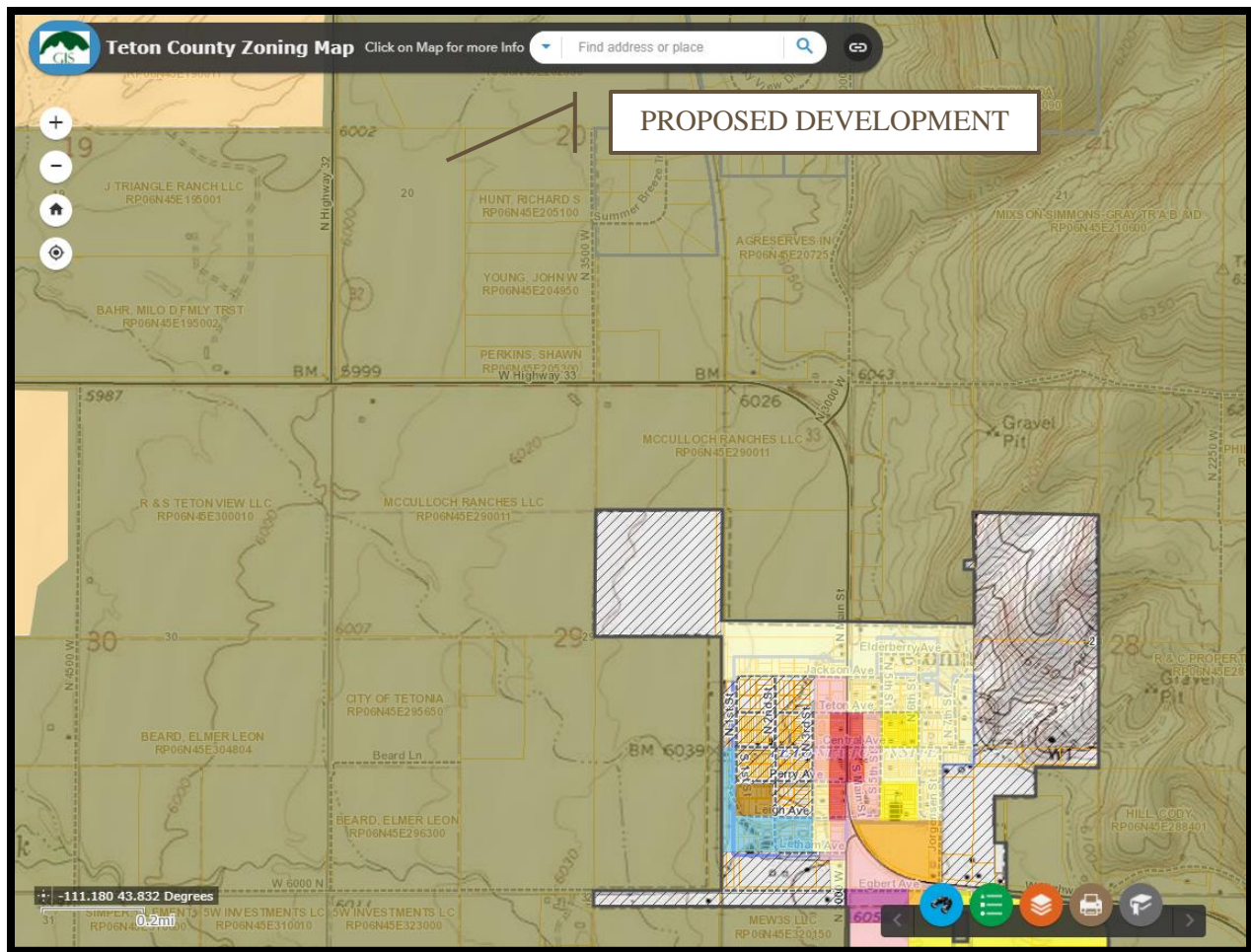


Figure 1 - Topographic Map from Teton County GIS (2020).

## Flood hazard area, if any

As derived from the Teton County GIS mapping and illustrated in the figure below, none of the proposed development lies within a mapped flood zone or flood hazard area.

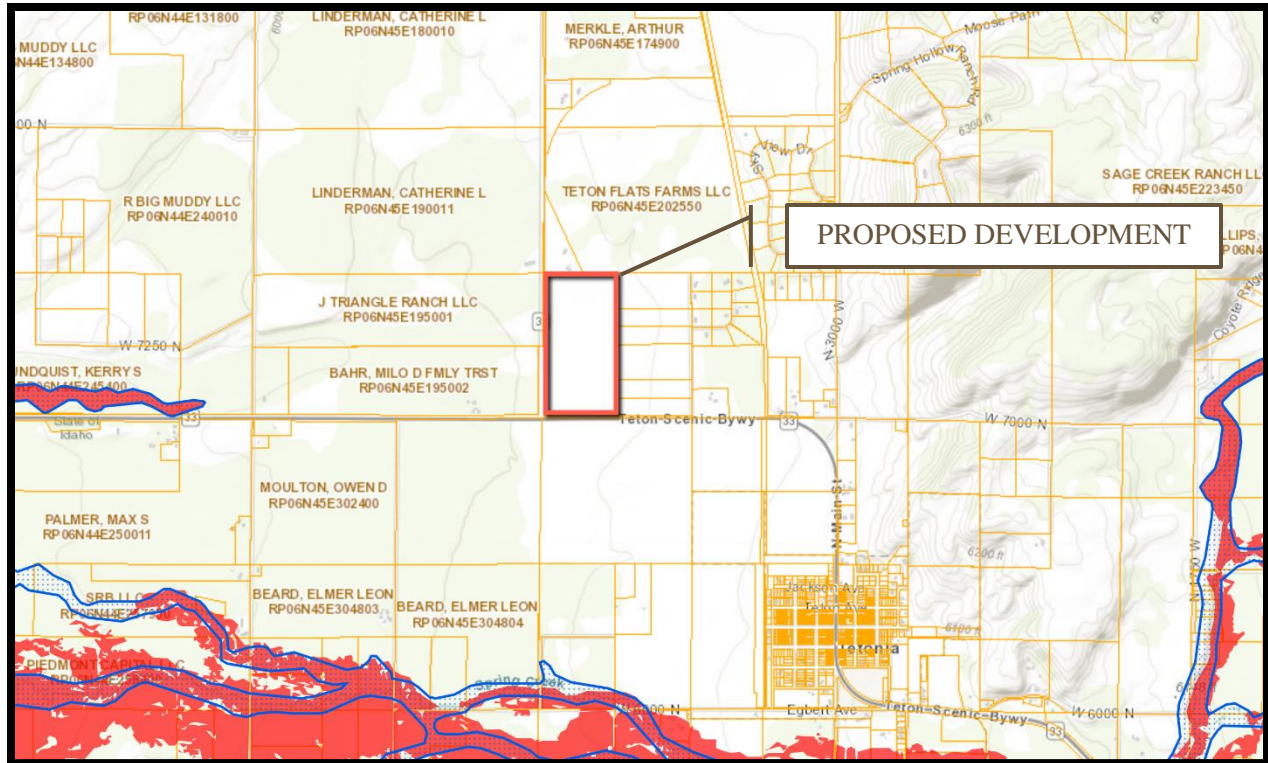
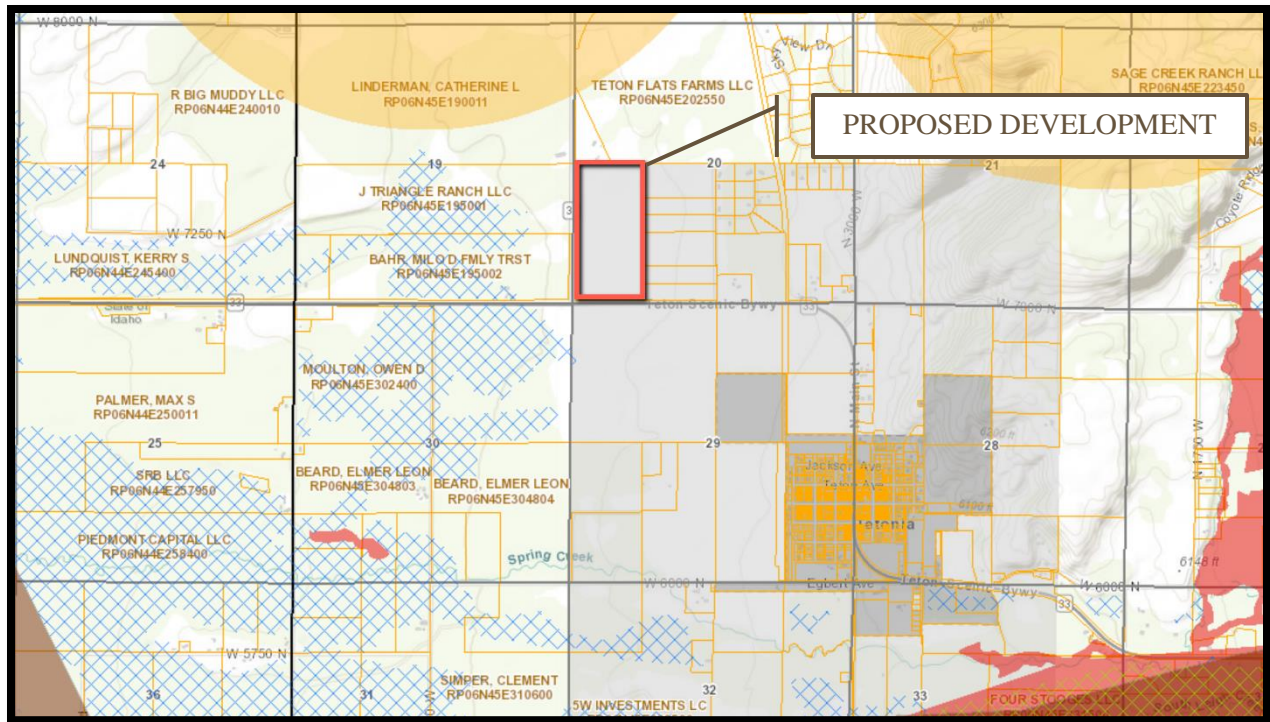


Figure 2: Flood Hazard Mapping from Teton County GIS System (2020).



## **Wetland, Migration Path, Feeding or Breeding area.**

As derived from the Teton County GIS mapping and illustrated in the figure below, none of the proposed development lies within a wetland, migration path, or feeding or breeding area for wildlife.



*Figure 3: Wetland, Migration Path, and Feeding or Breeding Area Mapping from Teton County GIS (2020).*

## **4. Design Requirements:**

### **Total acreage**

The total acreage is 78.67 acres.

### **Number of lots and size**

The total number of lots is 24, with 20 of the lots sized at just over 2.5 acres.

### **Street layout including width and designation of county road access with notation of approaches, if applicable, no closer than 300 feet to one another**

The Preliminary Master Plan describes the main access to the development from Hwy 32 approximately 1,500 feet north of the intersection of Hwy. 33 and Hwy. 32. A secondary access for emergency contingencies is provided onto Hwy. 33 approximately 800 feet east of the intersection of Hwy. 33 and Hwy. 32.

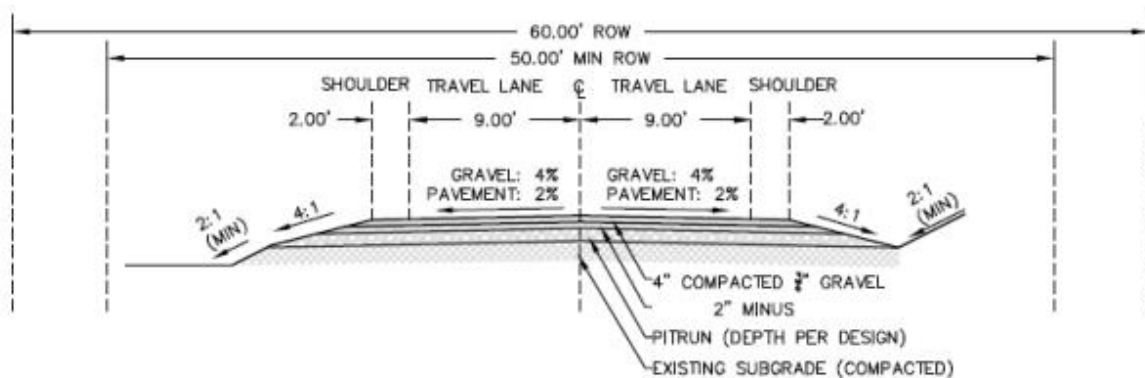


The street layout complies with the County standards for a local road consistent with an ADT of 150 vehicles or less. The proposed ROW is 50' and the proposed road width is 24 feet with one ten-foot travel lane in each direction and a two-foot shoulder on each side of the road.

*Local roads as defined in Figure 2 generally have an ADT of less than 150 vehicles per day, although many exceed this value. The design standard for local roads in Teton County, Idaho is outlined in Table 7 below, while the cross-section may be viewed in Figure 7.*

**Table 7. Local Road Standard**

Lane Width (ft)	Shoulder Width (ft)	Road Width (ft)	ADT (veh/day)	Speed Limit (mph)
9	2	22	<150	25-35



**Figure 7. Local Road Cross-Section**

Each end of the north-south road includes a round-a-bout with a 70-foot outside radius to accommodate a bus. The round-a-bout is proposed in lieu of a standard cul-de-sac.

The proposed road incorporates several intermediate round-a-bouts for traffic calming as well as aesthetics.

## Existing streets and names within 200 feet

The only streets within 200-feet are Hwy.33 and Hwy. 32, both of which are identified on the Preliminary Master Plan.

## Easements for irrigation, water, sewer, power and telephone

### Easements for Water, Sewer, Power, and Telephone

A utility easement is provided around the periphery of each designated lot.

### Irrigation

There are no irrigation channels on the property. If any are discovered during the Title Search, they will be honored with the appropriate easements.

## **SECTION IV: CHECKLIST OF REQUIRED ITEMS**

## 1. Water Resources:

As depicted in the following map extracted from the Teton County GIS system, the proposed development is not impacted by hydrography or irrigation.

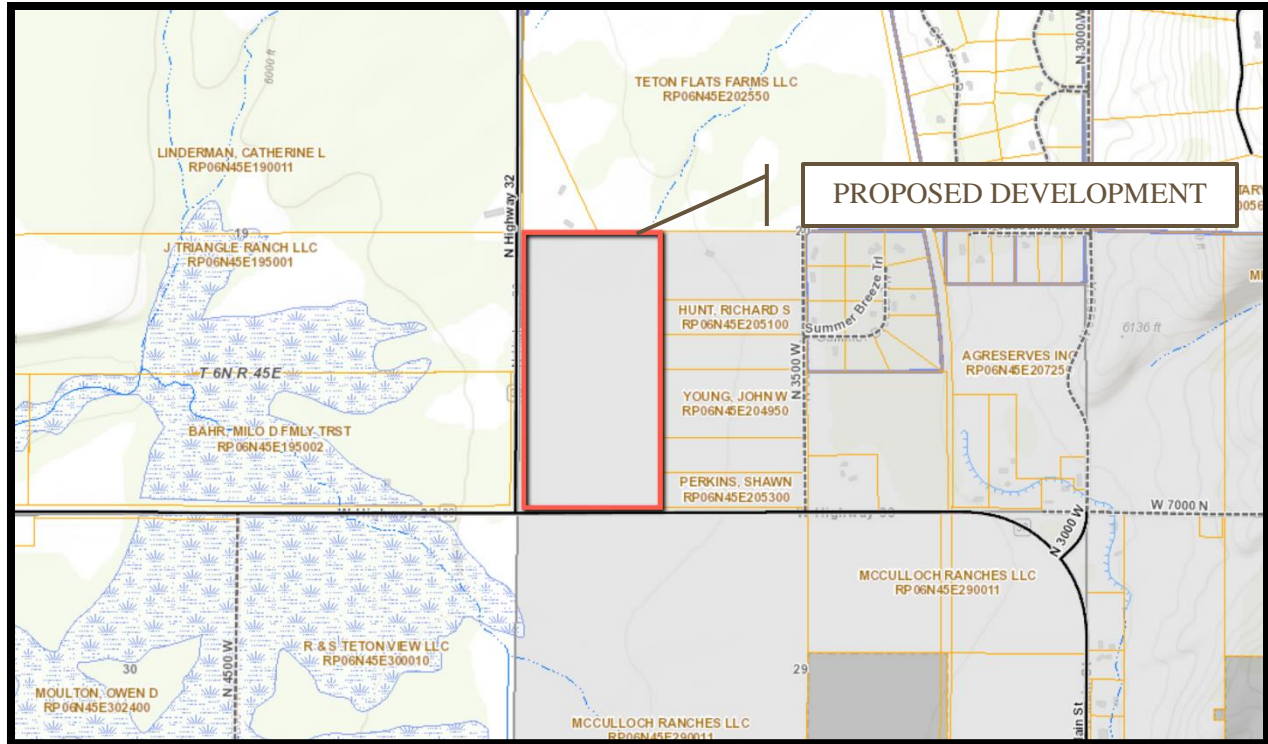


Figure 4: Hyrgraphy and Irrigation per the Teton County GIS Mapping System (2020).

### Description of irrigation system

Any water rights associated with previous agricultural land use has been removed from the property. There are no irrigation water rights and therefore no irrigation system provided or planned except for that allowed by State Statute under the domestic exemption for a private well.

### Description of culinary water system

Consistent with the Agricultural / Rural Residential 2.5 zoning, each single-family home will be responsible for drilling their own well under the domestic exemption provision of Idaho Statute.

### Water rights

As stated previously, there are no water rights associated with the proposed subdivision.

### Description of waste system

Consistent with the Agricultural / Rural Residential 2.5 zoning, each single-family home will be responsible for permitting and constructing a subsurface wastewater disposal system in accordance with

the requirements of State Statute and the design provisions of the Technical Guidance Manual and the design provided by District 7 Health Department.

## **Natural drainage channels**

There are no rivers or creeks on the property. Drainage is primarily overland flow.

## **Storm and surface water drainage**

### **Historical Stormwater Surface Runoff, Snowmelt, and Ponding**

However, neighbors familiar with the property report that surface runoff occurs across the property with some ponding against the Hwy 32 ROW where the road section is elevated above the adjacent land to the east which includes the subject parcel. This occurs during later winter or early spring when the ground remains frozen but unseasonably high temperatures result in excessive snowmelt. Since the ground is frozen, the water from snowmelt has no place to percolate.

### **Mitigation of Stormwater and Conceptual Drainage Plan**

To mitigate the impacts of described in the foregoing paragraph, the Owner intends on completing a drainage and runoff plan whereby the surface runoff from snowmelt, as well as from typical snowmelt and thunderstorms, is routed through the development and captured in the ponds near the front of the development adjacent to Hwy 32. The stormwater runoff will be routed via swales along both sides of the road, the north-south section of the proposed Buckrail Ranch Road intercepting the surface runoff and directing the channeled flow south and north where swales alongside the east-west segment of Buckrail Ranch Road will convey the stormwater to the west side of the property where the required volume will be retained on site with the balance following historical runoff patterns. Shallow injection wells will also be utilized to percolate a portion of the stormwater runoff should the ponds be at or near capacity.



## 2. Maps Required:

### Soil types

An excerpt from the Web Soil Survey mapping platform developed and managed by the NRCS is provided in the following figure. The surface soils are defined as the Snyderville-Driggs Complex.

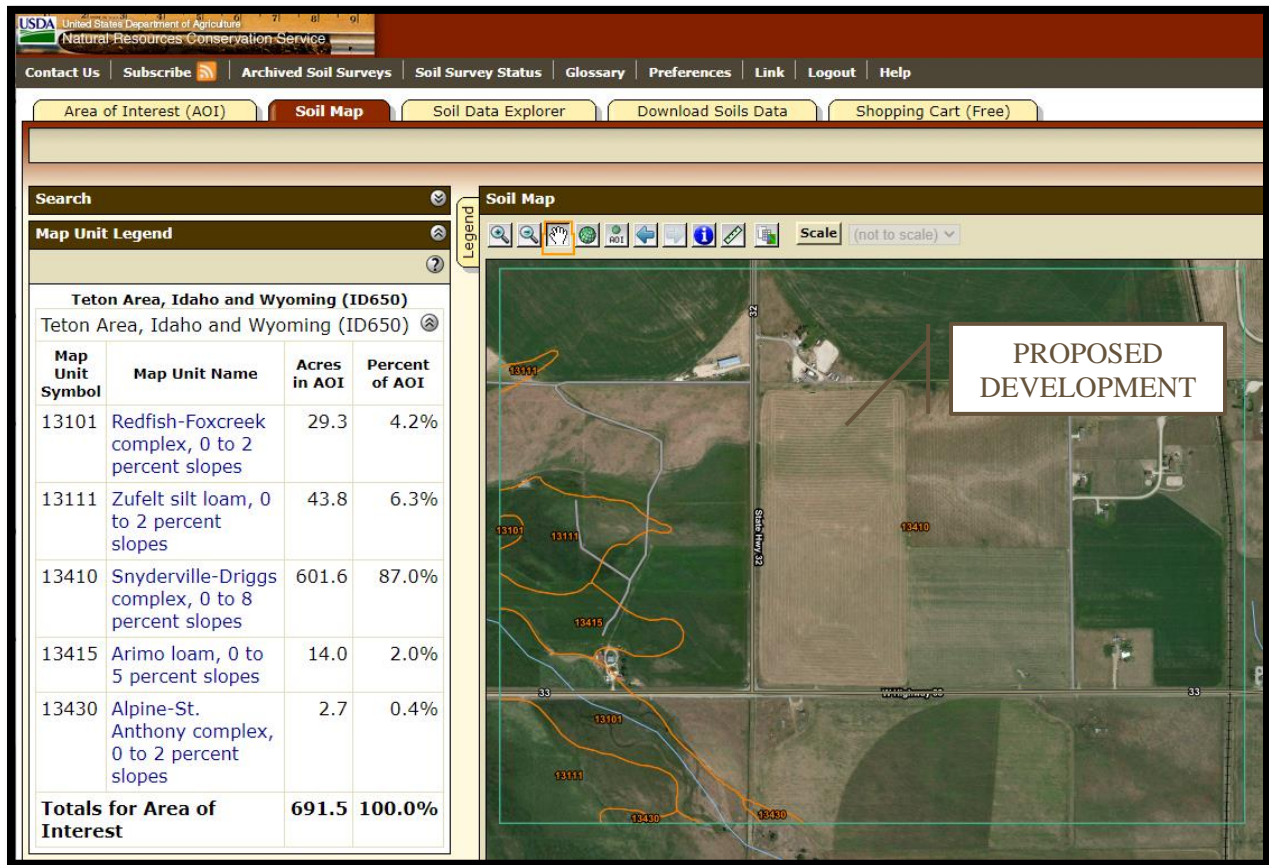


Figure 5: Soils Map from WSS Mapping Developed by the NRCS.

The soil profile taken from the corresponding soils report is also presented.

### Typical profile

- Ap1 - 0 to 4 inches: loam
- Ap2 - 4 to 12 inches: loam
- BA - 12 to 16 inches: loam
- Bt1 - 16 to 20 inches: very gravelly loam
- Bt2 - 20 to 30 inches: very gravelly sandy clay loam
- 2BC - 30 to 44 inches: very gravelly loamy sand
- 2C - 44 to 60 inches: very gravelly coarse sand

## **Geographical hazards**

No extraordinary geographic hazards are known to be associated with the property. There is other residential development in the immediate area including the City of Tetonia. This property is subject to the same geographical hazards as those properties.

There are no FEMA Special Flood Hazard Areas (SFHA) mapped on the site. There is no surface water on the site. The site is not located in a Natural Resource Overlay. No critical habitat areas are known or mapped on the subject site. The site is mapped as “Class 1: Low Liquefaction Susceptibility”, the lowest risk of three categories relating to earthquake hazard.

## **3. Availability and capability of public services:**

### **Fire protection**

The property is generally described as waste farmland with grass vegetation. There are no forests on or near the property. Access from Hwy 32 and Hwy 33 is great if a fire should be experienced.

### **Police protection**

Police protection is subject to the County Sheriff's Department.

### **Public road construction and maintenance**

The roads serving the subdivision will be constructed to County standards and if accepted by the County, maintained by the County Road and Bridge Department.

### **Central water**

The City of Tetonia has a central water system. While in the impact area of the City of Tetonia, water service is not readily available in the proximity of the proposed development and central water is not consistent with the rural residential zone.

### **Central sewer**

The City of Tetonia has a central sewer system. While in the impact area of the City of Tetonia, sewer service is not reasonably accessible in the proximity of the proposed development and central sewer is not consistent with the rural residential zone.

### **Parks and open space**

The proposed development does not contemplate a park and the 2.5 acre minimum lot size in the rural residential zone provides ample space for residents without the need for a designated park. Open space is provided per County requirements.

### **Recreation**

The same recreational amenities afforded all County residents are available to the residents of the proposed development.

## **Infrastructure/open space maintenance**

Maintenance of the open space will be managed by the homeowner's association.

## **Schools**

The impact on the schools will be from 20 single-family homes. As the homes will be owned by the homeowner's and the property will be changed from agricultural to rural residential with improvements, the property tax base will increase substantially and thus the homeowner's will provide additional funding for the school system through their property tax assessment.

## **Solid waste collection**

Solid waste collection will occur at each individual home either through the contract with the County or with a private waste management service.

## **Libraries**

Similar to the school issue, the levy for the County Library is included with the property tax. The homeowner's will contribute additional funding for the library through their property tax.

## **Hospital**

The Teton County Hospital is a cooperative. It is anticipated that the residents of the proposed development will participate with all County residents in owning, managing, funding, and using the hospital facilities.

## **Estimate of tax revenue**

From the website Tax-Rates.org, the median property tax in Teton County, Idaho is \$1,228 per year for a home worth the median value of \$294,800. Assuming the homes are comparable to the median value, twenty homes will result in tax revenue of \$24,560 per annum.

## **4. Zone Change, if any:**

### **Current Zoning District**

Agricultural / Rural Residential 2.5

### **Proposed Zoning District**

Agricultural / Rural Residential 2.5

## **5. Other Land Use Applications, if any:**

### **Scenic Corridor**

A Scenic Corridor borders the proposed development on both the south and the west. Hwy. 33 bounds the property on the south and Hwy. 32 bounds the property on the west. The Scenic Corridor boundary is acknowledged on the Preliminary Master Plan.

### **Conditional Use Permit**

None anticipated.

### **Variance**

No variances requested.

### **Other: City of Tetonia Impact Area**

None noted.





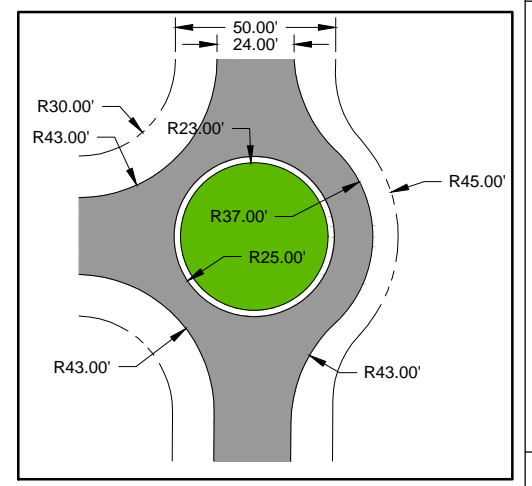
CONSTRUCTION NOTES:			
GENERAL INFORMATION, JURISDICTION, ZONING			
JURISDICTION	TETON COUNTY, IDAHO	TETON COUNTY SUBDIVISION REGULATIONS	
GOVERNING CODE		CITY OF TETONIA, IDAHO	
IMPACT AREA		HERITAGE	
SUBDIVISION		NOT APPLICABLE	
LOT NO.(S)		W 1/2, SW 1/4, SEC. 20, TWP 6N, R10E 4SE, B.M.	
PUBLIC LAND SURVEY SYSTEM		43°49'42" N, 111°10'40" W	
LATITUDE AND LONGITUDE		78.67 ACRES	
SIZE		AGRICULTURAL / RURAL RESIDENTIAL 2.5	
TETON COUNTY ZONING		(AREA OF IMPACT)	
CITY OF TETONIA ZONING		300 FEET FROM HWY 33 CENTERLINE	
DESIGN REVIEW OVERLAY		HWY. 33 CORRIDOR	
OVERLAY ZONE		HWY 33 CORRIDOR	
OVERLAY ZONE			
APPLICABLE CODES			
PLANNING AND ZONING SUBDIVISION			
TETON COUNTY COMPREHENSIVE PLAN		AUGUST 24, 2012	
TETON COUNTY SUBDIVISION REGULATIONS (TITLE 9, TETON COUNTY CODE)		SEPT 15, 2011	
TETON COUNTY TITLE 07, CHAPTER 2, TETONIA CITY AREA OF IMPACT ORDINANCE		AUGUST 14, 1995	
a. APPLICABLE SUBDIVISION ORDINANCES		TETON COUNTY AND CITY OF TETONIA	
b. REVIEW		TETON COUNTY AND CITY OF TETONIA	
c. ENFORCEMENT		TETON COUNTY	
CITY OF TETONIA COMPREHENSIVE PLAN		UNKNOWN	
CITY OF TETONIA LAND USE REGULATIONS (TITLE 9, TETONIA CITY CODE)		2008	
a. CHAPTER 10: ZONING REGULATIONS		2008	
b. CHAPTER 11: SUBDIVISION		2008	
c. CHAPTER 12: STANDARDS		2008	
BUILDING CODES			
a. INTERNATIONAL BUILDING CODE (IBC)		2015	
b. INTERNATIONAL MECHANICAL CODE (IMC)		2015	
c. INTERNATIONAL ENERGY CONSERVATION CODE (IECC)		2015	
d. INTERNATIONAL FIRE CODE (IFC)		2012	
AGRICULTURAL/RURAL RESIDENTIAL 2.5 STANDARDS			
PURPOSE: THE PURPOSE OF THIS DISTRICT IS TO DESIGNATE AND PROVIDE OPPORTUNITY FOR DEVELOPMENT OF RESIDENTIAL LAND USE ON MARGINAL AGRICULTURAL LAND.			
ALLOWED USES			
a. SINGLE FAMILY RESIDENTIAL		PERMITTED	
b. MOBILE HOME, MODULAR		PERMITTED	
c. DWELLING ACCESSORY UNIT		PERMITTED W/CONDITIONS	
LOT SIZE REQUIREMENTS			
d. MINIMUM LOT SIZE		2.5 ACRES	
e. MINIMUM LOT WIDTH		NA	
BUILDING SETBACKS			
f. FRONT YARD		30' MIN	
g. REAR YARD		40' MIN	
h. SIDE YARD		30' MIN	
i. TETON RIVER		100' MIN	
j. STREAM, CREEK		50' MIN	
k. IRRIGATION DITCH		15' MIN	
BUILDING HEIGHT			
l. BUILDINGS AND STRUCTURES		30' MAX	
ACCESSORY BUILDINGS			
m. LESS THAN 200 FT <sup>2</sup>		12' MINIMUM	
n. GREATER THAN 200 FT <sup>2</sup>		MEET SETBACKS FOR A20 ZONE	
DEVELOPMENT DESCRIPTION			
AREA OF PARCEL		78.67 ACRES	
NO. LOTS 20		SINGLE FAMILY 1 LARGE LOT	
AVERAGE DENSITY RESIDENTIAL LOTS		2.5 ACRES/UNIT	

**Civilize, PLLC**  
Management and Engineering

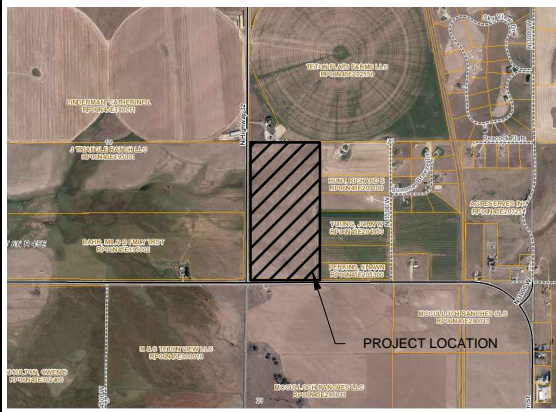
PROJECT NO.	01-20-0030
DRAWN	R. BARKER
DESIGNED	B. CROWTHER
APPROVED	B. CROWTHER
DATE	NOV. 2020

**BUCK RAIL RANCH, LLC**

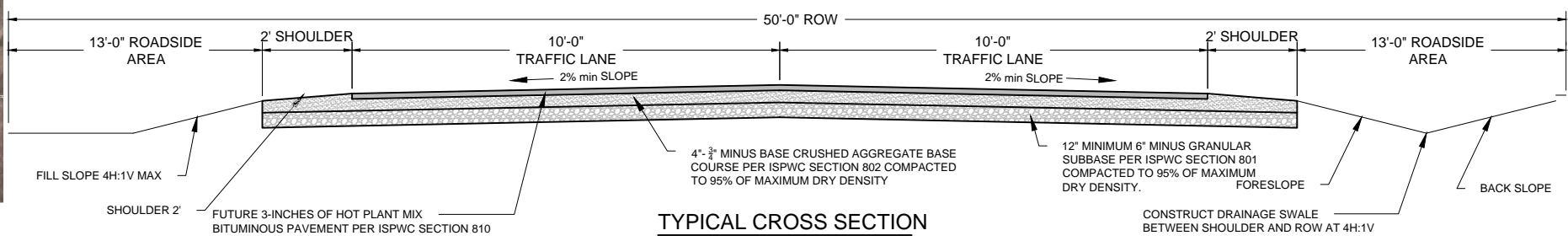
RECEIVED BY CITY OF TETONIA  
11-17-20



INTERMEDIATE ROUNDABOUT  
SCALE: NTS



VACINITY MAP  
SCALE: NTS



TYPICAL CROSS SECTION  
SCALE: NTS

**BUCK RAIL RANCH DESIGN**  
**PRELIMINARY MASTER PLAN**

SHEET NO:	1
DATE:	NOV. 2020
PAGE NO:	





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**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 97 • Rigby, ID 83442-0097  
(208) 745-7781 • [itd.idaho.gov](http://itd.idaho.gov)

October 7, 2020

Palisades Properties LLC  
C/O Aaron Peterson  
1265 Meadowview Ave.  
Rexburg, ID 83440

Dear Mr. Peterson,

Thank you for applying for a Right-of-Way Encroachment Permit, 06-21-040, to relocate approaches to a new subdivision on SH-33 and SH-32. The new approach on SH-32 MP-0.29 will be the main approach to the property. The existing approach on SH-33 will be removed and moved to SH-33 MP-131.22 this will be the emergency approach. The SH-33 approach shall be gated. Your permit has been reviewed and approved.

The final step in the permit process is for you to schedule a meeting with the area foreman to receive a copy of your permit and discuss your work plan. Please contact **Lucas Richins**, the area foreman. He may be reached Monday through Thursday, 8a.m. – 5p.m. at **(208) 313-7263**.

When you meet with the Area Foreman, please be prepared to discuss the following:

- Work Schedule including the beginning and ending dates, and working hours.
- Traffic Control Plan
  - **All Temporary Traffic Control devices must be removed when work is not in progress.**
- Other pertinent details
- **Approved permit must be on site during work.**

If you need any additional help, or have any questions, please call me at (208)745-5625

Sincerely,

Anthony Black  
ITD District 6 Project Coordinator

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## REQUEST FOR CONCEPT PLAN REVIEW

**By:** Civilize Engineering

**For:** Buckrail Ranch Subdivision

**Where:** Northeast Corner of HWY 32-33 Intersection  
Planning and Zoning Commission Review

**Prepared For:** November 10, 2020

**APPLICANT & LANDOWNER:** Buckrail Ranch LLC

**REQUEST:** The applicant is proposing a 24 lot residential subdivision on a 78.67 acres parcel located on the northeast corner of the junction of State Highways 32 and 33, northwest of the City of Teton. The property is within the impact area of the City of Teton. There are no Natural Resources Overlay areas on the property but it is included in the scenic corridor of both state Highways 32 and 33.

**APPLICABLE COUNTY CODE:** Title 7 Chapter 2 Teton Impact Area Agreement. 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:** TAX #6807 PARCEL 5 SEC 20 T6N R45E, RP06N45E205550

**LOCATION:** Northeast Corner of HWY 32-33 Intersection; Northwest of Driggs

**ZONING DISTRICT:** A/RR -2.5 – Agriculture /Rural Residential

**PROPERTY SIZE:** 78.67 acres

**VICINITY MAP:**



### **AERIAL IMAGE:**



Map showing overlay areas in proximity to the property identifies that no county Natural Resource overlays are located on the property (hatched area indicates the Area of City Impact of Tetonia). The property is within the scenic corridor of both highways.

### **PROJECT DESCRIPTION:**

Civilize PLLC submitted an application for a 24 lot subdivision located at the northeast corner of the intersection of state Highway 32 and 33, northwest of the City of Tetonia. The proposal would include an emergency and service vehicle access off of Hwy 33 but the primary access would come off of Hwy 32. The question has been raised about access in the case of a winter closure with the gate located at the intersection precluding access onto 32. The lots will be a minimum of 2.5 acres with 4 larger lots adjacent to the highway frontages. The property does not include any natural resources overlay areas but does include scenic corridor overlays (defined as all lands lying within 330 feet of both sides of the right of way for Idaho State Highways 31,32,33...).

The property is adjacent to unplatted parcels of 10-20 acres to the east, with a large 200+ acre agricultural parcel to the north as well as an adjacent residential 12-acre parcel on the corner of a pivot irrigation system. The property has highway frontage to the west and south separating it from additional largely agricultural land. Further to the east are several residential subdivisions with partial buildout. The project would be served by an internal private roadway maintained by the lot owners. Individual wells and septic systems are proposed and a two fire ponds at the entrance from highway 32 would provide a fire protection water source. No hazardous areas are identified on the property as discussed in the narrative.

### **PROJECT BACKGROUND:**

A pre-application meeting was held with the applicant's engineer and Planning staff on September 24, 2020 to review the proposal and discuss questions regarding the process.



The first step in the County's subdivision review process is a Concept Plan Review (9-3-2B). Because the proposed subdivision has more than ten lots, a public hearing before the Teton County Planning and Zoning Commission is required. The impact area agreement with the City of Tetonina calls for a joint review by both the City and County. As no joint Planning and Zoning Commission has been established with the City of Tetonina, it is understood that these reviews would be separate parallel reviews by each jurisdiction. The application materials have been forwarded to the City of Tetonina for review, with ongoing discussion with the City of Tetonina regarding procedural considerations.

### **OVERVIEW OF CONCEPT APPROVAL:**

A Concept review with the Planning Administrator or Planning and Zoning Commission is the required first step in the development process. The purpose of this review is to:

1. Acquaint the applicant with the procedural requirements of Title 9
2. Provide for an exchange of information regarding applicant's proposed development ideas and the regulations and requirements of Title 9, the Master Plan, and other subdivision requirements
3. Advise the applicant of any public sources of information that may aid the applicant or the application, and identify policies and regulations that create opportunities or pose significant restraints for the proposed development
4. Review the sketch plans, if any, and provide the applicant with opportunities to improve the proposed plan in order to mitigate any undesirable project consequences
5. Review the compatibility with nearby land uses, either proposed or existing
6. Provide general assistance by County staff on the overall design of the proposed development

### **CONSIDERATION OF APPROVAL:**

For approval of Concept Review of a proposed subdivision (9-3-2(B-4)), the County shall consider the objectives of Teton County Title 9, application materials, and in a general way, at least the following:

Objective	Applicant Comments	Staff Comments
<b>1. The conformance of the subdivision with the Comprehensive Plan.</b>	The Narrative addresses conformance with the citing several policies which it identifies support the concept of the proposed subdivision.	The application complies with the current County ordinances in relation to lot size. The proposed subdivision location is zoned A/RR 2.5 (Rural Agriculture. The County Comprehensive Plan identifies this land use type includes the following potential uses: Agriculture, Ranching, Low density residential, with provisions for clustering / conservation developments to protect natural resources or rural character., and Conservation and wildlife habitat enhancement/protection.
<b>2. The availability of public services to accommodate the proposed development.</b>	Given the location of the proposed development, the intersection of Hwy 33 and 32, the property is readily accessible. Emergency service and public services have	A traffic impact analysis is required for projects which exceed 10 lots. This will be required for Preliminary Plat review.



	ready access to the property. Water rights were removed from the property by previous landowners limiting agricultural potential of the property.	
<b>3. The conformity of the proposed development with the Capital Improvements Plan (CIP).</b>	Two primary roads providing access to the property are owned by the state of Idaho rather than Teton County. as the CIP has limited impact on the proposed development.	The proposed density is less than 1 unit/2.5 acres allowed in the zone. The CIP was based on a density of 30 units/100 acres for this area based on existing development patterns, so the proposed density is similar to the assumption.
<b>4. The public financial capability of supporting services for the proposed development.</b>	The proposed development is located in the Tetonia area of City Impact and does not extend the physical distance necessary to receive supporting services such as police, fire protection ambulance, or school buses.	A Fiscal Impact Analysis prepared for Preliminary Plat review is will be required as the subdivision exceeds 20 lots.
<b>5. Other health, safety, or general welfare concerns that may be brought to the County's attention.</b>	No health, safety or general welfare concerns outside of those experienced by any other county resident are known to be associated with the proposed development.	The property is not located within any natural resources overlay areas. including the floodplain.

#### **INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS AND KEY ISSUES:**

The County Engineer had the following comments: No comments received at this time. Access will be via state Highways.

Fire Protection: No comments received at this time.

Wastewater Treatment: Onsite individual septic systems are proposed. Eastern Idaho Public Health District commented in an email that the property was found to be suitable for individual sub-surface septic systems.

City of Tetonia. The city of Tetonia has received the materials for review. There is ongoing discussion with the City regarding the process for review and relevant standards from City codes.

#### **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 October 21<sup>st</sup> & 28th, 2020. Notice to adjacent property owners within 300 feet of the property boundary were sent October 23, 2020. Notice was posted on the site October 23, 2020. Several public comments from nearby landowners or the public in opposition of the project have been received which express several concerns with the project (see attached comments).

### **POSSIBLE CONDITIONS:**

- Provide a statement regarding acceptability to Fire District for proposed onsite water source.
- Begin working to obtain permits required by East Idaho Public Health.
- Participate with the City of Tetonia in their concurrent review process.

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

- A. Approval of the Concept Plan, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approval of the Concept Plan, 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 Concept Plan 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 Concept Plan found in Title 9-3-2-B 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 Concept Plan for Buckrail Ranch subdivision as described in the application materials submitted September 24, 2020 (with the following conditions of approval...)*

#### ***CONTINUATION***

*I move to continue the public hearing to a specific date and time for Buckrail Ranch subdivision in order to obtain additional information from the applicant or other agencies.*

#### ***DENIAL***

*Having concluded that the Criteria for Approval of a Concept Plan found in Title 9-3-2-B have not been satisfied, I move to RECOMMEND DENIAL of the Concept Plan for Buckrail Ranch subdivision as described in the application materials submitted September 24, 2020, based on the following findings:*

1. ...

*The following could be done to obtain approval:*

1. ...

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**Prepared by Joshua Chase, Senior Planner**

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**Attachments:**

1. Concept Plan Application & Narrative (30 pages)
2. Concept Drawing dated August 2020 (1 page)
3. Letter from ITD (1 page)
4. Email from EIPH (3 pages)
5. Public Comment (8 pages)

**End of Staff Report**

Ms. Tremblay asked if there were any other issues besides the fire pond. Mr. Chase commented the applicant has dropped off more information to be submitted to the Fire Marshal today but it has not been passed on yet. The only other issue was to ensure there was a plat note referring to the condition required by the NP Waiver for no more than six bedrooms.

The Commission had no other issues with the application.

**MOTION:** 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 Eastside Farms subdivision as described in the application materials submitted June 29, 2020 and as supplemented with additional applicant information attached to this staff report.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	J.A. Michelbacher, Commissioner
<b>SECONDER:</b>	Timothy Watters, Planning Commissioner
<b>AYES:</b>	Jack Haddox, J.A. Michelbacher, Commissioner, Erica Tremblay, Commissioner, Timothy Watters, Planning Commissioner
<b>ABSENT:</b>	Patrick McDannell, Commissioner, Aidan Sullivan, Commissioner, Chris Larson, Chairman, Sarah Johnston, Vice Chair

**Item #4. – AGENDA ACTION ITEM - PUBLIC HEARING: Wigwam Subdivision Concept Hearing** Cerro Maestri LLC has applied for a 2 lot subdivision on a 4.08 acre parcel located within the Driggs Area of City Impact with ADR 1.0 acre average density zoning. The property has access from Cemetery Road and is within the Big Game Migration Corridor and Seasonal Range associated with Teton Creek. A joint hearing with the Driggs Planning and Zoning Commission will review the application.

**Legal Description:** Legal Description: RP05N45E360250; TAX # 5981 SEC 36 T5N R45E

This application was cancelled due to lack of City of Driggs Planning & Zoning Commission members required for an application in the City of Driggs Area of Impact.

<b>RESULT:</b>	<b>MEETING CANCELLED</b>
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**Item #5. – ACTION ITEM - PUBLIC HEARING: Buckrail Ranch Subdivision Concept Hearing** Buckrail Ranch LLC has applied for a 24 lot subdivision on a 78.67 acre parcel located on the northeast corner of the junction of State Highway 32 and 33. The property is in the impact area of the City of Tetonia. There are no overlay areas on the property.

**Legal Description:** Legal Description: RP06N45E205550; TAX #6807 PARCEL 5 SEC 20 T6N R45E

Mr. Armstrong reviewed the application details for a 24 lot subdivision on 78.67 acres. All lots would be 2.5 acres in conformance with the current zoning and two ponds are being proposed for fire suppression and as landscape features for the residents to enjoy. He also commented that landscape buffers are being proposed along Hwy 32 and Hwy 33. Mr. Armstrong then discussed the situation of the current City of Tetonia Area of Impact (AOI) Agreement and read the section that contained directions for proceeding with an application in the AOI. After the Concept approval the application would move forward to the City of Tetonia Planning Commission for a



Preliminary hearing and then back to the County Planning Commission for a Preliminary hearing prior to moving forward to the BoCC for a Preliminary hearing.

Ms. Tremblay asked about the site plan reflecting 20 lots rather than 24. Mr. Armstrong commented that two different site plans were submitted and the most recent was the site plan on the last page of the application that showed 24 lots being proposed.

Mr. Michelbacher asked about Lots 1 & 20 that were 2.24 acres rather than 2.5 acres. Mr. Armstrong commented that may have something to do with the calculation of the road easement, but would be a question for the applicant.

Mr. Dean Roddatos, applicant, commented the lots are actually larger than the first map provided in the Concept application and the update version shows the lots at 2.5 acres in compliance with the zoning requirement of a minimum of 2.5 acres. He then reviewed the applicant specifics. He discussed the access that was determined by ITD and reflected in the approval of the permit issued by ITD. He reviewed the intent to build homes and sell one home with each lot with a minimum home size of 1200 sq. ft. rather than large homes. He stated there will be no manufactured homes, tiny homes, or mobile homes allowed. Mr. Roddatos also emphasized that the property had no overlays or water characteristics that required additional studies.

Ms. Tremblay asked if Mr. Roddatos has considered the Comp Plan and what it suggests for that area, which would be larger lots. Mr. Roddatos commented his decision for 2.5 acre lots is based on the current zoning and what he believes will be what the market is looking for currently and in the future. Ms. Tremblay did not think that it fits into a rural subdivision concept and did not want to see another subdivision with only a few homes built.

#### **PUBLIC COMMENT:**

Mr. Douglas Hutchins, adjacent property owner, commented that the ground is flat but has several swells in the area and in the springtime when the snow melts it has rivers that run through the property sometimes. He stated he has only been in the Valley three years but was concerned by the snow runoff in the spring and the potential for flooding. He felt it should be addressed.

Mr. Sean Hill, representing VARD, commented on the Comp Plan designation for the area of Rural Agriculture which calls for low density residential and his belief was that this is not low density residential. He also wanted to see a Development Agreement in place for improvements.

Mr. Haddox stated, for the record, that there were several public comments received prior to the hearing.

#### **APPLICANT REBUTTAL:**

Mr. Roddatos commented he is aware of the potential for spring runoff and has planned to deal with the issue as part of the ponds construction and the road construction.

#### **COMMISSION DELIBERATION:**

Mr. Michelbacher commented a 2.5 acre is a good size lot and provides open space between houses. Mr. Haddox commented he would have liked to see larger lots as in subdivisions nearby, but agreed that the application fits within the current zoning and does provide some open space.



Ms. Tremblay commented she was concerned with the Comp Plan designating that parcel as low density and the draft code being proposed in the Spring also designating this parcel as low density. She was concerned by approving this application before the draft code is approved was not being responsible to the Community. Mr. Michelbacher commented the reason he has proposed a motion for approval is because the application is in compliance with the current zoning requirements and cannot be judged on potential future land use designations. Mr. Watters commented this application does comply with the current zoning, although he was concerned with compliance with the Comp Plan, but felt that it was not appropriate to hold up this application to wait for a new code to be approved.

**MOTION:** Having concluded that the Criteria for Approval of a Concept Plan found in Title 9-3-2-B 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 Concept Plan for Buckrail Ranch subdivision as described in the application materials submitted September 24, 2020 with the following conditions of approval: 1) The lot sizes be corrected to be in compliance with the zoning and; 2) Address floodwater concerns.

<b>RESULT:</b>	<b>APPROVED [3 TO 1]</b>
<b>MOVER:</b>	J.A. Michelbacher, Commissioner
<b>SECONDER:</b>	Timothy Watters, Planning Commissioner
<b>AYES:</b>	Jack Haddox, J.A. Michelbacher, Commissioner, Timothy Watters, Planning Commissioner
<b>NAYS:</b>	Erica Tremblay, Commissioner
<b>ABSENT:</b>	Patrick McDonnell, Commissioner, Aidan Sullivan, Commissioner, Chris Larson, Chairman, Sarah Johnston, Vice Chair

**Item #6. – WORK SESSION: River Rim Ranch PUD Work Session** The owners of River Rim Ranch PUD have requested a work session with the Planning and Zoning Commission prior to submitting an application for a significant plat amendment. The purpose of the work session is to generally present some ideas for amending the subdivision, and seek input from the PZC that could be integrated into their future application for plat amendment. This agenda item is a work session, and as such, there is no decision to be made. River Rim Ranch PUD is a multi-phased master planned development located in the northwest area of the County, with phases on both the north and south sides of Hwy 33. It was initially approved in 2004. The development includes approximately 400 building lots spread over approximately 4,500 acres. The master plan/plat has been amended 6 times since initial approval.

Mr. Armstrong explained the intent of the work session. He read the cover letter to the Commission.

Mr. Scott Bechtle, representing the applicant, reviewed the history of the original approval of River Rim Ranch along with the amendments that have occurred over the years.

Mr. Bob Oblondi, representing the applicant, discussed the history.

<b>RESULT:</b>	<b>ADD TO NEXT AGENDA</b>
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**ADJOURN**

**MOTION: Adjourn 8:15 PM**