



JURISDICTIONAL DETERMINATION – REVIEW MEMO

To: Teton County Board of County Commissioners
From: Jade Krueger, Planning & Building Director
Report Date: January 31, 2025

Jurisdiction Determination for Master Plan Amendment

ACTION REQUESTED: Ordinance Resolution Motion Funding Discussion

SUMMARY: The owners of the Tributary PUD have submitted a Concept Plan application to begin the process of amending the Master Plan for the entire Tributary PUD. Proposed changes include increasing the acreage of the PUD from 1,497 acres to 1,512 acres, shifting the approved density within different phases and areas within the PUD (most notably increasing the previous amount within Phase IV of the development), adding additional access points to Hwy 33, and modifications and eliminations of some of the street layouts within the development.



This process is considered a Significant Plat Amendment which requires that the project is reviewed as a Full Plat Subdivision, with the first step being a Concept Plan Application. The proposed plan has been routed to service providers and will be reviewed administratively by staff with comments sent to the applicant outlining the “general conformance or non-conformance” of the plan with the Land Development Code, as per [§14.5.6](#). The next steps will be submittal of a Preliminary Plat Application along with any associated required Zone Changes and Code Text Amendments for review by the Planning & Zoning Commission and City Council, including all required public hearings.

Because the Tributary PUD and associated Master Plan currently include land located within Driggs City limits, the Driggs Area of Impact, and Teton County, staff has reviewed the Driggs Area of Impact Agreement in place at the time of application (12/10/2024). This agreement requires that a jurisdictional determination needs to be made outlining which entity should review and process the application and under which ordinances. Driggs’ City Council and Teton County Board of County Commissioners will both have to consider staff’s recommendation and make a jurisdictional decision.

At the time of application, the AOI boundary is indicated by the red line; the beige/light orange color denotes the Area of Impact zoning of A-20.

ANALYSIS & RECOMMENDATION: Driggs City Code Title 1, Chapter 10-5 states:

2. Land Partially Within And Outside Area Of City Impact: Any application which concerns land partially within and outside of the Driggs area of city impact shall require a written determination between the county and city as to which jurisdiction shall process the application, and which ordinances shall be applied as more restrictive and stringent. The procedures below shall be followed:
 - a. The planning administrators from each jurisdiction shall make recommendations to the city council and board of county commissioners as to which jurisdiction should process the application and which ordinances should be used to process the application. The recommendation shall consider such factors as the amount of land in each jurisdiction, trade area, geographic factors, possible current or future annexation to the city.

Staff recommends that the City of Driggs process the PUD master plan amendment and recommends that the project be reviewed under the Driggs Land Development Code and the Driggs Comprehensive Plan. With the annexation of 140 additional acres within the PUD in 2014, an annexation agreement was signed between the developer and the City (Instrument No. 234852). This requires that “all areas within the PUD subject to future subdivision or development shall prior to the submittal of any future Preliminary Plat be annexed into the City.” In addition, the agreement also states that, “all parties acknowledge that the City of Driggs will initiate an annexation of the existing platted lots in the PUD that are located inside the Area of Impact within five years.”

Based on this requirement, before any new development in the Area of Impact could be submitted for Preliminary Plat review it would have to be annexed into the City of Driggs. Staff finds that this requirement justifies the review of the proposed Master Plan amendments, in their entirety, through the City of Driggs process, using all applicable current codes and ordinances.

The Driggs City Council will review the same request at their February 18, 2024 meeting.

RECOMMENDED MOTION: Motion to approve the recommendations from the Driggs Planning and Building Director to allow the City of Driggs to process and review the proposed Tributary PUD Master Plan amendment using the most current adopted version of the Driggs Land Development and Driggs Comprehensive Plan.

Attachments:

- A. Proposed Amended Tributary PUD Amendment Master Plan (2024)
- B. Current Tributary PUD Master Plan (2019)