



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

**July 9, 2024
5:00 p.m.**

**First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422**

Members Present: Tim Watters
 Wyatt Penfold
 Wade Kaufman
 James Weber
 Tyler Wertenbruch
 Carl Kohut

Staff Present: Jade Krueger
 Torin Bjorklund
 Sharon Fox

A. Approval of Minutes

MOVER: Wade Kaufman
SECONDER: James Weber

I move to approve the Minutes for October 10, 2023.

Adopted

MOVER: James Weber
SECONDER: Tyler Wertenbruch

I move to approve the Minutes for June 11, 2024.

Adopted

B. Chairman Business

Mr. Heneage read the Oath of Office to swear in the new Commissioner, Carl Kohut.

C. Administrator Business

Ms. Krueger advised the Commission that there will not be an August Planning Commission meeting. She also updated them on the various Area of Impact negotiations that will be coming up soon and more potential LDC updates that will be discussed in upcoming meetings.

D. Action Items

1. 5:00 PM PUBLIC HEARING: Log Cabin Subdivision Concept Hearing

Mr. Bjorkland reviewed the 2 lot subdivision on 20 acres and reviewed the intent to create a small lot around the original homestead and leave the rest of the parcel as remaining lot. He reviewed the agency comments and noted no issues from outside agencies.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented he has reached out to the canal company and stated they had no objections. He commented there is already a septic for the existing cabin and utilities that extend to the second lot as well.

Mr. Brian Maw, applicant, commented he has removed the containers recently.

PUBLIC COMMENT:

Lindsey Dan asked if there are any plans for the 19 acres remaining in ag use as she is an adjacent neighbor.

Mr. Brian Maw, applicant, commented he has no plans for the 19 acres.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

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

Adopted (6 to 0)

2. 5:15 PM - ACTION ITEM: Lucey Scenic Corridor Hearing

Mr. Bjorkland reviewed the application for construction of a new commercial building in the Scenic Corridor located adjacent to the Rocky Road Industrial Park.

The applicant was not present at the meeting.

Commission Deliberation:

The Commission has no issues with the application.

MOVER: Tyler Wertenbruch

SECONDER: Wade Kaufman

Having found that the proposed development for Jerry Lucey is consistent with the LDC Chapter 5-5, I move to approve the Scenic Corridor Permit with the conditions of approval listed in the staff report.

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

Adopted (6 to 0)

3. 5:20 PM PUBLIC HEARING: Daylily Subdivision Preliminary Plat Hearing

Mr. Bjorkland reviewed the application for a 5 lot subdivision on 13.37 acres located in the City of Victor AOI. He reviewed the administrative Concept hearing and the comments from the City of Victor as well as the items that will be required for the next step in the application process. He reviewed the shared access with Lucy Meadows, the shared fire pond agreement, agency comments and recommended conditions of approval.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented the road maintenance agreement is being reviewed for signing but stated they have not yet arrived with an agreement on the fire pond but will install their own pond if necessary. He also stated he has reached out to Trail Creek for canal signoff. Mr. Cook commented he will work with Public Works to shift the entry to the west to align with Christopher street.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

MOVER: Wade Kaufman

SECONDER: Tyler Wertenbruch

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to recommend APPROVAL of the Preliminary Plat for Daylily Subdivision as described in the application materials submitted April 22, 2024 and additional information attached to the staff report with the following condition of approval that the County engineer review the road alignment in the intersection of the proposed road, Christopher Street, and the perpendicular road at the end of Christopher Street.

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

Adopted (6 to 0)

4. 5:40 PM PUBLIC HEARING: JC Ranches Subdivision Preliminary Plat Hearing

Ms. Krueger reviewed the application for a 26 lot subdivision on 80.31 acres off 4000 N in Tetonia. She discussed the access and property line dispute as well as the wetlands delineation which has not been approved at this time. She reviewed the submitted studies that have been received along with the 2nd access and the lack of proposed pathways. She commented the TIS has suggested only attached ADUs and the applicant has agreed. She also discussed the wetlands on the parcel and required mitigation that may be required by Army Corps of Engineers. She next reviewed the recommended conditions of approval.

Ms. Deirdra Griffith with Y2, representing the applicant, commented they have been working with the the canal district and have received an approval for a bridge over the canal for the access which can be widened to meet County standards. She also stated they have the NP comments ready to submit. Adrienne Lemmers with Y2 commented they will require advance systems for septic and that will be added to the CC&Rs. Mr. Russell Burton with Y2 commented on the NP study results and the process for review. He discussed the reduction of building envelopes to reduce the impact on wetlands. He commented the County overlay did not determine the wetlands in those areas.

The Commission was concerned with the canal crossing and no redesign of the lots based on the Concept conditions of approval. Mr. Watters commented on the Concept approval and wondered why there was no changes to the application based on the wetlands delineation. Ms. Griffith commented they moved the pond and the building envelopes on the site based on those results. Mr. Watters questioned the access proposed and if they understand they need to make the accesses up to County road standards. Mr. Cohut asked if there was any possibility of relocating the

canal. Mr. Kaufman commented financially that is not normally an option. Mr. Cohut suggested they should consider redesigning the road to be a loop road with only one crossing.

PUBLIC COMMENT:T

There was no public comment.

COMMISSION DELIBERATION:

Mr. Weber felt there were a few objectives that have not been met and no additional information to deal with building envelopes and wetlands. He also felt that criteria #1, 9, 5 & 2 were not met. Mr. Penfold felt the information was not adequate to make a decision at this time. Mr. Watters was concerned there was too many items unresolved to move forward. Mr. Wertenbruch commented they have not made changes with wetland mitigation if they are not going to be crossing the canal and thought they could improve the design with the new road options. Mr. Kohut commented he felt for the team that is designing this subdivision but also felt some of these problems should be fixed now rather than moving forward at this time. Mr. Watters was concerned with the need to redesign the road systems and the attention to the wetlands that have not been addressed.

MOVER: Wade Kaufman

SECONDER: Wyatt Penfold

I move to continue the public hearing for the JC Ranches Subdivision Preliminary Plat to September 10th in order to obtain additional information from the applicant or other agencies pertaining to the questions discussed during deliberation including supplying proof of Army Corps approval, addressing the double access issue with the County, also the NP study addressed and revised, incorporating in the CC&Rs the need for advanced systems for septic, and addressing TIS review comments.

AYES (5): Tim Watters, Wyatt Penfold, Wade Kaufman, Tyler Wertenbruch, and Carl Kohut

NAYS: (1): James Weber

Adopted (5 to 1)

5. 6:00 PM PUBLIC HEARING: Eustachy Wysong Subdivision Preliminary Plat Hearing

Commission took a 5 minutes break until 7:00 PM.

Ms. Krueger reviewed the application for a 10 lot subdivision on 60 acres located north of Tetonia on a private road off of County road 5000 N. She reviewed the overlays, the reduction to 10 lots to eliminate the need for a

second access, the lack of fire protection and utility installation information, and the need to improve the private roads to be up to County standards. She discussed the TIS and the need for the review regarding the impact on 5000 N and Hwy 33. Regarding legal access, she stated it has yet to be established and the County cannot adjudicate the issue. The applicant needs to resolve that. She commented on the CC&Rs that had some issues relating to height maximums and square footage allowances for ADUs. She noted there needs to be a fire pond guarantee if the shared agreement with Dorothy Gayle does not go through. She also stated the farm pivot is obstructing the fire department access and must be removed.

Mr. Brent Crowther with Civilize Engineering, representing the applicant, commented they will put the utilities layout on the improvements once they are established and agreed to address concerns with the CC&Rs. He reviewed the conditions of approval and had no concerns with the conditions. He commented they will get a written document for the fire suppression and will remove the pivot that is a problem for the Fire Marshal. He discussed the access issues and commented it was disclosed through the title search so that is an issue with the title company and will need adjudication. Mr. Crowther commented if a fire pond agreement is not able to be obtained from the adjacent Dorothy Gayle they will design a fire pond on the property.

PUBLIC COMMENT:

Mr. Chris Peterson asked about the access road for Eustachy Wysong and Dorothy Gayle projects. Ms. Krueger commented the proposed accesses for these subdivisions are from the same private access.

Mr. Glen Moridian commented there are 12 homes that already have access from the private roads and was concerned with the addition of both the Dorothy Gayle and Eustachy Wysong on a private road. He also commented he would not support removing the pivot that the Fire Marshal is objecting to. He then brought up the access question he felt needed legal counsel determination.

Mr. Curt Behle, representing Dorothy Gayle subdivision, commented the properties that have the pivot will need to find their own irrigation means since it will not be allowed by Eustachy Wysong for farming. He did state the Fire Marshal would like to have only one pond for both Dorothy Gayle & Eustachy Wysong subdivisions.

COMMISSION DELIBERATION:

Mr. Kaufman commented he was concerned with the potential for adjacent properties that can also subdivide in the future on private roads. Mr. Wertbruch commented he felt there should be some direction from the

BoCC regarding required documentation on accesses from private roads. Ms. Krueger commented that there are multiple private roads involving these subdivisions and it has not been seen with subdivision applications up until now. She pointed out that as each application is separate, there is no trigger for a 2nd access for this subdivision or the adjacent subdivision proposals. Mr. Watters asked if the private roads will need to be improved to County road standards and she stated they would be. Mr. Penfold commented he felt that the road issues could be dealt with in a comment and stated that this subdivision meets the road standards as a separate development. Mr. Wertenbruch was concerned that the County does not have a road framework even if it cannot apply to this application.

Ms. Krueger commented the subdivisions do present access issues and they have not been resolved because the County cannot make those decisions, it is a private matter.

MOVER: Tyler Wertenbruch

SECONDER: James Weber

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to recommend APPROVAL of the Preliminary Plat for Eustachy Wysong Subdivision as described in the application materials submitted on May 20, 2024 and additional information attached to the staff report with the conditions listed in the staff report adding #9. Reviewing Lots 5, 6 ,7 8 not reviewed in the NRA.

AYES (3): Tim Watters, James Weber, and Tyler Wertenbruch

NAYS: (3): Wyatt Penfold, Wade Kaufman, and Carl Kohut

Failed (3 to 3)

MOVER: Wade Kaufman

SECONDER: Tyler Wertenbruch

I move to continue the public hearing for Eustachy Wysong Subdivision in order to obtain additional information from the applicant and other agencies in regard to access from private property in Objective 8; more thorough review of theTIS; review of Lots 5, 6 7 & 8 in regards to the NP study; and address the conditions of approval in the staff report to September 10th.

AYES (5): Tim Watters, Wade Kaufman, James Weber, Tyler Wertenbruch, and Carl Kohut

NAYS: (1): Wyatt Penfold

Adopted (5 to 1)

6. 6:15 PM DISCUSSION: Victor - Area of Impact

Ms. Krueger commented on the draft AOI code for Victor and the hearings required based on the new legislation and the future discussion on rezoning the AOI areas that will become part of the county once approved. She asked for comments from the Commission on the proposed code and the new boundaries. Mr. Watters commented he thinks the north boundary will require leapfrogging lots that cannot be annexed.

7. Written Decision for Sidney Hinton Variance Request

MOVER: Tyler Wertenbruch

SECONDER: Wade Kaufman

Motion to approve the Written Decision as presented.

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

Adopted (6 to 0)

E. Adjourn

MOVER: Wade Kaufman

SECONDER: James Weber

MOTION: *Adjourn at 8:50 PM.*

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

Adopted (6 to 0)

Cindy Riegel, Chairperson

County Clerk or Deputy