



**TETON COUNTY
PLANNING & ZONING COMMISSION
PUBLIC HEARING**

**April 8, 2025
5:00 p.m.
First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422**

Members Present: James Weber
 Tyler Wertenbruch
 Wyatt Penfold
 Wade Kaufman
 Carl Kohut
 Rebeca A Baker

Members Absent: Tom Braun

Staff Present: Sharon Fox
 Joshua Chase

A. Approval of Minutes for March 11, 2025

MOVER: Wade Kaufman
SECONDER: James Weber

I move to approve the Minutes from the March 11, 2025 meeting.

AYES (4): James Weber, Wyatt Penfold, Wade Kaufman, and Rebeca A Baker

Absent (3): Tyler Wertenbruch, Carl Kohut, and Tom Braun

Adopted (4 to 0)

B. Chairman Business

There was no Chairman business.

C. Administrator Business

Mr. Chase wanted to thank the Commission for their level of detail in their discussions and deliberations and he looked forward to working with them. He also invited the Commission to reach out to him if anyone has issues or want potential legal consultation. Mr. Chase commented currently all staff reports are

being reviewed by the legal team and he was not sure how long that will continue. He did note that he had been receiving very helpful feedback from the Prosecutor's office lately.

D. Action Items

1. 5:00 PM PUBLIC HEARING: Anderson Short Plat Final Hearing

Mr. Chase commented on the process for this Short Plat application that is located in the Victor AOI. Since it was submitted prior to the new AOI agreement the City of Victor is not participating in the application. He reviewed the request for a 2 lot subdivision on 38.75 acres located on Baseline Road west of Victor. He commented there is an existing home and access on the 3.88 acre parcel and the review from Public Works recommended a shared access when the 2nd lot is ready to build.

Ms. Alison Alhert with Harmony Engineering, representing the applicant, commented about the process for achieving the separation of the existing house so that the applicant can sell her home separately and leave the remaining parcel to her children. There were several surveys done in the past but there was no legal separation so that is why the applicant is going through this process. She commented the applicant will work with County agencies regarding access when one of the children is ready to build.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

MOVER: Carl Kohut

SECONDER: Tyler Wertenbruch

Having concluded that the Criteria for Approval of a Short Plat found in the LDC (4-12) have been satisfied, I move to APPROVE the Short Plat for Anderson Subdivision as described in the application materials submitted October 28, 2024 and additional information attached to the staff report with the conditions of approval listed in the staff report.

AYES (6): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Carl Kohut, and Rebeca A Baker

Absent (1): Tom Braun

Adopted (6 to 0)

2. 5:20 PM PUBLIC HEARING: 6022 Fox Springs Variance Request

Mr. Chase commented he wanted to thank Torin Bjorklund for writing the report before he left since he had experience with the application for a 50"

setback variance from the delineated wetlands on the parcel. Mr. Chase talked about the wetland review and Army Corp. permit approval, and past issues land owners have had with the Fox Springs Subdivision due to the constraints that have developed on the lots over the years. He noted that the home would be built on the upland for the most part with the exception of .04 acres in the wetland.

Mr. Matt Bohne, applicant, commented he had the wetland delineation done and found out there was some encroachment and they then started working on an acceptable location. When moving the house to the upland the road would be much longer and still have to cross the wetlands. That is why they came up with the proposed location based on the minimal impact they could achieve. The HOA has reviewed the proposed location and approved the change in the building envelope. He also commented that the Army Corp. had visited the site and met with the wetland consultant twice and they were satisfied with the proposed location. Mr. Bohne also commented on the upgraded raised septic system that would help keep the location away from the nearby pond.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

The Commission felt the location was the most appropriate and had no issues with the Variance request.

MOVER: James Weber

SECONDER: Wade Kaufman

Having concluded that the Review Criteria of a Variance and other code found in the Teton County Land Development Code, Sections 4-9, 5-2-3, and 5-4-2, can be satisfied with the inclusion of the conditions of approval listed in the staff report, I move to APPROVE the Variance for Matt Bohne as requested in the application materials submitted February 5th, 2025.

AYES (6): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Carl Kohut, and Rebeca A Baker

Absent (1): Tom Braun

Adopted (6 to 0)

3. 5:40 PM PUBLIC HEARING: Ripple Ridge Ranch Subdivision Concept Hearing

Mr. Chase reviewed the application for a subdivision of 9 lots on 318.3 acres located at 11248 N 5000 W in Felt. He discussed the overlays, the residential development in the neighborhood, and Bull Elk Creek and some drainages located on the site. He commented that the site has a

nitrate priority area that will require an NP study on at least a portion of the site. Mr. Chase talked about the new requirements for a WHA to be done prior to Concept hearing but it was not in place when the application was received. He also discussed the new timelines that were adopted in the new LDC and he was somewhat concerned with meeting the requirement to submit the Preliminary application within 9 months knowing they will need some time to do a WHA based on the transitioning of the policy.

Mr. Wertenbruch asked if the 9 lots will maximize the available density of the property. Mr. Chase commented that the current zoning would not allow further subdividing of the large parcels, but if in the future the zoning is changed the owners of the lots could apply for a major plat amendment to further subdivide.

Mr. Weber asked about the section of the road that is a private road bordering lots 5, 6 and 7 and was concerned if it was ever attempted to be brought up to County standards there may not be enough room.

Mr. Brent Crowther with Civilized Engineering, representing the applicant, commented he was available to answer questions. Mr. Tyler asked where the access was located for Lot 1. Mr. Crowther commented they are working with two options and have not finalized that yet. Mr. Cohut asked about Bull Elk Creek and how the lot layout would protect that creek. Mr. Crowther commented he has spoken with their wildlife biologist and they have considered building envelopes or possible adjustments to the lot lines, but they have not made those decisions because the WHA has not been completed yet. Mr. Kaufman pointed out the creek only runs for a couple months in the spring. Mr. Weber commented he would like to see building envelopes on Lots 1 & 2. Mr. Drew Curry, applicant, commented they did not want to put building envelopes on the parcels because they are so large, but would consider the possibility. Mr. Wertenbruch asked about a road agreement for the private portion of the road. Mr. Curry commented he was open to improving 5000 W if adjacent property owners would be interested in participating or he would build a new road on his property and not use the private road.

PUBLIC COMMENT:

Mr. Garvin Ricks, adjacent property owner, commented he irrigates some of the property next to the proposed subdivision and he was concerned about the impact to his property if the irrigation water is interfered with due to the subdivision infrastructure. He wanted assurance that the irrigation ditches be maintained as is. Mr. Penfold commented the Commission wants to see the ditches kept up for use, but there needs to be someone to follow through from a canal company or land owner to ensure that takes place.

Mr. Doug McCombie, adjacent property owner, commented they live on a parcel that has a headgate on it and they take care of it to keep the water

moving down stream and wants to be sure it will be maintained. He also commented he was concerned with the 2 large lots being further subdivided. He wanted to know what the applicant's vision for the property was.

APPLICANT REBUTTAL:

Mr. Crowther commented they will work on mapping the ditches on the site so they can be protected. Mr. Drew Cury, applicant, commented the vision is a place that their families will be able to build homes and he wanted to preserve as much open space as possible, which is why they designed the layout with two large lots among the allowable 9 lots to cluster the housing. Mr. Cury also talked about water rights for the ditches and noted that those ditches are not on his property. His ditches will deliver the water back to Bull Elk Creek. The formal irrigation ditches are outside his parcel entirely. He offered to reach out to Mr. Ricks to talk about the ditches and to preserve the flow of the irrigation water. He wants to live on the property and is willing to reach out to the neighbors to work together.

COMMISSION DELIBERATION:

Ms. Baker commented she liked the layout of the site and she asked if all lots are still required to access from an interior subdivision road. Mr. Wertenbruch commented when the access is decided for Lots 1 & 2 he wanted to see it reviewed by Public Works to find out his opinion.

Mr. Cohut commented he wanted to see the areas protected where indicator species exist and that will come out when the WHA is completed. He also wanted to see the grading required due to some of the slopes on the site because slopes over 30% are not developable and he agreed with Mr. Weber about building envelopes on Lots 1 & 2.

MOVER: Tyler Wertenbruch

SECONDER: Wade Kaufman

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in LDC (LDC 4-13.C.) can be satisfied I move to APPROVE the Concept Plan for Ripple Ridge Ranch Subdivision as described in the application materials submitted March 10, 2025 with the inclusion of the conditions of approval listed in the staff report, along with the following recommendations suggested for direction by Mr. Kaufman based on the Commission deliberation:

1) Clarity on road agreements; 2) Road issues based on maintenance and safety; 3) Canal water rights and ditches; 4) Access, review roads; 5) 50' setback from creeks; and 6) Lots 1 & 2 building envelopes.

AYES (6): James Weber, Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Carl Kohut, and Rebeca A Baker

Absent (1): Tom Braun

Adopted (6 to 0)

4. WORKSESSION: Code Amendment Discussion

The Commission talked about things they would like to see happen to help them make better decisions and wanted to have more work sessions about LDC clarifications that would be beneficial to the Commission and to the applicants. They wanted to see things more clear cut for the applicants and for the Commission when making their decisions. Mr. Chase explained he has been making a list of things in the LDC that he believes should be clarified for those reasons and will put together some of his concerns and work on addressing the issues expressed by the Commissioners.

E. Adjourn

Adjourned at 7:25 PM.

MOVER: James Weber

SECONDER: Tyler Wertenbruch

MOTION: *Adjourn.*

Cindy Riegel, Chairperson

County Clerk or Deputy