



**REQUEST FOR PRELIMINARY PLAT REVIEW (CONTINUED)**

**FOR:** Eustachy-Wysong Subdivision  
**WHERE:** W 4850 N, SW of the City of Tetonia  
**PREPARED FOR:** PZC Public Hearing July 9, 2024 & September 10, 2024

**APPLICANT & OWNER:** Larry Eustachy  
**ENGINEER/SURVEYOR:** Civilize LLC

**OVERVIEW:** Larry Eustachy, represented by Civilize LLC, has submitted an application for a 10 lot subdivision on 60 acres south of W 5000 N. The property is zoned A/RR-2.5. The subject parcel falls within the Big Game Migration Corridor, Priority Wetland Habitat/Wetland & Waterway, and Songbird/Raptor Breeding and Wintering Habitat Overlays.

The application was heard July 9, 2024 and continued for additional information from the applicant.

**APPLICABLE COUNTY CODE:** Subdivision Preliminary Plat Review pursuant to Title 9, Chapter 3-2-C, Teton County Subdivision Ordinance, (revised 5/16/2013); Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

**LEGAL DESCRIPTION:** RP05N45E053100; TAX #7416 SEC 5 T5N R45E

**LOCATION:** W 4850 N;

**ZONING DISTRICT:** A/RR-2.5

**PROPERTY SIZE:** 60 acres

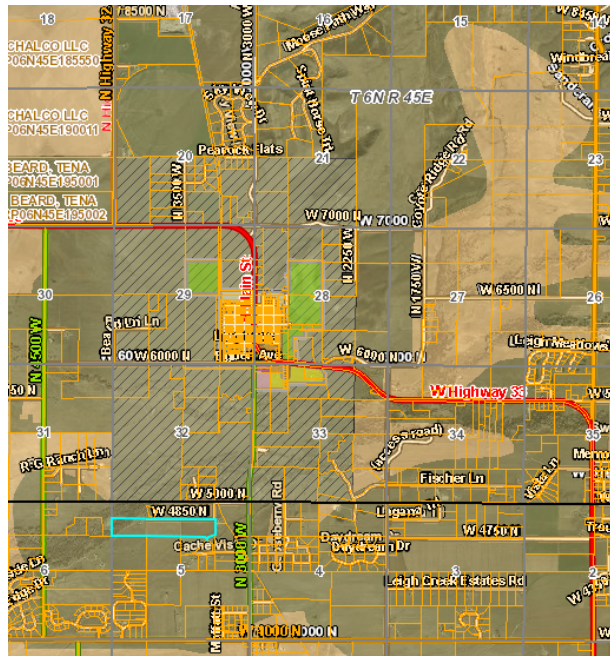


Figure 1. Vicinity Map. SW of Tetonia; adjacent to Dorothy Gayle Subdivision Proposal

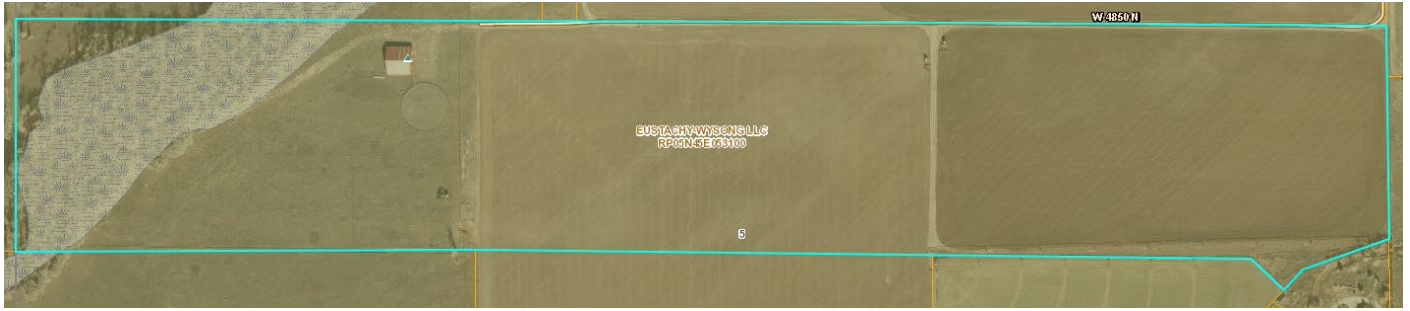
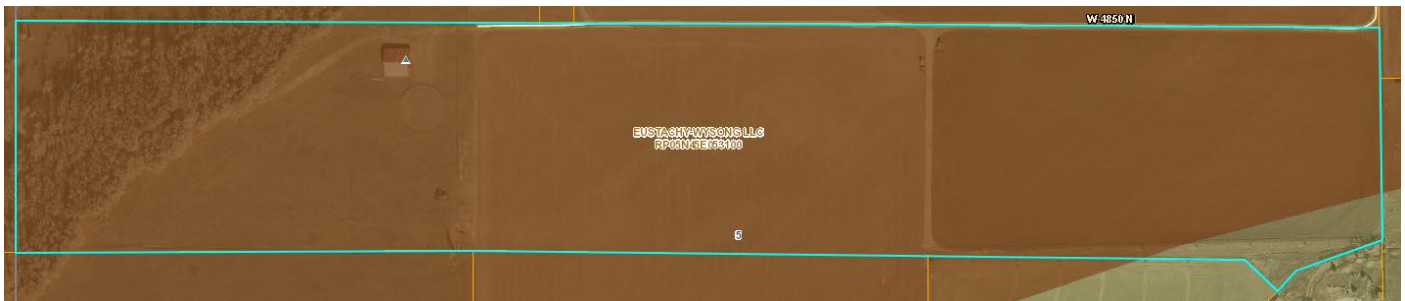
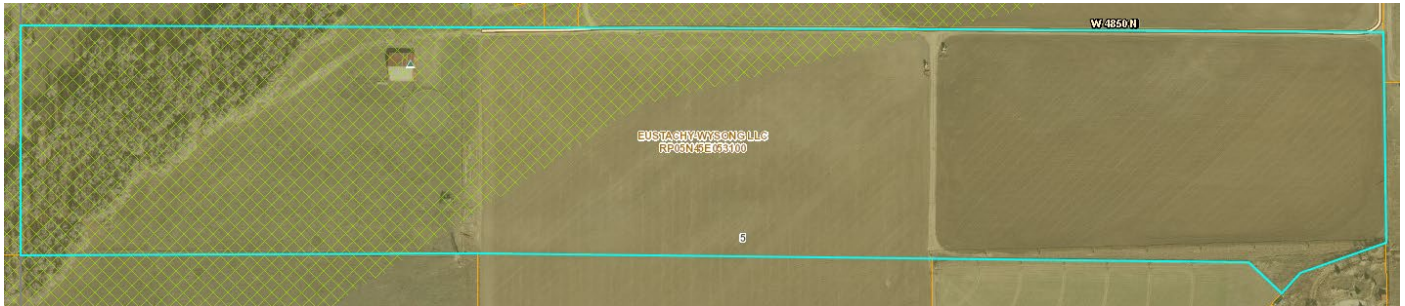


Figure 2. Aerial Image; shows the existing conditions of the property.



*Figures 3-6. Natural Resource Overlays*

*Figure 1. (Image on top) indicates Priority Wetland Habitat- South Leigh.*

*Figure 2. (Middle image) indicates presence of Songbird/Raptor Breeding and Wintering Habitat.*

*Figure 3. (Bottom image) Indicates Big Game Migration Corridor and Seasonal Range Overlay covering property.*

**PROJECT BACKGROUND**

A pre-application conference was completed March 28, 2022. The first step in the subdivision process is a Concept Plan Review (9-3-2B).

**Concept Review:** The Planning & Zoning Commission Reviewed the Concept Plat on July 12, 2022 and was continued to gain more information on the following items (Staff’s review of applicant’s response is in red/italics below):

1. Title report; (*Applicant provided a deed indicating the shared access easement*)
2. Fire suppression system review; (*a method of fire suppression was indicated on Lot 12 of the revised concept plan*)
3. 2nd required access identified; (*since the revised proposal is for 12 lots, it no longer would require a second access point, so long as the access is less than 2,500 feet – See Teton County Code 9-4-J(2)*).
4. Clarification of water rights; (*Applicant provided water rights documentation*)
5. Clarification of floodplain; (*Applicant has clarified in the narrative that is floodplain present on the property.*)
6. Clarification of utility easements (*No easements exist yet as the property has no sewer, water or power yet, but it will with development*).

PZC reviewed the continued application September 12, 2022:

**MOTION:** Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied with the condition the developer review the layout of the current lots to increase the sizes of the lots and to reduce impact of those lots on the pivot and the multiple habitat overlays, I move to APPROVE the Concept Plan for Eustachy-Wysong Subdivision as described in the application materials submitted March 14, 2022, and as updated with additional applicant information attached to this staff report.

<b>RESULT:</b>	APPROVED [3 TO 1]
<b>MOVER:</b>	Erica Tremblay, Commissioner
<b>SECONDER:</b>	J.A. Michelbacher, Chairman
<b>AYES:</b>	J.A. Michelbacher, Chairman, Erica Tremblay, Commissioner, Rebeca Nolan, Commissioner
<b>NAYS:</b>	Wade Kaufman, Commissioner
<b>ABSENT:</b>	Timothy Watters, Commissioner, Wyatt Penfold, Commissioner, Lindsey Love, Commissioner

**CONSIDERATIONS FOR THE APPLICANT**

1. A clustered development might be better suited for this area. Smaller lot sizes are also generally more beneficial and allow for more open space. This could be achieved through a PUD. The revision and variety in lots from its initial Concept Plan, however, are a great improvement.

**CONDITIONS OF APPROVAL**

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**LIST OF ITEMS NEEDED BEFORE PRELIMINARY PLAT (in addition to the list provided in the preliminary plat application):**

1. Complete studies for the Preliminary Plat that will need to be completed (*As a note to the applicant, all studies must incorporate the potential full build out of the project – meaning ADUs must be considered unless otherwise restricted by the applicant*):
  - o Natural Resource Analysis and Wildlife Habitat Assessment
  - o Traffic Impact Study
2. Work with EIPH to complete and submit a subdivision application. The EIPH review will be required to submit the Preliminary Plat application.
  - o A Nutrient Pathogen Level 1 will also be required.
3. Address Public Works comments



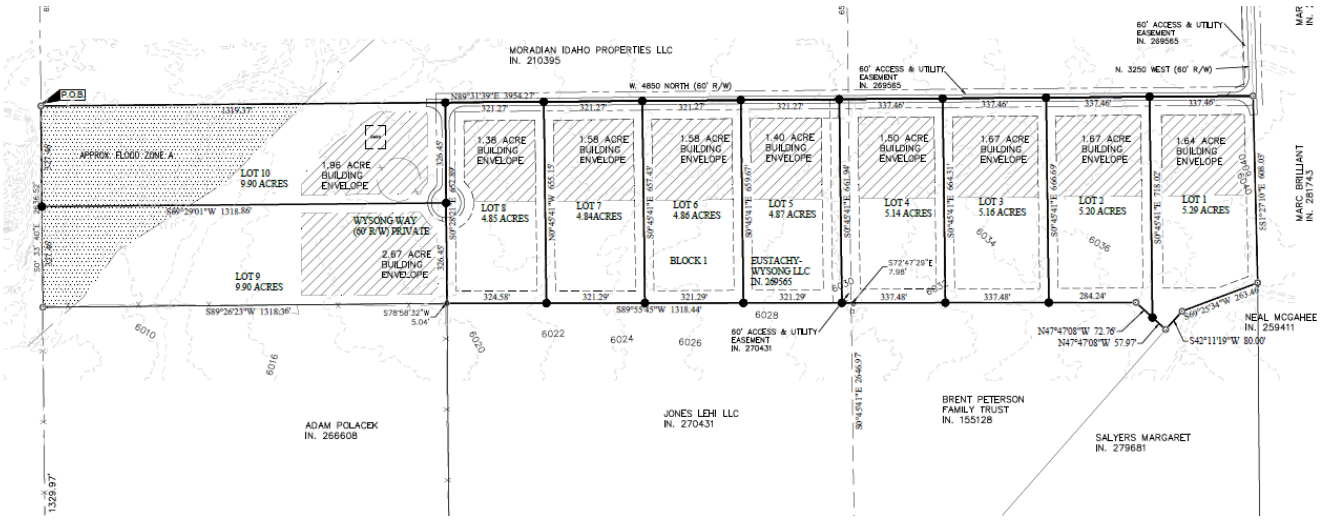


Figure 7. Preliminary Plat

**OVERVIEW OF PRELIMINARY PLAT APPROVAL (9-3-2-C):**

The preliminary plat phase is a two-step process with review by both the Planning and Zoning commission and Board of County Commissioners, where the fact-finding details and specific requirements of the ordinance and law are determined. All of the issues surrounding required infrastructure will be resolved, or have a clear solution acceptable to the County, before scheduling the final plat review.

The PZC reviewed the preliminary plat on July 7, 2024 and made the following motion (draft meeting minutes):

**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 the TIS; 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

*Staff comment: Applicant has submitted a response to staff report (attached).*

9. Reviewing lots 5, 6, 7, and 8 not be reviewed in the NRA.

The second paragraph on page 7 of the NRA states,

*“Although the Teton County Big Game Migration Corridors and Seasonal Range, Priority Wetland Habitat-South Leigh Forested, and the Songbird/Raptor Breeding and Wintering Habitat overlays overlap the property, the best habitat that would be used by wildlife would include the approximately 14% (8.65 acres) of the western portion of the Property that intersects with South Leigh Creek and its associated riparian forest/emergent wetlands.”*

The second line of the first paragraph of Impact Analysis and Mitigation Plan on page 7 of the NRA continues,

*“Lots 1-8 range in size from 4.84 to 5.29 acres and are oriented north to south (Figure 3). Those lots are in disturbed agricultural lands and do not contain protected natural resources. Land use south of the Property consists of disturbed agricultural lands and several single-family dwellings. As indicated above, given the previously disturbed condition of the smaller lots 1-8 of the Property, a fence along the southern border of the Property, the presence of free-roaming dogs in the area, and the distance to undisturbed riparian/wetlands, building on these lots would not significantly affect the value of this area as wildlife habitat despite the mapping of the Wildlife Habitat Overlay with the presence of the Big Game Migration Corridors and Seasonal Range, Priority Wetland Habitat-South Leigh Forested, and Songbird/Raptor Breeding and Wintering Habitat overlays.”*

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Civilize, PLLC

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**Eustachy Wysong**  
**Eustachy-Wysong Subdivision**

**Response to Staff Report-Preliminary Plat**  
**01-21-0060**

While the Applicant respects the comments and suggestions of the P&Z Commission, the scientific analysis conducted by credentialed professionals experienced in natural resources analysis and wildlife habitat assessment are relied upon to evaluate the potential impacts and to recommend mitigation solutions to those impacts. In this case, those individuals indicated in the NRA that Lots 5, 6, 7, and 8 were already disturbed by agricultural activity and had lesser value as wildlife habitat than the westernmost portions of the property on lots 9 and 10.

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## **REVIEW & INTER-AGENCY COMMENTS**

The County has solicited comments from other agencies and has received comments from the following entities.

**ROADS & UTILITIES:** The Public Works Director made the following comments:

- Improvement plans do not show any fire protection. *(Staff comment: applicant has submitted a draft of a shared fire pond agreement).*
- Utility Site Plan does not show power or communications. *(Staff comment: applicant has submitted an updated utility site plan within the improvement documents).*
- All Roads between N 3000 W and subdivision will need to meet County Local Road Standards.

**FIRE PROTECTION:** Teton County Fire Marshal generally approved the fire pond configuration. A shared, executed (notarized and recorded) fire pond agreement will be required with final plat application and

another option will be required if the Dorothy Gayle Development is not approved or built.

- The access per the easement is currently blocked via farm equipment. Applicant must confirm with the Fire Marshal how this will be resolved.
- In applicant’s Response to Staff Report (attached below): Applicant states the center pivot is used to irrigate the property but will be removed after the development is approved.

**WASTE WATER TREATMENT:** The applicant has coordinated directly with EIPH and received Preliminary Approval in 11/ 2022.

**PLANS & STUDIES:** Because there is Big Game Migration Corridor & Seasonal Range, Songbird/ Raptor Overlays, and Priority Wetland Habitats on the property, a Natural Resource Analysis and Wildlife Habitat Assessment were required. A nutrient pathogen evaluation was required because the property is within the Wetlands & Waterways Overlay. A traffic impact study was required because the application is for 10 lots.

**SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE**

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and Title 9, Section 3-2-(B-2) of the Teton County Code. The public hearing for the PZC was duly noticed in the Teton Valley News on August 21 and August 28, 2024. A notification was sent via mail to surrounding property owners within a 300-foot buffer area on August 19, 2024. A notice was also posted on the property providing information about the public hearing on August 27, 2024.

**PUBLIC COMMENT:**

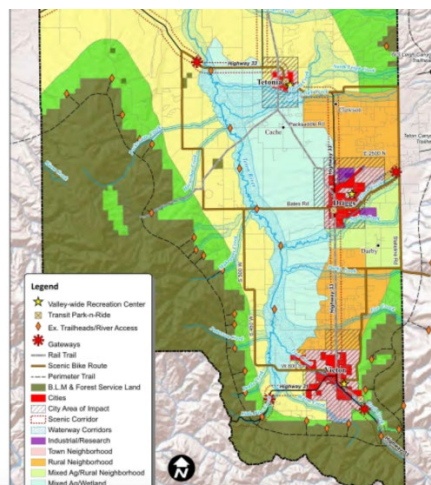
Staff received several public comments on this application most of which refer to legal access. All public comments are attached. No new public comments have been received for this continued hearing.

**CRITERIA FOR APPROVAL**

The Planning and Zoning Commissioners shall only approve if it finds that all of the following criteria (9-3-2(C-8)) 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):

**Objective:** 1. The application is consistent with the Comprehensive Plan.

Under the 2012-2030 Comprehensive Plan Framework, this proposed development is in the Mixed Agriculture and Wetlands area.



*Mixed Agriculture / Wetland:* Mixed Agriculture Wetland areas are located immediately east of the Teton River on the valley floor and include lands that are classified as wetlands and floodplains as shown on the U.S. Fish and Wildlife Service National Wetlands Inventory and the Federal Emergency Management Agency Flood Insurance Rate Map. These areas have seasonally important wildlife resources, are predominately rangeland and agriculture land, and have high scenic qualities. Desired future character and land uses include:

- Agriculture
- Ranching
- Low density residential development, with provisions for clustering/conservation development to protect natural resources
- Conservation and wildlife habitat enhancement/protection
- Development subject to all applicable County, State and Federal regulations including U.S. Army Corps of Engineers (USACE) wetland regulations and County floodplain development regulations
- Development regulated by overlays and development guidelines to protect natural resources

*Figures 5&6. Teton County Comprehensive Plan*

This proposal, with provisions for clustering/conservation development to protect natural resources could comply with the comprehensive plan.

**Objective:** 2. The application complies with all applicable county regulations.

All setbacks can be met with the proposed lot sizes. There are no current code violations on the parcel.

**Objective:** 3. If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).

The application is not a PUD.

**Objective:** 4. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.

There are no adopted trails and pathways on this property, and there are no proposed trails for the project.

**Objective:** 5. The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.

Not applicable. A Nutrient-Pathogen Study was required of this project because the parcel is within the Wetland & Waterways Overlay. The applicants submitted the NP Study and the file was successfully downloaded and sent to the Consultants on June 25, 2024. Teton County’s Technical consultant’s review (dated 8/14/24) had the following findings:

1. Harmony Design & Engineering has reviewed the Level 1 Nutrient Pathogen Evaluation for Eustachy- Wysong Ranch Subdivision, prepared 5/27/2024 by Civilize, PLCC. The presentation of site conditions and modeling parameters was generally consistent with recognized reference guidance, as well as a work plan that was submitted and discussed on 5/1/2024. However, this review has identified that the Level 1 spreadsheet predictive model composition assigns a key parameter value (Hydraulic Conductivity) that is outside of the corresponding reference range. The effect of the selected parameter value is significant in the model results, and therefore it is significant to the validity of the conclusion of this N-P evaluation.
2. This N-P evaluation uses the value of 325 feet per day for model simulations while the Nicklin Earth model report indicates that 80 ft/day was assigned at this location for the final model upper-most saturated layer. The selection of the hydraulic conductivity value used in this Level 1 N-P simulation should be based on the Nicklin modeling effort, or additional legitimate data sources and recognized methods should be presented to justify a higher value in the Level 1 spreadsheet. If the hydraulic conductivity in this Level 1 simulation is adjusted to what the Nicklin model would suggest, then the conclusion of the N-P report appears invalid. If alternative modeling approaches (such as Level 2) are proposed, a new work plan should be submitted for review.
3. Additionally, the evaluation is for a maximum of 300 gpd of wastewater flow per lot. This is equal to a single 4-bedroom home per lot. If guest houses are not restricted for the subdivision, the analysis should increase the number of homes in the analysis accordingly.



Applicant submitted additional revisions. TC Technical Consultant reviewed 8/30/24 and found agreement that there are no significant impacts to groundwater.

**Objective:** 6. The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.

The applicant has received preliminary approval from EIPH for this project as of 11/2022.

**Objective:** 7. The application is consistent with any Traffic Impact Study required for the property and will not result in a decrease in the level of service (for example, from the level of service B to C) on any State Highway or a maintained county road and includes any mitigation measures recommended in the Traffic Impact Study.

The application did trigger a Traffic Impact Study. The applicant found the following Conclusions:

## XI. Conclusions.

After evaluating the proposed development within the context of zoning; projected land use; existing transportation system; background traffic counts for the principal roadways within the study impact area; projected traffic for horizon year's corresponding with project opening, project buildout, and a 20-year horizon year; the findings of the Traffic Impact Study are summarized below. In order to simplify the forecasted traffic conditions as they have progressed through this study, the following three (3) tables were produced. The first table shows the forecasted progression of the roadway segments, the second table shows the intersections, and the third shows the left or right turn lanes.

*Table 66- Segment Traffic Conditions Progression Each Horizon Year*

Segment 1: 3000W	Northbound V/C Ratio	LOS	Southbound V/C Ratio	LOS
2022 Existing Traffic	0.035	A	0.017	A
2028 Background	0.039	A	0.019	A
2028 Background plus Site Traffic	0.046	A	0.023	A
2048 Background	0.066	A	0.032	A
2048 Background plus Site Traffic	0.072	A	0.035	A

Segment 2: 4000N	Eastbound V/C Ratio	LOS	Westbound V/C Ratio	LOS
2022 Existing Traffic	0.031	A	0.040	A
2028 Background	0.035	A	0.045	A
2028 Background plus Site Traffic	0.038	A	0.052	A
2048 Background	0.058	A	0.076	A
2048 Background plus Site Traffic	0.061	A	0.082	A



Table 07 - Intersection Traffic Conditions Progression Each Horizon Year

Int 1 - 3000W/5000N	Eastbound		Westbound		Northbound		Southbound	
	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS
2023 Existing Traffic	8.7	A	n/a	n/a	0.5	A	0	A
2028 Background Traffic	8.7	A	n/a	n/a	0.5	A	0	A
2028 Background plus Site Traffic	8.7	A	n/a	n/a	2.5	A	0	A
2048 Background Traffic	8.9	A	n/a	n/a	2.5	A	0	A
2048 Background plus Site Traffic	9.1	A	n/a	n/a	2.5	A	0	A

Int 2 - 4000N/3000W	Eastbound		Westbound		Northbound		Southbound	
	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS
2023 Existing Traffic	2.6	A	0.6	A	9.4	A	9.4	A
2028 Background Traffic	2.5	A	0.6	A	9.5	A	9.5	A
2028 Background plus Site Traffic	2.5	A	0.6	A	9.6	A	9.6	A
2048 Background Traffic	2.6	A	0.7	A	10.2	B	10.5	B
2048 Background plus Site Traffic	2.6	A	0.7	A	10.2	B	10.6	B

Int 3 - 4000N/2000W	Eastbound		Westbound		Northbound		Southbound	
	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS
2023 Existing Traffic	1.1	A	0.2	A	9.2	A	9.3	A
2028 Background Traffic	1.2	A	0.2	A	9.3	A	9.3	A
2028 Background plus Site Traffic	1.2	A	0.2	A	9.4	A	9.4	A
2048 Background Traffic	1.2	A	0.2	A	9.9	A	10	B
2048 Background plus Site Traffic	1.2	A	0.2	A	10	B	10.2	B

Int 4 - Hwy 33/4000N	Eastbound		Westbound		Northbound		Southbound	
	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS	Approach Delay	Max LOS
2023 Existing Traffic	13.5	B	14.9	B	0.7	A	0.2	A
2028 Background Traffic	14.8	B	16.5	C	0.7	A	0.2	A
2028 Background plus Site Traffic	15	B	17	C	0.9	A	0.2	A
2048 Background Traffic	32.7	D	49.5	E	0.9	A	0.2	A
2048 Background plus Site Traffic	34.3	D	60.3	F	1	B	0.2	A

The public works director has yet to review but should confirm the HWY 33 and 4000 N intersection findings before a discussion on proportionate share of the development occurs.

**Objective:** 8. If the application is for land that is not adjacent to a state highway or a maintained county road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one state highway or a maintained county road, and adequate for anticipated traffic, and will be constructed to County Road Standards.

The project is proposing access from private road W 4850 N through an easement to N 3250 W to W 5000 N. The nearest County Road is N 3000 W. Applicant has provided improvement plans for all roads to N 3000 W which would bring the roads to County Local Road Standards.



Legal access has been contested, similar to the proposal to the south Dorothy Gayle Subdivision.

Staff will recommend to the BoCC that the same condition be placed on this application as Dorothy Gayle Subdivision as it pertains to legal access.

**Objective:** 9. If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.

Big Game Migration Corridor & Seasonal Range, Songbird/Raptor Breeding and Wintering Habitat and Priority Wetland Habitat are on the parcel and therefore triggered the need for a Natural Resource Analysis and Wildlife Habitat Assessment.

- No ridges or rock outcroppings occur on the Property.

## Wildlife Habitat Assessment

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We used the 2023 Teton County Natural Resource overlay map to assess the overlap of the Property with mapped natural resources (Teton County, 2024). Based on that assessment, the Property overlaps with the following indicator habitats that are a part of the riparian forest/emergent wetlands along South Leigh Creek that extends from the Wyoming border to the Teton River (Figure 2):

- The Property overlaps approximately 95% with the *Teton County Big Game Migration Corridors and Seasonal Range* overlay (Figure 3). The Property, however, does not overlap with the migration routes of elk or mule deer, or the high winter-use and general winter-use areas for elk or mule deer (IDFG, 2022). Indeed, the Property is more than 2.2 miles away from the migration routes of elk and mule deer (IDFG, 2022) and about 1.2 miles from the closest high winter-use and general winter-use areas for elk or mule deer (IDFG, 2022).
- The western portion of the Property overlaps approximately 50% with the *Priority Wetland Habitat-South Leigh Forested* overlay (Figure 3).
- The western portion of the Property also overlaps approximately 50% with the *Songbird/Raptor Breeding and Wintering Habitat* overlay (Figure 3).

## Impact Analysis & Mitigation Plan

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The proposed residential subdivision divides the Property into 10 buildable lots with one access road from W5000N terminating in a cul-de-sac (Figure 3). Lots 1-8 range in size from 4.84 to 5.29 acres and are oriented north to south (Figure 3). Those lots are in disturbed agricultural lands and do not contain protected natural resources. Land use south of the Property consists of disturbed agricultural lands and several single-family dwellings. As indicated above, given the previously disturbed condition of the smaller lots 1-8 of the Property, a fence along the southern border of the Property, the presence of free-roaming dogs in the area, and the distance to undisturbed riparian/wetlands, building on these lots would not significantly affect the value of this area as wildlife habitat despite the mapping of the *Wildlife Habitat Overlay* with

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March 5, 2024

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Yellowstone Earth Science

Natural Resources Analysis  
Proposed Eustachy-Wysong Ranch Subdivision

the presence of the *Big Game Migration Corridors and Seasonal Range, Priority Wetland Habitat-South Leigh Forested, and Songbird/Raptor Breeding and Wintering Habitat* overlays.

The western margins of those two larger lots intersect riparian/emergent wetlands by approximately 25% for lot 9 and 50% for lot 10 (Figure 3). The remaining portions of lots 9 & 10 are located in moderately degraded grasslands with a farmhouse, a corral, an old piece of farm equipment, and fence material as described previously (Image 2). Building envelopes for lots 9 & 10 are outside of the riparian/emergent wetlands with the building envelope of lot 9 more than 100 ft from the defined NWI demarcation. However, the building envelope for lot 10 does appear to be less than 100 ft from the defined NWI demarcation. Those NWI demarcations were accurate in the vicinity of the building envelopes for lots 9 & 10 during the November 2023 wetlands survey. We recommend that the building envelope for lot 10 be reduced in size and shifted east in order to ensure that a minimum of 100 ft buffer occurs separating the margin of the building envelope and the currently mapped NWI demarcation.

Assuming building envelopes for lots 9 & 10 are maintained a minimum of 100 ft from the NWI demarcation, the presence of buildings on the grasslands portion of lot 9 & 10 would not significantly affect the value of that area as wildlife habitat despite the mapping of the *Wildlife Habitat Overlay* with the presence of the *Big Game Migration Corridors and Seasonal Range*, *Priority Wetland Habitat-South Leigh Forested*, and *Songbird/Raptor Breeding and Wintering Habitat* overlays. That area does provide some minimal habitat, but as indicated above, that area consists of dirt roads, cheat grass and other invasive plant species, a farmhouse, a corral, an old piece of farm equipment, and fence material. These building envelopes ensure that development will comply with current LDC regulations, and that construction activities will have minimal impacts on Teton County indicator wildlife species.

Although the proposed subdivision and building envelopes are designed to minimize impacts to wildlife species and habitat by preserving wetlands and habitat connectivity, Teton County indicator wildlife species will likely continue to use the riparian/emergent wetland habitat in the western portion of proposed subdivision (Figure 5). Consequently, we recommend that lot owners use wildlife friendly fencing in that area to allow for that movement, especially for the rare potential movement of grizzly bears. If livestock are allowed on the lots, we recommend those animals be managed to minimize contact with wild ungulates and carnivores and that domestic pets not be allowed to roam free. Furthermore, as there is a robust stand of cottonwood trees, dense undergrowth, and numerous felled logs and snags in the riparian/emergent wetland habitat in the western portion of proposed subdivision (Figure 5), we recommend that those habitat features remain with little change. Also, we recommend that there be limited trails, paths, and no dams on South Leigh Creek in that area. Doing so will conserve habitat for indicator wildlife species, especially Yellowstone cutthroat trout (IDFG, 2022), as well as other wildlife (e.g., several species of bats) that are species of greatest

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March 5, 2024

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Yellowstone Earth Science

Natural Resources Analysis  
Proposed Eustachy-Wysong Ranch Subdivision

conservation and information need in Idaho (IDFG, 2023). Additional measures for minimizing impacts to indicator wildlife species are outlined below in the Land Management Plan.

The Land Management plan discusses the building envelopes provided on each lot, minimal fencing on the western portion of the property, lessening vegetation impacts where possible and including the land management plan



components in the CCRs (open space management, lighting, pet control, bear attractants, storm water pollution prevention plan).

**Objective:** 10. The required Public Service/Fiscal Analysis shows that all public services provided to the proposed subdivision or PUD have adequate capacity to service it, or if they do not, the applicant has committed to mitigation or financing to ensure that those services and facilities will be provided within two (2) years after the first unit in the development is occupied and that any shortfall of tax revenues below the costs of providing the services or facilities will be covered without cost to the County.

A Public Service/ Fiscal Analysis for this proposal was not required because the proposal is for less than 20 lots.

**Objective:** 11. The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.

All applicable fees based on the Impact Fee Program (2023 CIP) will be assessed at the time of building. The 2008 CIP (which was the CIP in place at the time of subdivision review) indicated that this area was appropriate for 20 units per 100 acres (.2du/acre). This proposal of 10 buildable lots on approximately 60 acres can meet this dwelling unit per acre ratio at .16 du/acre. ADUs included would not meet the CIP at .33 du/acre.

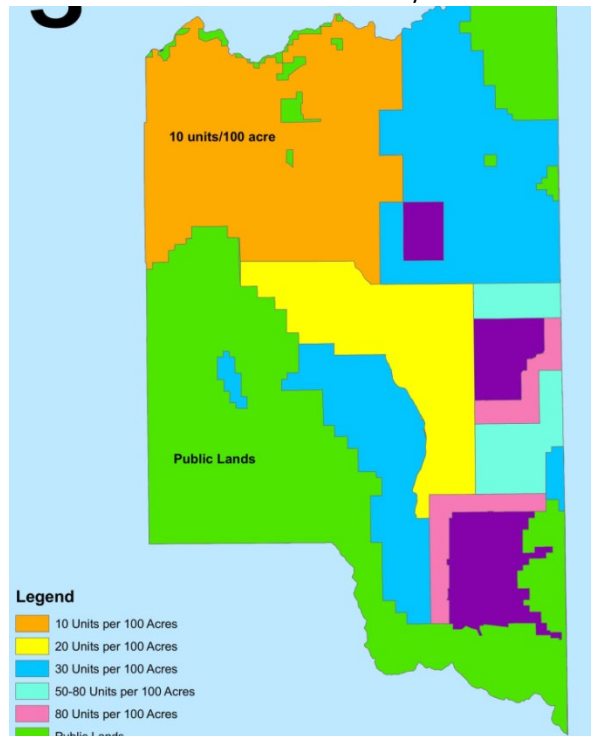


Figure 7. 2008 adopted CIP

**Objective:** 12. An adequate institutional structure has been created to ensure that long-term maintenance costs of roads, water, sewer, and drainage systems will be collected from within the development and used to maintain such items. If the chosen structure relies on payments of dues (for example, through a homeowners' association) rather than taxes, the county shall be granted the institutional power to enforce payments of those dues in the event the organization fails to do so.

There are CC&Rs established for this subdivision that include design review, noxious weed management, dark sky lighting, and dwelling size. There are some amendments requested including:

Including all of the NRA land management plan sections into the CCRs: Storm water pollution prevention plan.

Section H. Height maximum for Teton County is 30' feet unless it is an agricultural building. Section H references an established building grade. As an FYI, per the LDC:

1. Building height shall be measured from the vertical distance of the average between the highest and lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest point of the roof.

**Objective:** 13. If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C-3), the application shall meet as many of the criteria as possible.

There is floodplain on the property but building envelopes have been proposed to keep development outside of the floodplain.



There are no steep slopes on the property, nor is it within the Bear Conflict Zone or Wildfire Hazard Overlay. Staff has not identified any other health, safety, or general welfare concerns.

As a note to the applicant, Title 12 dictates the need for seeing the FIRM included in the preliminary plat development plans.

## V. PROVISIONS FOR FLOOD HAZARD REDUCTION

### A. *Subdivision Standards*

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision preliminary plats/development plans shall include the mapped flood hazard zones from the effective FIRM.
- (3) Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is less.
- (4) All subdivisions shall have at least one access road connected to land outside the Regulatory Floodplain with the surface of the road at or above the FPE whenever possible.
- (5) All building envelopes shall be located a distance of at least twice the regular bankfull channel width of the stream or river channel from the ordinary high water mark (or bankfull location), or out of the SFHA boundary.
- (6) All subdivisions shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
- (7) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (8) The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, as appropriate.

**Objective:** 14. In addition to the above, for a Planned Community PUD, the application is consistent with the recommendations of any report on the adequacy of the school system to accommodate school-aged children anticipated by the development and includes any recommended mitigation measures identified in that study. If the

applicant is obligated to pay an impact fee for schools, then mitigation measures identified in the report will not be required.

N/A

- *The application's approval should expressly be contingent upon judicial resolution of the access issue.*

### **CONDITIONS OF APPROVAL**

1. Plat needs to be amended:
  - a. It is not spelled "Flood Plane" under Flood Zone Notice.
  - b. Planning & Zoning Commission Chair is the signature required for PZC review. This was presumably accidentally added under the County Commissioner's signature, which now also needs to be fixed to reflect the correct signature.
2. A shared fire pond agreement was submitted for another proposed development: Dorothy Gayle Subdivision. That development must build and test the fire pond for this to be viable for Eustachy Wysong. Dorothy Gayle fire pond must be constructed, inspected and approved before the final plat of Eustachy Wysong may be recorded. Further, a notarized and recorded (legal) agreement must be submitted with the final plat application.
3. The financial guarantee of 125% of the total cost estimate needs to be fully provided by the time of final plat application. The draft letter provided is adequate for a draft only.
4. The CCRs should be updated to include:
  - a. Land Management Plan items from the Natural Resource Analysis- Storm Water Management plan for construction of individual properties.
5. Address Public Works Comments:
  - a. All Roads between N 3000 W and subdivision will need to meet County Local Road Standards. Applicant did provide improvement plans for these improvements.
6. The public works director has yet to review the Traffic Impact Study but should confirm the HWY 33 and 4000 N intersection findings before a discussion on proportionate share of the development occurs.

### **PLANNING & ZONING COMMISSIONER ACTIONS**

- A. Recommend approval of the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Recommend approval of the Preliminary Plat, with modifications to the application, or adding conditions of approval, having provided the reasons and justifications for the approval and any modifications or conditions.
- C. Recommend Denial of the Preliminary Plat 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.

### **MOTIONS**

The following motions could provide a reasoned statement if a Commissioner wanted to move recommending to approve or deny the application:

#### **APPROVAL**

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 following conditions of approval...)

#### **DENIAL**

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-B have not been satisfied, I move to RECOMMEND DENIAL 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, based on the following findings:

**CONTINUATION**

I move to continue the public hearing for Eustachy-Wysong Preliminary Plat in order to obtain additional information from the applicant or other agencies *for the following hearing date and time...*

**Jade Krueger, Planning Administrator**

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**ATTACHMENTS:**

- |   |  |
|---|--|
| A) Application (6 pages)                | K) Warranty Deed (3 pages)               |
| B) Preliminary Plat (2 pages)           | L) EIPH Prelim Approval Letter (7 pages) |
| C) Narrative (26 pages)                 | M) NP Study (153 pages)                  |
| D) Improvement Plans (16 pages)         | N) Traffic Impact Study (142 pages)      |
| E) Fire Pond Plans (4 pages)            | O) Access Letter (20 pages)              |
| F) Development Agreement (28 pages)     | P) Public Comments (9 pages)             |
| G) CCRs (14 pages)                      | Q) Public Works Review (1 page)          |
| H) Cost Estimate (12 pages)             | R) Response to Staff Report (28 pages)   |
| I) Natural Resource Analysis (23 pages) | S) NP Reviews (3)                        |
| J) Fire Marshal Comments (2 pages)      |  |

**End of Staff Report**