



**PRELIMINARY PLAT REVIEW PUBLIC HEARING**

**FOR:** Log Cabin Subdivision  
**WHERE:** 4710 S 500 W  
**PREPARED FOR:** Board of County Commissioners  
Public Hearing of February 24, 2025

**APPLICANT AND LANDOWNER:** Log Cabin Lane, LLC.  
**ENGINEER:** Taylor Cook, Nelson Engineering

**REQUEST:** Taylor Cook, on behalf of Log Cabin, LLC, is proposing a 2 lot subdivision on approximately twenty acres. Lot 1 will be one acre and include the existing development and Lot 2 will be 19.26 acres. The goal of this subdivision is to create a one-acre lot around the existing development on the property and leave the 19.26 acre lot undeveloped. There are no overlays on the property other than the Scenic Corridor.

During review of the original survey, staff found that the parcel was bound to a development agreement in 2010 from a zone change. The hearing scheduled for December 23, 2024 was postponed to February 24, 2025 at the request of the applicant to obtain legal review.

**APPLICABLE COUNTY CODE:** Subdivision Preliminary Plat Review pursuant to the Land Development Code Chapter 4, Section 4-13-D, Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

**LEGAL DESCRIPTION:** S2NE4SW4 SEC 23 T4N R45E  
**PARCEL NUMBER:** RP04N45E234825  
**LOCATION:** 4710 S 500 W  
**ZONING DISTRICT:** IR  
**PROPERTY SIZE:** 20.00 acres

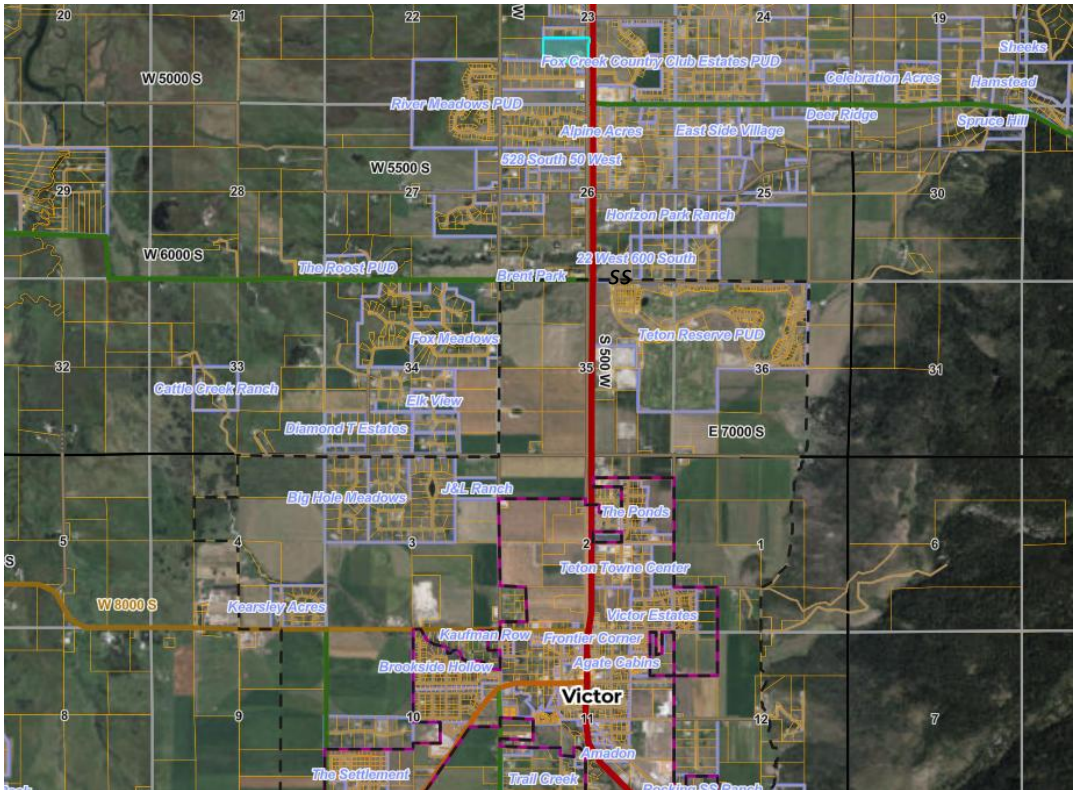


Figure 1. Vicinity Map (Subject Parcel highlighted blue)



Figure 2. Aerial Image; Cherry Grove Canal shown by blue line

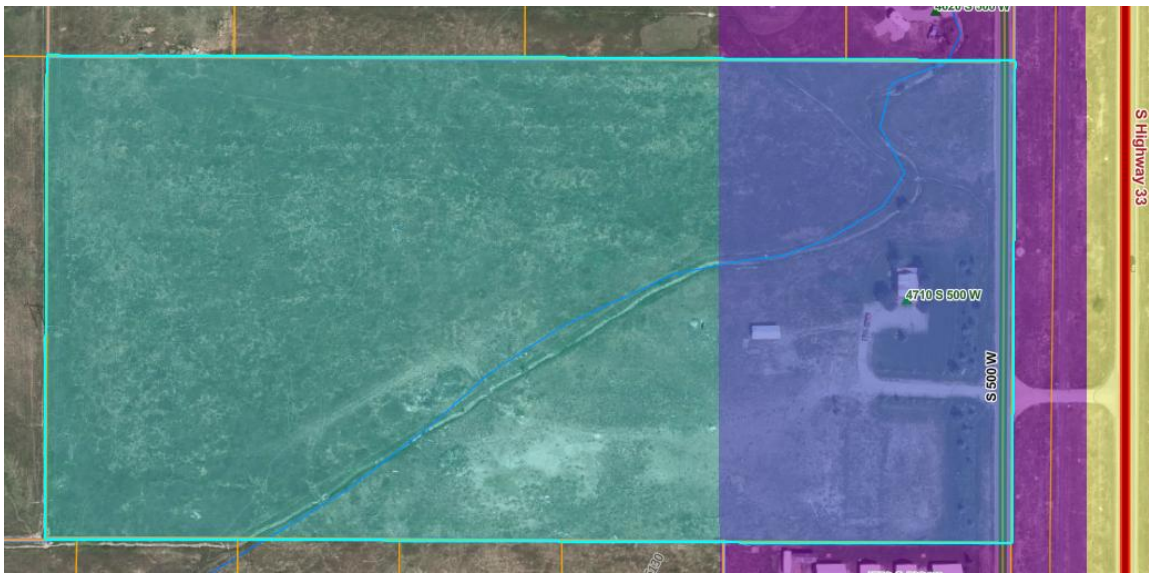


Figure 3: Scenic Corridor Overlay

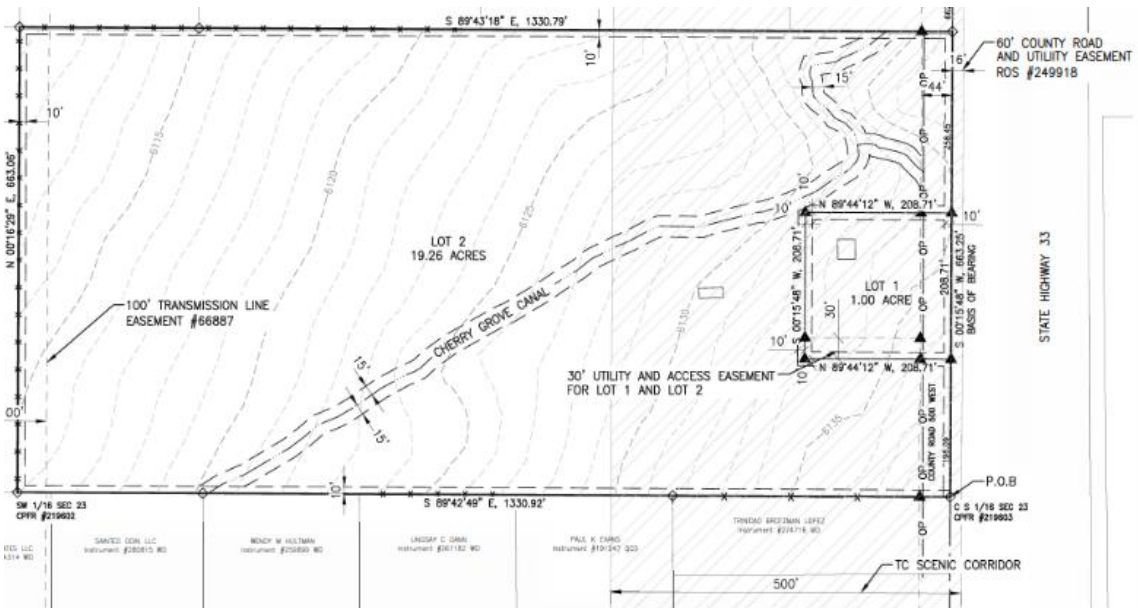


Figure 4: Preliminary Plat Layout

## **PROJECT BACKGROUND**

**Pre-application:** A Pre-application conference was held with the applicant and Planning staff on April 9, 2024. The form was signed and returned on April 17, 2024. The pre-app clearly articulated that this project could not be processed as a Short Plat application because of the IR zone district. An application for Concept review was received April 18, 2024.

**PZC Concept Review:** A Concept Plan Review Public Hearing was held and approved on July 9, 2024 with the following motion:

**MOVER:** James Weber  
**SECONDER:** Tyler Wertenbruch

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in LDC (LDC 4-1) can be satisfied, I move to APPROVE the Concept Plan for Log Cabin Subdivision as described in the application materials submitted April 18, 2024 and as updated with additional applicant information attached to this staff report.

**AYES (6):** Tim Watters, Wyatt Penfold, Wade Kaufman, James Weber, Tyler Wertenbruch, and Carl Kohut

### **Conditions of Approval:**

1. Address all public works comments in the Preliminary Plat application
2. All future development on lot two that is within the scenic corridor overlay will trigger the need for a scenic corridor review
3. A letter of approval from the canal company associated with cherry grove canal should be submitted with preliminary plat application.
4. Receive preliminary approvals from EIPH for development.
5. A stamped and dated cost estimate for the project is required at the preliminary plat stage. Financial surety is also required after preliminary plat approvals.
6. Site plan for development should show the cluster box for USPS for postal delivery service.
7. Electric and telecommunications are required utilities.
8. Address public works comments:
  - a. The proposed access shown from S500W will need to provide access to both lots. No additional access points onto S500W will be permitted.
  - b. All interior roads will need to be brought up to/built to County driveway Standards

**Planning and Zoning Commission Preliminary Review:** The planning and zoning commission reviewed and approved the application on October 8, 2024 with the following motion:

*Having concluded that the Criteria for Approval of a Preliminary Plat found in LDC Section 4-13-D can be satisfied, I move to RECOMMEND APPROVAL of the Preliminary Plat for the Log Cabin Subdivision as described in the application materials submitted on August 13, 2024 and additional information attached to the staff report with the conditions of approval 1 - 6 as outlined in the staff report.*

### **Conditions of Approval:**

1. The plat be updated in the following ways:
  - a. Add a plat note: All future development that is within the scenic corridor overlay will trigger the need for a scenic corridor review.
  - b. A plat note should indicate that both lots will be accessed from the interior subdivision road.
  - c. A plat note that indicates: Additional land splits will trigger the need for fire suppression.
2. A letter of approval from the canal company associated with cherry grove canal should be submitted with preliminary plat application (also mentioned in the pre-app conference).
3. A stamped and dated cost estimate for the project is required at the preliminary plat stage. Financial surety is also required with preliminary plat approvals.
4. Site plan for development should show the cluster box for USPS for postal delivery service.



5. Electric and telecommunications are required utilities. Please provide in the improvement plans. Lot 2 needs power be underground. This would include a transformer box installation if pulling from the overhead.
6. Address public works comments:
  - a. The proposed access shown from S500W will need to provide access to both lots. No additional access points onto S500W will be permitted.
  - b. Access to this second lot to be constructed / provided in improvement plans.
  - c. All interior roads will need to be brought up to/built to County Local Road Standard

*Staff comment: Condition one still needs to be addressed.*

**REVIEW COMMENTS:** The County has solicited comments from other agencies and entities.

- **ROADS & UTILITIES:** Public Works Director (Letter dated September 30, 2024):
  - The proposed access shown from S500W will need to provide access to both lots. No additional access points onto S500W will be permitted.
- **FIRE PROTECTION: TETON COUNTY FIRE MARSHALL**
  - A two lot subdivision will not trigger the need for fire suppression.
- **WASTEWATER TREATMENT: EIPH (LETTER DATED AUGUST 12<sup>TH</sup>, 2024)**
  - EIPH has given approval of the application to divide the parcel creating the two lots based on suitability for residential sub-surface waste disposal.
  - All septic system components will need to be 50 feet from this Cherry Grove Canal.
- **PLANS AND STUDIES**
  - The Scenic Corridor Overlay will trigger the need for a Scenic Corridor Review if Lot 2 ever wants to develop within the overlay.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and LDC Chapter 4, Section 4-2-D. This public hearing was duly noticed in the Teton Valley News on February 5, and February 12, 2025. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on January 31, 2025. A notice was also posted on the property on February 7, 2024.

**PUBLIC COMMENT**

No public comments have been received as of December 16, 2024.

**CRITERIA FOR APPROVAL**

The Board of County Commissioners shall only approve if it finds that all of the following criteria (LDC Chapter 4-13-D-4, LDC Chapter 6, and the Teton County Comprehensive Plan) 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):

<p><b>Objective:</b> 1. The conformance of the subdivision with the Comprehensive Plan, LDC and other County Codes as well as Subdivision Development Standards;</p>
<p><b>Applicant Comment:</b> Narrative states application will conform to all County codes and standards.</p>

**Staff Comment:** The proposed project lies within the Rural Neighborhood areas of the future character areas in the Comprehensive Plan.

**Rural Neighborhood:** Rural Neighborhoods are located north of Driggs and Victor along Highway 33. These areas currently include a mix of developed residential subdivisions, undeveloped residential lots, and some commercial and light industrial development. There is limited road connectivity within these areas and most vehicle traffic is directed to the highway. Very little pedestrian and bicycle infrastructure is in place. The unincorporated town of Felt is also considered a Rural Neighborhood area. In general, further development and densification of Felt is not supported by its residents; however, the desire for a small public park and decreased speed limits were voiced by many. Desired future character and land uses for the Rural Neighborhoods include:

- A transitional character in between that of Town Neighborhoods and Rural Areas
- Medium density single family neighborhoods with large open spaces and provisions for clustering
- Amenity-based neighborhoods
- Safe and convenient street and pathway connections within these areas and, when practical, to Towns
- Well-defined open space areas that connect to provide corridors
- A clear distinction between residential development and open space/agricultural areas

**Rural Areas**

The western slope, valley floor, and the northern plains are classified as “rural”. These areas are located further from the towns or in places of greater sensitivity. Much of this land is in agricultural production or includes undeveloped parcels of native vegetation that supports wildlife. Although some medium to high density residential subdivisions exist in the rural areas, they are for the most part currently undeveloped. These areas may be appropriate for sensitively designed conservation developments, continued agricultural use, or conservation areas.

- The zoning of the parcel is IR Industrial Research. Both proposed lots will conform to the requirement of this zone district.
- The parcel has an existing driveway that is being proposed as the access to both lots.
- 6-1-10: Site plan for development should show the cluster box for USPS for postal delivery service. No mailboxes may be located in the sidewalk or right-of-way
- 6-4-3: Electric and telecommunications are required utilities to the development.

**Objective: 2. Requirements of other reviewing agencies and / or jurisdictions providing public services.**

**Applicant Comment:**

N/A

**Staff Comment:**

- Applicant has received preliminary approval from EIPH (letter attached).
- There is not a requirement for fire suppression as the two lots do not trigger this requirement.
- The proposed access shown from S500W will need to provide access to both lots. No additional access points onto S500W will be permitted. All interior roads will need to be brought up to/built to County Local Road Standards.

**Objective: 3. The conformity of the proposed development with the Capital Improvements Plan (CIP).**

**Applicant Comment:**

No comment.

**Staff Comment:**

All applicable impact fees based on the Impact Fee Program (2023 CIP) will be assessed at the time of building permits.

**Objective: 4. The public financial capability of supporting services for the proposed development.**

**Applicant Comment:**

No comment.

<p><b>Staff Comment:</b> Because this proposal is for fewer than 20 lots, a public services/ fiscal impact analysis will not be required with Preliminary Plat application materials.</p>
<p><b>Objective:</b> 5. Other health, safety, or general welfare concerns that may be brought to the County's attention.</p>
<p><b>Applicant Comment:</b> No health, safety or general welfare concerns with this proposal.</p>
<p><b>Staff Comment:</b> The parcel does not lie within any natural resource overlays. There is no wildland urban interface present nor the bear conflict area. The parcel does not have any steep slopes. A portion of the parcel does lie within the Scenic Corridor Overlay. Any future development on Lot 2 that is within the Scenic Corridor will need to undergo a Scenic Corridor Review.</p>

**Considerations:**

- No cost estimate or improvement plans required as all improvements are existing (power and driveway) if communications are determined to also be provided.
- Additional subdivision will trigger the need for fire suppression.
- Staff recommended the BoCC pursue legal review on if/ which items in the development agreement are still legally binding and if the parcel can be subdivided given the terms of the development agreement.
  - The parcel was zoned commercial in 2010 and granted a conditional use permit. A DA (Inst #210870) was recorded for the intent of that zone change.
  - Landowner acknowledges that zoning would revert to A/RR 2.5 if the current use shall end. This acknowledgement notwithstanding the landowner does not waive any other rights inherently herein.
  - A landscaping plan and cost estimate for this property was also included in the development agreement as a requirement but was never completed.

**CONDITIONS OF APPROVAL**

1. The plat be updated in the following ways:
  - a. A plat note should indicate that both lots will be accessed from the interior driveway and no new access from 500 will be granted.
  - b. This application was NOT processed as a short plat and that note is to be removed.
  - c. A plat note that indicates: Any additional subdivision will trigger the need for fire suppression as it would result in 3 lots.
  - d. The wrong code is cited on page one of the plat under the survey narrative. Should reference the Land Development Code.
  - e. Add a plat note: All future development that is within the scenic corridor overlay will trigger the need for a scenic corridor review.
2. Address public works comments:
  - a. All interior roads will need to be brought up to/built to County Local Road Standards

**BOARD OF COUNTY COMMISSIONERS ACTIONS**

- A. Approve the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve 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. Deny the Preliminary Plat application and provide the reasons and justifications for the denial.
- D. Continue to a future BoCC Public Hearing with reasons given as to the continuation or need for additional information.

**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 Preliminary Plat found in LDC Section 4-13-D can be satisfied, I move to RECOMMEND APPROVAL of the Preliminary Plat for the Log Cabin Subdivision as described in the application materials submitted on August 13, 2024, and additional information attached to the staff report. (with the following conditions of approval...)*

**DENIAL**

*Having concluded that the Criteria for Approval of a Preliminary Plat found in LDC Section 4-13-D have not been satisfied, I move to RECOMMEND DENIAL of the Preliminary Plat for the Log Cabin Subdivision as described in the application materials submitted on August 13, 2024, and additional information attached to the staff report, based on the following findings:*

**CONTINUATION**

*I move to continue the public hearing for the Log Cabin Subdivision Preliminary Plat to a specific date in time in order to obtain additional information from the applicant or other agencies.*

Prepared by:  
Torin Bjorklund, Associate Planner

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**ATTACHMENTS:**

- A. Application (3 pages)
- B. Narrative (1 page)
- C. Preliminary Plat (2 pages)
- D. 2010 Zone Change DA (5 Pages)
- E. Cherry Grove Canal Letter
- F. Fox Creek Canal Letter
- G. Soils Report (19 Pages)
- H. Title Insurance (14 Pages)
- I. Warranty Deed (1 page)
- J. Fall River Power Confirmation (2 Pages)
- K. CCRs (2 Pages)
- L. Public Works Review (1 Page)
- M. EIPH Approval Letter (14 Pages)
- N. Applicants Legal Review (10 Pages)

**End of Staff Report**