



TETON COUNTY
PLANNING & ZONING COMMISSION
MINUTES | NOVEMBER 14, 2023

1st Floor Meeting Room

150 Courthouse Dr, Driggs, ID 83422

4:30 PM

LOCATION: 150 Courthouse Dr, Driggs, ID 83422 **1st Floor**
Meeting Room

ZOOM LINK

Commissioners Present:

- Wyatt Penfold
- Rebecca Nolan
- James Weber
- Tyler Wertenbruch

Staff Present:

- Jade Krueger
- Sharon Fox

1) Approval of Minutes

1.1) Minutes for June 13, 2023, August 8, 2023 and September 12, 2023.

Cover Page

P&Z Minutes 06.13.2023.pdf

P&Z Minutes 08.08.2023.pdf

P&Z Minutes 09.12.2023.pdf

MOTION: *I move the approve the Minutes for June 13th, August 8th and September 12, 2023.*

RESULTADOPTED [Unanimous] MOVER Rebecca Nolan SECONDER: James Weber AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch NAYES None ABSTAIN None

2) **Chairman Business - There was no Chairman business.**

3) **Administrator Business**

Ms. Krueger discussed the option to elect a new Chair tonight or wait until the January meeting. The Commission decided to wait until January. Ms. Krueger also reminded the Commission that there will not be a P&Z meeting in December.


Mr. Wertenbruch volunteered for the joint meeting on December 13th. Ms. Nolan agreed to do it as well. Mr. Weber agreed to be backup if necessary.

Ms. Krueger also reminded the Commission of the training coming up in Idaho Falls.

4) **Action Items**

4.1) **5:00 PM - ACTION ITEM: Konrath Scenic Corridor Hearing. Jessica Konrath is requesting approval for a Scenic Corridor review placement of one single family residence on an 11.24 acre parcel. The property is fully within the Scenic Corridor Overlay. The applicant has proposed Spruce, Aspen, and Cottonwood trees to screen the property. The applicant has provided images showing the intended design and materials for the residence.**

LEGAL DESCRIPTION: TAX #4327 & #4328 SEC 23 T4N R45E; RP04N45E231000

Cover Page 

Ms. Krueger reviewed the application to build a single family residence in the Scenic Corridor on 11.24 acres located on Hwy 33 and E 4000 S.

Ms. Konrath was available to answer questions.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

Konrath Scenic Corridor Staff Report.pdf 

A. Konrath_Scenic Corridor Application_9.13.2023.pdf 

B. Narrative.docx 

C. Site Plan.pdf 

D. Landscape Plan.pdf 

[E. Siding Materials Proposed.pdf](#)

[F. Konrath Deed.pdf](#)

MOTION: *Having found that the proposed application for Scenic Corridor Review for the Jessica Konrath property is consistent with the LDC Chapter 5-5, I move to approve the Scenic Corridor Permit with the conditions of approval outlined in the staff report.*

RESULADOPTED [Unanimous]
MOVERrebecca Nolan **SECONDER:** James Weber
AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYESNone
ABSTAINne

4.2) **5:05 PM - ACTION ITEM: Elovitz Scenic Corridor Hearing. Michael Elovitz is requesting approval for a Scenic Corridor Review for building a single-family residence on a 1.32-acre parcel. In The Red Fox Ranch Subdivision. The property is partially within the Scenic Corridor Overlay off of Ski Hill Road. The landscape plans (berms and revegetation) include organic-looking berms along the west property line. These will be planted with drought-tolerant plants and trees. The applicant has provided images showing the intended design and materials for the residence. Overlays include Big Game Migration Corridors and Seasonal Range.**

LEGAL DESCRIPTION: LOT 3 BLK 3 RED FOX RANCH SUB SEC 20 T5N R46E; RP000620030030

[Cover Page](#)

Ms. Krueger reviewed the application to build a single family residence in Red Fox Ranch located in the Scenic Corridor on Ski Hill Road and the landscaping proposed.

Mr. Elovitz was available to answer questions.

COMMISSION DELIBERATION:

The Commission had no issues with the application.

[Elovitz-Allan Scenic Corridor Staff Report.pdf](#)

[A. Elovitz Scenic Corridor Application.pdf](#)

[B. Elovitz Scenic Corridor Narrative & site plan.pdf](#)

[C. Landscaping Plan.pdf](#)


[D. Deed.pdf](#)

MOTION: *Having found that the proposed application for the Scenic Corridor Review for the Michael Elovitz property is consistent with the LDC Chapter 5-5, I move to approve the Scenic Corridor Permit with the conditions of approval as stated in the staff report.*

RESULTADOPTED [Unanimous]
MOVER: James Weber **SECONDER:** Tyler Wertenbruch
AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYES None
ABSTAIN None

- 4.3) **5:10 PM - PUBLIC HEARING: Hunnidale Subdivision Concept Plat. Nelson Engineering, on behalf of Badger Capital Advisors Retirement Trust, has submitted an application for a two-lot subdivision on 61.95 acres. The parcel has several natural resource overlays present on the parcel and Badger Creek runs across the eastern portion of the property. The property is located at W 10000 N, North of Tetonia, and is zone FH-10 acre average density.**

Legal Description: RP06N45E091500; NE4, LESS TAX #695 & #6053 SEC 9 T6N R45E

Cover Page 

Ms. Krueger reviewed the application for a 2 lot subdivision on 61.95 acres located in Felt just north of Tetonia. She reviewed the overlays and required studies that would be triggered and the need for building envelopes due to the wetlands and wildlife corridors.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented they have the WHA completed and it will be submitted with the Preliminary application. He offered to answer any questions.

Mr. Nick Besobrasov, applicant, commented he is not a developer and has owned a house that looks down on this lot for 17 years. He stated he was fortunate to be able to purchase the property to preserve the corridor and to maintain the beauty of the property from future development.


PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

The Commission had no issues but would like to be sure there are building envelopes identified at Preliminary.


Hunnidale Concept Plan Staff Report_111423.pdf 


A. Application 7.12.2023.pdf 


B. Concept Plat.pdf 

C. Updated Narrative.pdf 

D. Public Works Review.pdf 

E. Deeds.pdf 

[F. Trust Documentation.pdf](#) 

[G. Fire Marshal Approval_11.14.2023.pdf](#) 

[H. Soils Report.pdf](#) 

MOTION: *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 following conditions of approval, I move to APPROVE the Concept Plan for Hunnidale Farm Subdivision as described in the application materials submitted July 12, 2023 and as updated with additional applicant information attached to this staff report.*

RESULTADOPTED [Unanimous]

MOVER Rebecca Nolan **SECONDER:** James Weber


AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch

NAYES None

ABSTAIN None

- 4.4) **5:30 PM - PUBLIC HEARING: Todd Lea Subdivision Preliminary Plat. The Tod Lea Subdivision is a 6-lot subdivision consisting of 5 single-family residential lots and one large open space parcel on a 26.33-acre site in Victor, Idaho. The property is located at E 5000 S and S 1000 E. Access to the property is from E 5000 S Road, which abuts the property on the north and S 1000 E Road on the west side of the parcel. A new road will be constructed, Sruth Lane, along the eastern boundary to provide access to Lots 1-5. The property lies in the Agriculture/Rural Residential 2.5 acre min. lot size? zone and is bordered on all sides by the same. There are no overlays.**

Legal Description: RP04N46E303001; TAX #3842 SEC 30 T4N R46E

[Cover Page](#) 

Ms. Krueger reviewed the application for a 6 lot subdivision on 26.33 acres with no natural resource overlays and proposed building envelopes. She discussed the conditions of approval and the potential need for building envelopes on each lot to be identified on the plat.

Mr. Christopher Hawks, applicant, commented on the road configuration and explained they did not want to go from a hammerhead turnaround to a cul-de-sac due to the drop off on the end of the road that would require a large amount of fill to build a cul-de-sac. He also wanted to only have building envelopes be designated in the CC&Rs rather than on the plat to provide some flexibility.


Mr. Penfold commented they will need an approval letter from Fox Creek Canal Co. due to the canal crossing the property. Mr. Hawks commented they will be able to produce that.


PUBLIC COMMENT:


There was no public comment.


COMMISSION DELIBERATION:

The Commission had no issues with the application and felt the hammerhead road ending would fit into the code, but felt it should be the call of the Fire Marshal. They felt public safety should be first priority and the cul-de-sac may be required.


Tod Lea Preliminary Plat PZC Review_111423.pdf 


A. Application.pdf 

B. Narrative.pdf 


C. Preliminary Plat.pdf 

D. Topography on Prelim Plat.pdf 

E. Preliminary Improvement Plans.pdf 

F. Cost Estimate.pdf 

G. EIPH Letter.pdf 


H. Financial Guarantee.pdf 


I. Development Agreement.pdf 

J. CCRs.pdf 

K. Letter of Authorization.pdf 

L. Deed.pdf 

M. Public Works Review.pdf 

N. Fire Review.pdf 

MOTION: *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 Tod Lea Subdivision as described in the application materials submitted on August 18, 2023 and additional information attached to the staff report with the conditions of approval outlined in the staff report including condition #6 be contrary to the applicants recommendation and a condition that the applicant receives a letter from Fox Creek with approval regarding their line.*

RESULTADOPTED [Unanimous]

MOVERrebecca Nolan **SECONDER:** James Weber


AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch

NAYESNone

ABSTAINne

4.5) 6:00 PM - PUBLIC HEARING: Jones - Teton Springs Major Plat Amendment. Christopher and Lala Jones, the owners of 5 and 7 Rammell Road have submitted an application to re-split the two parcels back to the original plat coordinates as reflected in the original Phase 1 Plat (Reference: TETON SPRINGS GLF & CSTNG CLUB PHASE 1 SEC 14 & 23 T3N R45E).

Legal Description: RP00220005004a 7 RAMMELL ROAD; LOT 4A BLK 5 TETON SPRINGS GLF & CSTNG CLUB PHASE I ELEVENTH AMENDED PLT

Cover Page 

The Commission took a break to wait for the 6:00 application.

Ms. Krueger reviewed the application for a plat amendment to reinstate a lot line between two adjacent lots owned by the applicant that was previously removed through a minor plat amendment. She commented on fact that the most current deed for the property was not provided by the applicant and that the lot was listed for sale even though it has not yet be reinstated. She made it clear that the lot should be taken off the market until the plat amendment is approved. Ms. Krueger also reviewed the general Code requirements for a major plat amendment.


Ms. Nolan asked about the missing deed for the property. Ms. Lala Jones, applicant, commented the most current deed was provided to the best of her knowledge and will provide that if necessary. She also stated there is no canal on her property and that the lot won't be sold until the plat is recorded.


PUBLIC COMMENT:


There is no public comment.

COMMISSION DELIBERATION:


Ms. Nolan commented she was concerned with the attempt to sell the lot before it was reinstated. Mr. Weber was also concerned with the attempt to sell prior to being approved because the Idaho state statutes prevents listing a lot that is not yet officially reinstated. They were also concerned that the most current deed was not presented with the application.

Teton Springs_Major Plat Amendment for Jones_Staff Report 111423.pdf 

A. Application_8.24.2023.pdf 

B. Narrative_8.24.2023.pdf 

C. HOA Letter.pdf 

D. Amended Plat_Updated.pdf 

E. Property Deed.pdf 

[F. Trust Documentation.pdf](#)

[G. Previous Plat Amendment Recorded.pdf](#)

[H. As built for water.pdf](#)

[I. Public Work Review.pdf](#)

MOTION: *I move to continue the hearing for the Teton Springs Major Plat Amendment to a future PZC agenda on January 9, 2024 in order to obtain additional information from the applicant or other agencies.*

RESULTADOPTED [Unanimous]
MOVER Rebecca Nolan **SECONDER:** Tyler Wertenbruch
AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYES None
ABSTAIN None

- 4.6) **6:15 PM - PUBLIC HEARING: Dorothy Gale Subdivision Preliminary Plat. Jones Lehi LLC has submitted an application for a residential subdivision located approximately 1.5 miles southwest of Tetonia and south of W 4850 North. Dorothy Gayle Ranch is a seven-lot subdivision with six buildable lots on 40.46 acres. The parcel is zoned Ag/RR-2.5-Acre min. and all of the residential lots meet, or exceed, the minimum size of 2.5 acres. The subdivision is within a Big Game Migration Corridors and Seasonal Range overlay.**

Legal Description: RP05N45E054650; TAX #6770 SEC 5 T5N R45E

[Cover Page](#)

Ms. Krueger reviewed the application for Dorothy Gale subdivision for 7 lots on 40 acres. She noted that the Concept was approved as 16 lots but had some issues so the number of lots was reduced based on the issues brought out at the hearing. She discussed the change in access as well as one of the lots that is shown being below the 2.5 acre minimum lot size that will need to be changed. The question of legal access will still need to be established as well as proof that the access road being proposed is up to County road standards. She also discussed overlays and building envelopes based on the NRA received and CC&R questions. Ms. Krueger then reviewed the suggested conditions of approval covering missing and incomplete information. Staff recommended continuation to resolve unanswered questions.

Mr. Curt Behle, representing the applicant, commented they had no problem with making Lot 2 a larger lot, the placement of building envelopes, the access easement confirmation which he was working on with the neighbors, and the option for a shared fire suppression pond which they are pursuing cost sharing with adjacent subdivisions.

PUBLIC COMMENTS:

Mr. Brent Peterson, adjacent property to the east, was concerned with the access and a deed restriction that was on the property that restricted 1 house per 10 acres which is not being addressed.

Mrs. Merri Meradian, adjacent property owner, was also concerned with the proposed access.


APPLICANT REBUTTAL:


Mr. Curt Behle, representing the applicant, commented on previous CC&Rs and deed restrictions and did not feel they were an issue. He stated he was not familiar with the need to access through the Silver Dollar subdivision but was confident they could work out access issues.

COMMISSION DELIBERATION:

Ms. Nolan commented she did not believe objectives #2, #8 and #9 were being met. Mr. Weber agreed with those objectives not being met and felt the studies should be done with full buildout information prior to Preliminary approval. Mr. Wertenbruch did not feel it would be appropriate to make a decision without resolving some of the legal issues and lot configuration changes. Mr. Penfold was concerned with the water rights that need to be established.


[Dorothy Gayle Preliminary Plat Staff Report_111423.pdf](#) 

[A. Application_8.8.2023.pdf](#) 

[B. Preliminary Plat.pdf](#) 

[C. Narrative_ Revised.pdf](#) 

[D. Improvement Plans_ updated.pdf](#) 

[E. Natural Resource Analysis.pdf](#) 

[F. EIPH Letter.pdf](#) 


[G. CCRs.pdf](#) 

[H. Development Agreement.pdf](#) 

[I. Cost Estimate.pdf](#) 

[J. Deed.pdf](#) 

[K. Water Rights Report.pdf](#) 

[L. Open Space Management Plan.pdf](#) 

[M. Authorization & LLC Documentation.pdf](#) 

[N. Public Works Review.pdf](#) 

[O. Fire Review.pdf](#) 

[P. Public Comment.pdf](#) 

MOTION: *I move to continue the public hearing for Dorothy Gayle Preliminary Plat in order to obtain additional information from the applicant or other agencies to the February 13, 2024 hearing with the following request for additional information:*

1. *A revised plat showing Lots 1 & 2 combined for a total of six lots;*
2. *A legal review of the access proposed;*
3. *A revised NRA or footprints placed on the east side of the subdivision road;*
and
4. *Surface water rights passing through the property be noted on the plat.*

RESULADOPTED [Unanimous]

MOVER Rebecca Nolan **SECONDER:** James Weber


AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch

NAYES None

ABSTAIN None

- 4.7) **6:30 PM - PUBLIC HEARING: Wildflower Reserve Subdivision Preliminary Plat. Wildflower is a proposed residential subdivision located on the east side of Hwy. 33 and north of W 2000 S approximately one mile south of the City of Driggs in Teton County, Idaho. The existing property consists of two parcels that together total 64.36 acres. The proposed development consists of 26 residential lots and an open space lot that consumes 50% of the land area per the requirements of a Rural Reserve PUD. The residential lots have a minimum lot size of 1.25 acres and a maximum size of 1.92 acres with the average residential lot size calculated as 1.29 acres. The site is located in the Scenic Corridor overlay, Big Game Migration Corridors and Seasonal Range.**

Legal Description: RP04N45E027950; TAX #7323 SEC 2 T4N R45E AG BREAK OFF & RP04N45E028402; TAX #4169 SEC 2 T4N R45E

Cover Page 

Ms. Krueger handed out the public comments that were received after the information packet was published. Ms. Krueger then reviewed the application for a 26 lot subdivision on 64.36 acres on 2000 S. She discussed the easement issues for access, errors in the traffic study, potential Hwy 33 improvements required by ITD and the lack of proposed improvement plans for turn lanes on Hwy 33, and City of Driggs issues regarding lack of amenities and park space for the residents. She also reviewed the issues outlined in the NP study presented and the review done by the County's outside consultant. Ms. Krueger stated the staff recommendation was for continuation to address the multitude of unresolved issues.

Mr. Brent Crowther with Civilize Engineering, representing the applicant, commented on the traffic impact study issues, the fiscal impact analysis and issues, and the conditions of approval. He stated the CC&Rs have been updated, and they have resolved issues with the Fire Marshal and he believed the access issues were resolved as well but would need to meet with the County engineer to review his concerns.

PUBLIC COMMENT:

Mr. Ryan McGarty, adjacent property owner, spoke in opposition.

Ms. Anna Trentadue representing VARD, spoke in opposition.

Ms. Cynthia Orcutt, adjacent property owner, spoke in opposition.

Mr. Mark Buckley, adjacent property owner, spoke in opposition.

Ms. August Christensen speaking as the Mayor of Driggs, spoke in opposition.

APPLICANT REBUTTAL:


Mr. Crowther commented he did not believe they had submitted incomplete applications but agreed their information had some errors. He stated they have resolved the issues with EIPH and would be willing to contribute to some portion of improvements for the Hwy 33 intersection.

COMMISSION DELIBERATION:


Ms. Nolan was concerned with the impact on the City of Driggs because of the lack of improved open space in the proposed development as well as the incomplete information presented. Mr. Wertenbruch was concerned with the unanswered questions brought up by staff and did not believe the studies provided were thorough enough. He did not feel that the local community was taken into consideration when designing the subdivision. Mr. Weber did not feel it was meeting all the criteria for approval for a Preliminary application. Mr. Penfold pointed out that if the Wildflower Subdivision application was denied then the Trestles Subdivision application would not be possible due to lack of access. He felt that since it was resubmitted as a PUD maybe it should be continued to address new issues brought up with the change from a subdivision to a PUD application. The Commission discussed the application not meeting the required objectives for approval of the Title 9 code and thought there was a basis for denial due to the numerous outstanding issues and concerns.

[Wildflower Reserve PUD_Preliminary Plat 111423.pdf](#) 

[A. Application.pdf](#) 


[B. Narrative.pdf](#) 

[C. Preliminary Plat.pdf](#) 

[D. Nutrient Pathogen Evaluation_Revised.pdf](#) 

[E. Technical Review_Nutrient Pathogen Evaluation.pdf](#) 

[F. DEQ Comments_Nutrient Pathogen Evaluation.pdf](#) 

[G. Traffic Impact Study.pdf](#) 

[H. DEQ Second Review of NP Evaluation.pdf](#) 

[I. LOA Bonnie Beard_8.31.2023.pdf](#) 

[J. LOA Glen Lent_8.31.2023.pdf](#) 

K. Fiscal Impact Analysis.pdf

L. Liberty LLC Documentation.pdf

M. Demand for a Takings Analysis.pdf

N. Development Agreement.pdf

O. Draft CC&Rs.pdf

P. EIPH Letter.pdf

Q. Cost Estimate.pdf

R. Improvement Plans.pdf

S. Open Space Management Plan.pdf

T. Fire Marshal Review.pdf

U. Public Works Review.pdf

V. Public Comment.pdf


MOTION: *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 the Wildflower Reserve PUD as described in the application materials submitted on August 24, 2023, and additional information attached to the staff report, based on the following findings:*

1. *Non compliance with Objective #s 1, 9 and 10.*

RESULADOPTED
MOVER: James Weber **SECONDER:** Rebecca Nolan
AYES: Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYES: Wyatt Penfold
ABSTAIN: none

4.8) **6:45 PM - PUBLIC HEARING: Trestles Subdivision Preliminary Plat. The Trestles project consists of 66 residential lots and 2 open space lots. Trestles occupies four existing parcels totaling 216.83 acres located at W 2000 S, Driggs. The property is zoned A/RR-2.5 and all of the residential lots meet, or exceed, the minimum size of 2.5 acres. The site is located in the Scenic Corridor overlay, a Songbird/Raptor Breeding and Wintering Habitat overlay, and Big Game Migration Corridors and Seasonal Range, Priority Wetland Habitat-NWI overlay.**

Legal Description: RP04N45E021201; S2NE4 LESS TAX #1691 PART OF TAX #7158 & TAX #7308 SEC 2 T4N R45E, RP04N45E013600; S2NW4 SEC 1 T4N R45E, RP04N45E027350; TAX #7324 SEC 2 T4N R45E AG BREAKOFF, RP04N45E029250; TAX #6132 SEC 2 T4N R45E

Cover Page 

Ms. Krueger reviewed the application for 66 lots on 216.83 acres located at W 2000 S in Driggs and the history of the applications submitted and approved for Trestles Subdivision prior to the current application that includes several major changes. She reviewed the overlays, access, studies provided, and potential traffic impacts. She also noted that several lots did not meet the underlining zone of 2.5 acre minimum lot size and that improvements have been made prior to receiving final plat approval, which violates the subdivision regulations process. Ms. Krueger also noted that the NP study review was received after the staff report was submitted and it will need to be addressed and then reviewed the potential conditions of approval. Ms. Krueger also noted that the applicant's lawyer submitted a request for a "taking analysis" to the County over subdivision requirements.

Mr. Curte Behle, representing the applicant, commented they met with County officials and other governing bodies prior to submitting the Preliminary application and the application was structured to address the issue of reviewing Wildflower and Trestles as one large subdivision. Mr. Behle also commented on the roads that have been installed and stated that the Public Works Director did not have any objections to the construction of a road through the parcel that is proposed for the Trestles subdivision.

PUBLIC COMMENTS:

Mr. Steve O'Conner, adjacent property owner, spoke in opposition to the application.

Mr. Seth Mills representing Fall Creek Subdivision to the east, was opposed to the option of any access being granted through their subdivision.

Mr. Ryan McGarty, adjacent property owner, spoke in opposition to the application.

Ms. Sue O'Conner, adjacent property owner, spoke in opposition to the application.

Ms. August Christensen, May of Driggs, spoke in opposition to the application.

Mr. Mark Buckley, adjacent property owner, spoke in opposition to the application.

Ms. Cynthia Orcutt on Cottonwood Lane, spoke in opposition to the application.

Ms. Anna Trentadue representing VARD, spoke in opposition to the application.

Ms. Jennifer Zung with Harmony Design, the consultant that reviewed the NP study submitted by the applicant, wanted to see the study modified to meet the requirements outlined for Level II study parameters.

APPLICANT REBUTTAL:


Mr. Curt Behle commented they are not proposing access through Fall Creek


Subdivision and he did not feel they made any mistakes by starting on the roadwork. He stated they may prevent nightly rentals in their CC&Rs, but have not yet committed to that and may restrict some lots for ADUs. Mr. Behle also commented that the fiscal impact analysis shows amenities for parks and pathways even though they aren't on the plat submitted. Mr. Behle then commented that the reason for the lawyer requesting a taking analysis because they were concerned that the County would ask them to pay for the entire cost of the turn lanes on Hwy 33 and they did not feel that was reasonable.

COMMISSION DELIBERATION:

Mr. Penfold commented that there are irrigation easements that need to be noted on the plat and letters of approval from the irrigation companies as well. Mr. Weber was concerned with representing lots that are less than the 2.5 acre minimum requirement. Ms. Nolan commented the application presented doesn't fulfill the requirements for a Preliminary application submittal and did not feel it could be approved. She was also concerned with the lack of information for the proposed "affordable housing". Mr. Wertenbruch commented he did not feel the application met the list of required objectives or conditions of approval required at the Concept hearing. He did not feel it met the mixed ag rural requirement and was concerned with the lots that do not meet the minimum lot requirements for the underlying zone. He was also concerned with the access issues which is another criteria not being met. The Commission discussed in length the criteria for approval as stated in Title 9 and were concerned the application did not meet the required criteria for approval.

[Trestles Subdivision Preliminary Plat Staff Report 111423.pdf](#) 

[A. Application 9.8.2023.pdf](#) 

[B. Narrative 8.9.2023.pdf](#) 

[C. Preliminary Plat 8.9.2023.pdf](#) 

[D. Fiscal Impact Analysis Trestles & Wildflower 2023-07-18\(SSF\).pdf](#) 

[E. Traffic Impact Study TIS Trestles, &WF 2023-08-17.pdf](#) 

[F. Revised NP Evaluation 101323 \(1\).pdf](#) 

[G. NP Technical Review.pdf](#) 

[H. NP Review Letter DEQ.pdf](#) 

[I. Improvement Plans \(Part one\).pdf](#) 

[J. Improvement Plans \(Part two\).pdf](#) 

[K. Natural Resource Analysis.pdf](#) 

[L. Wertheim LLC documentation.pdf](#) 

[M. Behle LLC Documentation.pdf](#) 

N. Demand for Takings Analysis_8.11.2023.pdf

O. Supplement (CCRs, DA, EIPH, LOI).pdf

P. Letter of Authorization Liberty LLC.pdf

Q. Fire Marshal Review.pdf

R. DEQ Second Review of NP Evaluation.pdf

S. Public Comment.pdf

T. Public Works Review.pdf

MOTION: *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 Trestles Subdivision as described in the application materials submitted on August 24, 2023 and additional information attached to the staff report, based on the following findings:*

1. The application does not meet Objectives 1, 2, 5, 9 & 10 and the application does not satisfy the requirements set forth as condition #5 of approval to pass Concept.

RESULTADOPTED
MOVER Rebecca Nolan **SECONDER:** Tyler Wertenbruch
AYES Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYES Wyatt Penfold
ABSTAIN None

5) **Adjourn**

MOTION: *Adjourned at 9:45 PM.*

RESULTADOPTED [Unanimous]
MOVER Rebecca Nolan **SECONDER:** Tyler Wertenbruch
AYES Wyatt Penfold, Rebecca Nolan, James Weber, Tyler Wertenbruch
NAYES None
ABSTAIN None

Cindy Riegel, Chairperson
ATTEST: _____
County Clerk or Deputy