



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

**September 10, 2024  
5:00 p.m.  
First Floor Commissioners' Meeting Room  
150 Courthouse Dr, Driggs, ID 83422**

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

Staff Present:         Jade Krueger  
                              Torin Bjorklund  
                              Sharon Fox

**A.     Approval of Minutes**

**MOVER:** Wade Kaufman  
**SECONDER:** Carl Kohut

Approve July 9, 2024 Minutes.

AYES (5): Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**B.     Chairman Business**

Mr. Winters asked to review the Commissioners terms of office at the next hearing.

**C.     Administrator Business**

Ms. Kruger discussed the AOI review process and provided an update on the status with the cities. She also asked for another volunteer for the 9/11 joint P&Z meeting at the Driggs City Hall. Mr. Kohut volunteered.

**D.     Action Items**

1. **5:00 PM PUBLIC HEARING: Victor AOI Recommendation & Zone Change Hearing**

Ms. Kruger reviewed the history behind the AOI updates for all three cities and specifically the City of Victor, which has not updated their AOI agreement since 2007. A new state statute was approved this year requiring all cities to update their AOI plans with new guidelines for boundaries. She commented on the hearings that have been held so far to get to the proposed map and agreement. She explained the parcels being removed from the existing Victor AOI will be rezoned with current County zoning that will match adjacent parcel zoning.

She noted the County has not received any public comment on the draft proposal and that the BoCC will be reviewing the draft at the October 28 meeting.

The audience was invited to ask questions about the process and their specific parcels. Ms. Krueger answered questions with the audience and encouraged them to state their concerns in the public comment portion of the hearing.

**PUBLIC COMMENTS:**

Mr. Michael Fortier, representing Teton Reserve HOA, commented they wanted to be sure that there would be no effect on their current zoning.

Ms. Marie Zolezzi, 25 Targhee Trail, asked about the area that is being removed from the AOI and what the impacts are on those areas, both positive and negative.

Mr. Arnold Woolstenhulme, 1505 W Hwy 31, was concerned that his new zoning would be RN-35 and he wanted to strongly object.

Mr. Kendall Jolley, 9290 Old Jackson Highway, stated he was across from city services and industrial zoning and was concerned that the new zoning should be as close to the zoning in the city so they will be annexed in the future.

Mr. Josh Thulin, owner of property contiguous to the changes, was concerned that there were no public work sessions to discuss the changes with the parcel owners. He stated he was not notified of the hearing and was concerned that his neighbors should have been noticed so they can get involved.

Mr. Halsey Hewson, Hwy 33 and 9500 S, commented he is adjacent to the city boundary line and was concerned that his school is allowed now in his current zoning but would not be in the new zoning and wanted to know how much time he would have before the zoning changes.

Ms. Janine Jolley, owner of 9 parcels adjacent to the city in the existing AOI that comprise approx. 50 acres, talked about adjacent existing zoning

in the city and felt the change to RN-35 was unacceptable. She also noted they all have City of Victor water connected to their properties. She stated they were opposed because of the financial loss to her family that was part of settling the valley.

Ms. Sharon Woolstenhulme, 1505 W Hwy 31, distributed to the Commission a larger map of the proposed zone changes. She pointed out the numerous subdivisions that were existing with 2.5 acre lots and did not believe changing zoning to RN-35 made any sense. She wanted to see her property be zoned RN-5 to be more consistent with the adjacent properties.

#### COMMISSION DELIBERATION:

Mr. Kaufman commented there have been several valuable comments and was concerned with the impact on some of the adjacent properties. He would like to be sure that the AOI discussion be brought up every five years to review the current growth patterns. and felt the City of Victor should take a much closer look at the proposed boundaries before moving forward. He did note the signs that have been posted along the highway for several weeks and that there were notices sent out, but thought maybe the notices should be more closely evaluated.

Mr. Kohut commented that the RN-20 foothills zone is being applied to some areas that are not on a hillside and was concerned with that designation.

Mr. Kaufman was concerned that there were more people that need to be allowed to provide input on their new proposed designation and suggested it might be better to send it back to City of Victor for another look.

Mr. Watters was wondering why some parcels that are already hooked to city services are being removed from the AOI when they would make likely annexation possibilities.

Mr. Penfold commented that he has heard several discussions with the City Council of Victor regarding the potential zoning and felt they had put a lot of thought into the process. He did not feel, as a recommending body, they were prepared to propose changes to the City of Victor's proposal for zoning.

Mr. Watters suggested making a recommendation that any property that has city services should stay in the AOI and that the areas along Hwy 31 that are adjacent to parcels that have already been developed with 2.5 acre lots could easily be reduced to RN-5. He also suggested looking at the Foothills zoned parcels that are not in the foothills.

Mr. Kaufman agreed that any parcel that has city connections should stay in the AOI.

Mr. Kohut commented they have enough areas that they think should be looked at again so possibly a continue motion would be appropriate.

Ms. Kim Kolner, Victor Planning Administrator, joined the conversation and reviewed the criteria for the basis of their new AOI line and stated the other parcels were zoned based on adjacent County zoning. She also pointed out the BoCC can recommend approval of the map as proposed without the P&Z recommendation for approval. She noted that the zoning in the new AOI will be zoned AR-20 and did not feel that zoning areas adjacent to the new AOI boundaries to RN-5 would be appropriate. They were trying to keep higher densities because they do not know exactly how the valley and City of Victor will grow in the future.

Mr. Kaufman asked why properties with city services were not part of the AOI. Ms. Kolner said they did not know if those would ever be annexed even though they have services.

Mr. Watters wanted to know what the recommendation by the P&Z would accomplish. He suggested moving it forward with recommendations for adjustments based on public comment.

Mr. Weber also suggested allowing time for more public comments from the people who may not be aware of their property being rezoned so they have a chance to speak.

Mr. Penfold asked if they had public hearings on the proposed change. Ms. Kolner commented they had several work sessions and allowed public comment during those meetings but this is the first hearing that was a public hearing and was noticed. She commented there were at least 4 work sessions with the County and at least 8 work sessions with the City of Victor P&Z and City Council.

**MOVER:** Carl Kohut

**SECONDER:** James Weber

Finding the criteria in LDC 4-4-F have been met, I move to recommend approval of the Victor Area of Impact Zone change for parcels being removed from the Victor AOI as presented in the staff report and request the BoCC reevaluate the AOI in consideration of following:

1. New AOI boundaries for properties either abutting high density or currently on city utilities;
2. Foothills zoning may or may not apply to lots on the valley floor;
3. RA-35 zoning apply to lots surrounding by 2.5 and 5 acre parcels
4. Public comments shared during 9/10 P&Z meeting and any additional public comment.

AYES (5): Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**2. 5:50 Scenic Corridor Hearing for Red Fox Ranch Lot 6**

Mr. Bjorkland reviewed the request for a approval of a single family modular home located in Red Fox Ranch on Ski Hill Road. He noted that landscaping plans had been submitted with numerous Aspen trees to screen the home from Ski Hill Road and that the approved height based on the location is 18'.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

**MOVER:** James Weber

**SECONDER:** Carl Kohut

Having found that the proposed single family home for Arthur Blue is consistent with the LDC Chapter 5-5, I move to approve the Scenic Corridor Permit with the following condition of approval listed in the staff report.

AYES (5): Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**3. 6:00 PM PUBLIC HEARING: Eddyline Subdivision Concept Hearing**

Mr. Bjorkland reviewed the application for a 12 lot subdivision on 423.83 acres located at W 400 0N & N 7000 W with access from the existing Eddyline Drive. Lot 6 will be owned by the HOA to serve as a hub for amenities like a pond and ranch camp clubhouse. He reviewed compliance with the LDC, agency comments, overlays, and studies that will need to be submitted. He then reviewed the suggested conditions of approval. He also discussed the pond that is proposed to cover 5 acres and the necessary permits that will be required to construct the potential pond and noted the camp clubhouse cannot be used for any commercial activities.

APPLICANT PRESENTATION:

Mr. Brandon Darton, applicant, commented he has worked with numerous local non-profit and conservation groups in the area as well as professionals and IDWR regarding water rights and pond design. He did note that there are no surface water rights, only ground water rights.

Ms. Lindsey Kessel with Harmony, representing the applicant, commented the applicant has hired Biota to provide a study that was used to help design the Concept plat. She stated the camp clubhouse would be for owners only and they are working with the County and the Fire Marshal to ensure the roads and pond design will be acceptable prior to Preliminary plat.

Mr. Randy Blough with Harmony Design, representing the applicant, commented that the design submitted does not warrant an NP study based on the LDC and reminded the Commission that the lots are 35 acres tracts and he did not feel that would be a concern with the septic.

Mr. Kent Werlin from Biota commented the pond will be elevated but details have not yet been worked out. The intent is to isolate it from ground water. He also noted they have been involved with the applicant for around 18 months and have done several site visits noting migration corridors and movement patterns based on seasonal habitation and access to the river. He talked about protecting the wildlife corridor along Packsaddle Creek and other corridors by trying to align the building envelopes to avoid those corridors and enhancing the creek for fish and wildlife when the creek is active.

Mr. Weber asked about the view corridors from the Teton River and whether or not the houses would be visible. Ms. Kessel commented the elevation difference would shield the houses from the river for the majority of the lots. Mr. Weber encouraged the applicant to consider that in building envelope placement.

**PUBLIC COMMENT:**

There was no public comment.

**COMMISSION DELIBERATION:**

The Commission had no issues with the application at this time.

**MOVER:** James Weber

**SECONDER:** Carl Kohut

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in LDC (LDC 4-1) can be satisfied with the inclusion of the conditions of approval 1 - 7 listed in the staff report, I move to APPROVE the Concept Plan for Eddyline Ranch Subdivision as described in the application materials submitted July 11, 2024 and as updated with additional applicant information attached to this staff report.

**AYES (5):** Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**4. 6:20 PM PUBLIC HEARING: JC Ranches Subdivision Preliminary Plat Hearing {Continued}**

Ms. Kruger discussed the additional information submitted since the application was tabled including reduction from 25 lots to 19 lots with 18 of them residential. She noted Public Works has reviewed the new improvement plans and had no major issues. The remaining reviews were not changed by the redesign and there have been no new public comments received. She discussed the conditions that were met from the previous hearing and suggested conditions of approval based on the updated materials including review of the TIS study by Public Works.

**APPLICANT PRESENTATION:**

Ms. Megan Nelms with Y2, representing the applicant, commented they have worked on addressing the comments from the previous meeting and will be complying with any required mitigation. Ms. Diedra Griffith, applicant, commented they believe the plan was improved based on the input from the last hearing and reviewed the changes presented including changes to the CC&Rs to eliminate ADU options.

**PUBLIC COMMENT:**

Mr. Patrick Trucco, adjacent neighbor developing Irish Acres Subdivision, spoke in favor of the application.

**COMMISSION DELIBERATION:**

The Commission was impressed with the changes made and supported the application moving forward.

**MOVER:** Carl Kohut

**SECONDER:** Wade Kaufman

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 the JC Ranches Subdivision as described in the application materials submitted on April 4, 2024 and additional information attached to the staff report with the conditions of approval listed in the staff report

**AYES (5):** Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**5. 6:40 PM PUBLIC HEARING: Eustachy Wysong Subdivision Preliminary Plat Hearing (Continued)**

Ms. Kruger reviewed the updated information provided by the applicant, the Fire Marshal comments requiring the pivot be removed, the NP evaluation response, and the condition of confirmation of legal access that has yet to be verified. She then reviewed the suggested conditions of approval.

**APPLICANT PRESENTATION:**

Mr. Brent Crowther with Civilize Engineering, representing the applicant, commented they have addressed the conditions of approval from the previous hearing and noted they have provided a drawing for their own fire pond in case the Dorothy Gayle application is denied. He also discussed the results of the studies and the changes made based on the studies.

**PUBLIC COMMENTS:**

Mr. Chris Peterson, adjacent neighbor, commented he wanted to be guaranteed future building rights and access before giving them to the subdivision applicant.

Mr. Glen Moridian, adjacent property owner, commented there are 15 homes or possible homes besides the proposed subdivisions that want to use the road. He was concerned with the potential for 47 homes using one access. He also commented he will not remove his pivot to water his property and that it goes across the road.

Mr. Brent Peterson, adjacent property owner, was concerned about the statement the applicant will remove the pivot over the road but his will still be in place but with no access to it because the center pivot will be missing.

**COMMISSION DELIBERATION:**

Mr. Kohut commented that he felt they made the changes possible and felt it could go forward with the condition the legal access be resolved. Mr. Kaufman asked about the need for two accesses with more than 20 lots. Ms. Kruger commented that the applications cannot be reviewed together so each proposed subdivision has less than 20 lots which does not trigger a TIS or a 2nd access. Mr. Kaufman asked if the irrigation issue would be a concern for the County. Ms. Krueger felt that would be a civil issue and stated she has asked for some specific guidance from legal counsel but has not received a response at this time. Mr. Watters felt the County should put some effort into addressing traffic impacts on roads from new subdivisions somehow.



**MOVER:** James Weber  
**SECONDER:** Carl Kohut

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 of approval 1-6 listed in the staff report.

AYES (4): Tim Watters, Wyatt Penfold, James Weber, and Carl Kohut

NAYS: (1): Wade Kaufman

**Adopted (4 to 1)**

**6. 7:00 PM PUBLIC HEARING: Rolling Stone Acres Subdivision Preliminary Plat Hearing**

Mr. Bjorkland reviewed the application for a 4 lot subdivision on 10.21 acres located on W 4500 S with an existing home on Lot 1. He reviewed the compliance with the LDC and Comp Plan, agency comments, and suggested conditions of approval.

**APPLICANT PRESENTATION:**

Mr. Bruce Derize, applicant, commented he is proposing the subdivision so his son can stay in the valley and have options for the remaining children should they want a 2nd home.

**PUBLIC COMMENT:**

There was no public comment.

**COMMISSION DELIBERATION:**

The Commission had no issues with the application.

**MOVER:** Wade Kaufman  
**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 Rolling Stone Acres Subdivision as described in the application materials submitted June 27th, 2024 and additional information attached to the staff report with the conditions of approval listed in the staff report.

AYES (5): Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

**E. Adjourn**

Adjourned at 8:55 PM.

**MOVER:** Wade Kaufman

**SECONDER:** James Weber

I move to adjourn.

AYES (5): Tim Watters, Wyatt Penfold, James Weber, Carl Kohut, and Wade Kaufman

**Adopted (5 to 0)**

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Cindy Riegel, Chairperson

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County Clerk or Deputy