



AMENDED APPROVED MINUTES

TETON COUNTY

PLANNING & ZONING COMMISSION

MINUTES | OCTOBER 10, 2023

1st Floor Meeting Room

150 Courthouse Dr, Driggs, ID 83422

5:00 PM

LOCATION: 150 Courthouse Dr, Driggs, ID 83422
Meeting Room

1st Floor

ZOOM LINK

Commissioners Present:

- Lindsey Love
- Tim Watters
- Rebecca Nolan
- Wade Kaufman
- James Weber
- Tyler Wertenbruch

Staff Present:

- Jade Krueger
- Claire Lazes
- Sharon Fox

- 1) **Approval of Minutes - There was a technical difficulty and the Minutes were not ready for approval.**

- 1.1) **Minutes for June 13, 2023 and August 8, 2023.**

Cover Page

P&Z Minutes 06.13.2023.pdf

P&Z Minutes 08.08.2023.pdf

- 2) **Chairman Business Mr. Watters reminded the Commission on the need to elect a new Chairman and Vice Chairman for the upcoming year.**
- 3) **Administrator Business - Ms. Krueger told them about the upcoming training.**
- 4) **Action Items**

4.1) **Hidden Oaks Subdivision Concept Written Decision.**

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Cover Page

Ms. Krueger reviewed the Written Decision that will be sent to the applicant stating the reason for the denial. She also discussed the options for the BoCC and for the applicant.

DRAFT Written Decision for Hidden Oaks Subdivision Concept_101023 .pdf

MOTION: *Recommend approval.*

RESULADOPTED [Unanimous]
MOVER Rebecca Nolan **SECONDER:** James Weber
AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James
NAYES Weber, Tyler Wertbruch
ABSTAIN None
None

- 4.2) **5:00 PM - Scenic Corridor Review. Alpine Acres Lots 1-5 Scenic Corridor. Harley Wilcox is requesting approval for a Scenic Corridor review placement of 5 lots (lots 1-5 of Alpine Acres Subdivision). The property is completely within the Scenic Corridor Overlay. Additional construction and materials detail has been provided.**

Legal Description: SEC 26 T4N R45E, RP00146000010, RP00146000020, RP00146000030 RP00146000040, RP00146000050

Cover Page

Ms. Lazes reviewed the application for a Scenic Corridor for Alpine Acres subdivision located on Hwy 33 and W 5000 S. The applicant is proposing 5 new residences located 121' from Hwy 33. The only landscape proposed is native grass and staff has recommended a landscaping plan be provided along with building permit submittal that buffers construction from Hwy 33. This will be reviewed by Planning staff during building review. A CO will not be provided until the landscaping plan has been planted.

Alpine Acres Lots 1-5 Scenic Corridor Staff Reportf_101023.pdf

A) Application.pdf

B) Site Plans.pdf

C) Building Materials.pdf

D) Narrative.pdf

MOTION: *Having found that the proposed development for Alpine Acres Subdivision 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.*

RESULADOPTED [Unanimous]

MOVER Lindsey Love **SECONDER:** Tyler Wertenbruch

AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James

NAYES Weber, Tyler Wertenbruch

ABSTAIN None

None

- 4.3) **5:10 PM PUBLIC HEARING: Mille Bates Variance for Wetland Setbacks. This Variance request is for a proposed addition of roughly 496 sf, located at 1979 S Bates Road to encroach approximately 15' to the northwest into the 50' wetland setback. A majority of the 20 acres parcel is encumbered by wetlands and the existing home is also partially located in the 50' wetland setback. Test pits were dug for a new leachfield as shown on the wetland site plan and we were given approval from EIPH. The proposed addition is located adjacent to the existing home. Overlays include Priority Wetland Habitat-NWI and Songbird/Raptor Breeding and Wintering Habitat and Wetland.**

Legal Description: RP04N45E033002; TAX #6961 SEC 3 T4N R45E

Cover Page

Ms. Lazes reviewed the application for the Variance requested for a wetlands setback.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented that EIPH approved an elevated septic system in a location that was out of the wetlands, but the new addition will slightly encroach on the wetland. Ms. Heidi Bellorada with Alder Environmental commented on the wetland delineation process and recommendations.

Ms. Nolan questioned how a ditch would not impact the wetlands, even if it is temporary. Mr. Cook commented they will be restoring the impacted wetlands per the recommendations in the wetlands delineation and the Army Corp permit.

Ms. Krueger asked Ms. Bellorada if the temporary impact on the project has an opportunity for wetland mitigation on other parts of the site. Ms. Bellorada commented there is plenty of areas that can be further mitigated but felt that clustering the development to the northwest corner of the property would be the best way to mitigate the wetlands issue.

Public Comment:


There was no public comment.


Commission Deliberation:


Ms. Love questioned Ms. Bellorado on her recommendation to cluster the development rather than moving the addition to the upland side of the house. Ms. Bellorado commented she felt that the temporary impacts of the addition on the wetlands was a better option for the owner and any mitigation required for restoration will be done.


Ms. Nolan was concerned with the impact on the existing spring ditch on the north and wanted to make sure the ditch was protected during the construction phase. Ms. Love suggested they could attached a time frame for the construction of the leachfield to reduce the potential for the ditch flooding.


Mr. Kaufman commented that the septic will need to be remedied regardless of the addition so there will be impact on the wetlands.

[Millie Bates Wetland Variance Staff Report_101023.pdf](#) 

[A\) Application.pdf](#) 

[B\) Narrative.pdf](#) 

[C\) Army Corps Form.pdf](#) 

[D\) Army Corps Letter.pdf](#) 

[E\) EIPH Letter.pdf](#) 

[F\) Site Plan.pdf](#) 

[G\) Vicinity Map.pdf](#) 

[H\) Wetlands Map.pdf](#) 

[I\) Warranty Deed.pdf](#) 

MOTION: *Having concluded that the Review Criteria of a Variance found in Chapter 4-9 of the Land Development Code can be satisfied with the inclusion of the conditions 1 & 2 listed in the staff report and 3) The wetlands be restored to their original state after construction based on the Army Corp conditions, I move to APPROVE the Variance for TCC 5-2-5 (c) and TCC 5-4-3 (c) as requested in the application materials submitted December 12, 2022.*

RESOLUTION ADOPTED [Unanimous]

MOVER: Wade Kaufman **SECONDER:** James Weber

AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James

NAYES Weber, Tyler Wertentruch

ABSTAIN None

None

- 4.4) **6:10 - PM PUBLIC HEARING: Cougar Rim Subdivision Preliminary Plat Hearing: Thomas Black has submitted an application for a 2-lot subdivision on 2 existing 20 acre parcels that were split through the Ag Split process and have no building rights. The property is located on Packsaddle Bench Road and the zoning is A-20. Both parcels are 20 acres and there is a Hillside overlay on the parcels.**

Legal Description: RP05N44E054500; TAX #7408 SEC 5 T5N R44E AG SPLIT, RP05N44E054050; TAX# 7543 AG SPLIT SEC 5 T5N R44E

Cover Page 

Ms. Krueger explained that the application was not heard at the September hearing due to an emergency. She reviewed the application to obtain building rights by going through the subdivision process since the two lots were originally divided by an ag exemption survey which forfeits the building rights. Both parcels are fully within Hill Side Overlay (see TCC 9-3-2 (C-2-c-HS)). The parcel is also within the Big Game Migration Corridor & Seasonal Range. Applicant has not supplied an NRA or WHA per the overlay requirements.

Mr. Thomas Black, applicant, commented that he did not know about the NRA and he is working on hiring a specialist to conduct the analysis. He stated he did not want to put in the driveway access until he decides where he is going to build and did not want to put in utilities until he was ready to build.


Public Comment:

There was no public comment.


Commission Deliberation:

The Commission did not feel they had sufficient information required to make a decision on the Preliminary application. They wanted to see the information required relating to a wildlife analysis and improvements required.

Cougar Rim Subdivision Preliminary Plat Staff Report 091223.pdf 

A. Application_3.30.2023.pdf 

B. Narrative.pdf 

C. Preliminary Plat.pdf 

D. CCRs.pdf 

E. Development Agreement.pdf 

F. EIPH Approval Letter.pdf 

G. Public Works Review.pdf 

MOTION: *I move to continue the public hearing to January 9, 2024 for Cougar Rim Subdivision Preliminary Plat in order to obtain additional information from the applicant or other agencies.*

RESULADOPTED [Unanimous]
MOVER Wade Kaufman **SECONDER:** Tyler Wertenbruch
AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James
NAYES Weber, Tyler Wertenbruch
ABSTAIN None
None

- 4.5) **5:40 PM PUBLIC HEARING: River Rim Major Plat Modification. The applicant has requested a plat amendment to modify certain aspects of River Rim Ranch Division II Phase I to allow for the completion of a golf course including incidental uses associated with a golf course resort operation and to relocate some residential units displaced by golf facilities. The Planning Administrator has identified that these changes would comprise a substantial change. This application had a final plat amendment review on July 11, 2022, but was never recorded. An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.**

Legal Description: River Rim Ranch PUD, Teton, ID

Cover Page 

Ms. Krueger reviewed the proposed amendment to River Rim Ranch, which has been through this process once before and approved in July 2022 but was never recorded and the approval expired.

Mr. Scot Bechtel with Bechtel Architects, commented they are available to answer any questions but confirmed nothing has been changed since the previous approval.

Public Comment:


There was no public comment.

Commission Deliberation:

Ms. Nolan abstained from voting due to a family conflict. The Commission had no issues with the application since it was the same information previously approved by the Planning Commission in 2022.

River Rim PUD Major Plat Modification_PZC Preliminary Review 101023.pdf



A. Application_7-24-23.pdf 

B. Concept Plan.pdf 

C. Master Plan.pdf 

[D. Narrative.pdf](#)

[E. Plat.pdf](#)

[F. RECORDED CCRs.pdf](#)

[G. Meeting minutes from previous approval.pdf](#)

[H. Waster Flow Comparison.pdf](#)

[I. Traffic Projections.pdf](#)

[J. Amended Development Agreement.pdf](#)

[K. \(Original Plat\) River Rim Ranch DIV2 #180225.pdf](#)

MOTION: *Having concluded that the Criteria for Approval of a Major Plat Modification found in LDC 4-E have been met, I move to approve the application for Amendment #7 for River Rim Ranch PUD as described in the application materials submitted July 24, 2023 and as supplemented with additional applicant information attached to this staff report along with the two conditions from the staff report.*

RESULTADOPTED [Unanimous]

MOVER: Tyler Wertenbruch **SECONDER:** James Weber

AYES: Lindsey Love, Tim Watters, Wade Kaufman, James Weber, Tyler

NAYES: Wertenbruch

ABSTAIN: None

Rebeca Nolan

- 4.6) **6:30 - PM PUBLIC HEARING: Skyline View Subdivision Preliminary Plat Hearing: Skyline Holdings Group LLC has submitted an application for 7 lots on 144.5 acres located on S 5000 W and W 2240 S. Zoning is A-20 and a portion of the property is in the Waterbird Breeding overlay and the Wetlands & Waterways overlay. Lots will be 20 acres each.**

Legal Description: RP04N44E120150; TAX #6420 LOC'D IN SEC 1 & SEC 12 T4N R44E

[Cover Page](#)

Ms. Lazes reviewed the application for 7 lots on 144.5 acres. She discussed the need for an access permit and requested EIPH restrictions.

Dustin Kuttler, representing the applicant, commented that he received an approved access permit from Road and Bridge. He also stated he was not sure what the EIPH restriction meant but would have no problem with their recommendation.

Public Comment:

There was no public comment.

Commission Deliberation:

Mr. Wertenbruch asked about the access to Lots 4 & 5 due to the need to cross Mahogany Creek. Mr. Kuttler commented they will work with the canal company to make sure the crossing of the canal is acceptable to them. The Commission had no other issues with the application.

[Skyline View PZC Prelim Staff Report_101023.pdf](#)

[A\) Application.pdf](#)

[B\) Narrative.pdf](#)

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

[D\) Development Agreement.pdf](#)

[E\) CCRs.pdf](#)

[F\) Improvement Plans.pdf](#)

[G\) EIPH Letter.pdf](#)

[H\) NRA.pdf](#)

[I\) DEQ Review Nutrient Pathogen Evaluation.pdf](#)

[J\) Engineer Review.pdf](#)

[K\) Water Right Report.pdf](#)

[L\) Fire Marshal Concept Review.pdf](#)

[M\) Nutrient Pathogen Technical Review.pdf](#)

[N\) Fire Marshal Comments.pdf](#)

[O\) Cost Estimate.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 Skyline View Ranch Subdivision as described in the application materials submitted on July 10, 2023, and additional information attached to the staff report with conditions 1 - 6 in the staff report and 7) The NRA be revised to consider the Mahogany Creek crossings.*

RESOLUTION ADOPTED [Unanimous]

MOVER: Lindsey Love **SECONDER:** James Weber

AYES: Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James

NAYES: Weber, Tyler Wertenbruch

ABSTAIN: None

None

- 4.7) **6:00 PM PUBLIC HEARING: Clearwater Reserve Subdivision Concept Plat Hearing. Terri Ann & Jared Hill have submitted an application for a 2 lot subdivision on 80 acres located near Tetonia on N 1000 E across from Dry Ridge Ranch. The property is zoned ARR-2.5 Acre Min. Lot Size and has a floodplain overlay located in the southeast portion of the property and Big Game Migration Corridors and Seasonal Range overlays.**

Legal Description: RP06N46E303750; TAX #6903 SEC 30 T6N R46E

Cover Page

Ms. Lazes reviewed the request for a 2 lot subdivision on 80 acres. The Concept application was originally submitted in January of 2022 and a hearing was scheduled for January 11, 2022; however, it was postponed due to change in family ownership. When the application was resubmitted the proposal changed from a 10 lot subdivision to 2 lots that are 25 acres and 54 acres with a separate access for each lot.

Mr. Arnold Woolstenhulme with AW Engineering, representing the applicant, commented the subdivision accesses has been approved by Road and Bridge.

Public Comment:

There was no public comment.

Commission Deliberation:

The Commission had no issues with the application and felt that since there was already an existing access that would not be able to be used for the 2nd lot without crossing a canal, a second access was appropriate.

Clearwater Reserve Concept Staff Report_101023.pdf

A) Application.pdf

B) Narrative.pdf

C) CCRs.pdf

D) Aquatic Resource Inventory.pdf

E) Floodplain Report.pdf

F) EIPH Letter (1).pdf

G) NRA.pdf

H) Concept Plan.pdf

I) Development Agreement.pdf

J) Public Works Comment.pdf

K) Driveway Plans.pdf

MOTION: *Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied I move to APPROVE the Concept Plan for Clearwater Reserve Subdivision Concept Plan as described in the application materials submitted January 5, 2022 and as updated with additional applicant information attached to this staff report.*

RESULTADOPTED [Unanimous]

MOVER: James Weber **SECONDER:** Rebeca Nolan

AYES Lindsey Love, Tim Watters, Wade Kaufman, James Weber, Tyler NAYESWertenbruch, Rebeca Nolan

ABSTAIN None

None

- 4.8) **6:20 PM PUBLIC HEARING: Irish Acres Preliminary Plat Hearing.**
Patrick Trucco has applied for a 10 lot subdivision on 40.14 acres located on W 4000 N & N 2000 W in Tetonia. The parcel is zoned A/RR 2.5 and is located in a Priority Wetland Habitat overlay. Access to the property is from the existing road, N 2000 W on the west and W 4000 N on the northern property boundary.

- **Legal Description: RP05N45E103300; TAX #7369 SEC 10 T5N R45E**
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Cover Page

Ms. Lazes reviewed the application for a 10 lot subdivision on 40 acres located on W 4000 N & N 2000 W in Tetonia.

Ms. Megan Nelms with Y2, representing the applicant, commented they had no issues with the recommended conditions. Mr. Patrick Trucco, applicant, commented the subdivision is for his family and had no issues with the suggested conditions of approval.

Public Comment:

Mrs. Ida Hansen commented that the wetlands are irrigation wetlands and they can be changed if necessary over time. She did not have any issues with the application.

Commission Deliberation:

The Commission had no issues with the application, but did want to see a traffic impact study. Ms. Krueger commented that JC Ranches will be doing a study and they could work together. Mr. Trucco agreed to this.

Irish Acres Preliminary Plat PZC Staff Report_101023.pdfA) Application.pdfB) Prelim Plat.pdf

C) Development Agreement.pdf

D) Improvement Plans.pdf

E) CCRS.pdf

F) EIPH Letter.pdf

G) Warranty Deed.pdf

H) Cost Estimate.pdf

I) Nutrient Pathogen Study.pdf

J) Technical Review.pdf

K) DEQ Comment.PDF

L) Narrative.pdf

M) Army Corps Letter.pdf

N) Hazards Report.pdf

O) Landscaping Plan.pdf

P) Wildlife Habitat Assessment.pdf

Q) Nutrient Pathogen Response.pdf

R) Building Envelopes.pdf

S) Fire Marshal Comments.pdf

T) Habitat and Overlay Map.pdf

U) Public Works Comment.pdf

V) R&B Permit.pdf

W) DEQ Second Comment.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 the Irish Acres Subdivision as described in the application materials submitted on September 28, 2021 and additional information attached to the staff report with the six conditions listed in the staff report and the additional conditions of 7) a joint TIS with nearby JC Ranches Subdivision; and 8) confirmation from Army Corps on the wetlands.*

RESULTADOPTED [Unanimous]

MOVER: Tyler Wertenbruch **SECONDER:** James Weber

AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James

NAYESWeber, Tyler Wertenbruch
ABSTAIN ne
None

- 4.9) **6:50 - PM PUBLIC HEARING: Special Use Permit Wendorff Hearing: The Wendorffs have applied for a Special Use Permit on 13.53 acres located at 9885 Pine Ridge Rd, Victor, to utilize an existing 1700 sq. ft. barn to host events and retreats. This barn is located within lot 4 of Pine Ridge Ranch Subdivision. Lots 1 and 3 are also owned by the Wendorffs totaling 13.53 acres for this proposal. This parcel is completely within Big Game Migration Corridors and Hillside Overlay after the January 2023 Natural Resource Overlay update. The application was initially scheduled for August 9 PZC but was incorrectly noticed (the buffer was only around the developed parcel for the 300?). Therefore it was entirely renoticed for the September hearing.**

Legal Description: RP000600000010; LOT 1 PINE RIDGE RANCH ADDENDUM PLAT SEC 17 T3N R45E, RP000600000030; LOT 3 PINE RIDGE RANCH ADDENDUM PLAT SEC 17 T3N R45E and RP000600000040; LOT 4 PINE RIDGE RANCH ADDENDUM PLAT SEC 17 T3N R45E

Cover Page

Ms. Lazes reviewed the Special Use Permit to host events and retreats in an existing building on the site. She summarized the issues with the numerous public comments received in opposition and noted there was one comment in favor of the application.

Mr. David Wendorff, applicant, commented on the type of proposed events they are interested in hosting which will be limited to 50 people or less. They will also possibly host larger events and will apply for a TUP if they schedule one.

Public Comment:

Ms. Kristy Vipond spoke in favor of the application.

Mr. Tom Clark, Hidden Waters lot owner, spoke in opposition of the application.

Mr. Greg Cisco, Hidden Waters lot owner, spoke in opposition of the application.

Ms. Sysan Lykes, Aspen Grove lot owner, spoke in opposition.

Ms. Laura Burnham, Aspen Grove lot owner, spoke in opposition.

Mr. Tony Arneson Lot 33 in Hidden Waters, spoke in opposition.

Ms. Sue Arneson, Hidden Waters lot owner, spoke in opposition.

Ms. Nikki Richards, representing VARD, spoke in opposition.

Ms. Chloe Price, Lot 30 down from Arneson, spoke in opposition.

Ms. Pam Coleman, Aspen Grove lot owner, spoke in opposition.

Mr. Drew Vance, Aspen Grove lot owner, spoke in opposition.

Mr. Michael Zolkewitz, Hidden Waters lot owner, spoke in opposition.

Applicant Rebuttal:

Mr. David Wendorff read the description from the LDC for an event center. He pointed out it did specify where it can or cannot be located and the zoning of the proposed location qualifies for the event center in this location with an approved SUP. Mrs. Kristen Wendorff commented she did not anticipate having very many events over 50 people.


Commission Deliberation (AMENDED):

Ms. Nolan and Mr. Weber both expressed concerns that the event facility is located on less than 5 acre, even though the applicant owns two other adjacent lots. Mr. Watters did not feel that the location was compatible with the neighborhood. Ms. Nolan did not feel that the sound could be adequately controlled with so many homes so close by. Mr. Wertenbruch was concerned with the vague commitment on the number of events and the potential size of the events. Ms. Love was also concerned with the lack of details for the size and type of events. Mr. Kaufman was not opposed to the application as long as appropriate conditions are placed on the approval addressing the number of events and the number of people allowed at an event. Mr. Weber did not feel the application was compatible with the neighborhoods that will be impacted.

Mr. Wendorff offered to restrict the request for 50 people or less to 15 events and 100 people or more only 3 events. Ms. Nolan suggested the applicant commit to having a percentage of their events be for local non profit organizations.

The Commission discussed what they wanted to include as recommended conditions for approval. The additional recommended conditions were as follows: 2. Staff will review the SUP one year after approval for renewal; 3. The SUP is not transferrable if the property is sold; 4. No event shall exceed 70 decibels of sound at the property border; 5. EMP - An Emergency Medical Plan should be provided before BOCC review; and 6. One quarter of all events should benefit Teton Valley non profits. These conditions were approved in the original motion but were not restated in the second motion, and therefore not included in the formal motion below.

[Wendorff SUP Events and Retreats Staff Report 10.10.pdf](#) 

[A\) Application.pdf](#) 

[B\) Narrative.pdf](#) 

[C\) Site Plan.pdf](#) 

[D\) EIPH Approval.pdf](#) 

E) Public Works Comments.pdf

F) Photos.pdf

G) Fire Marshal Review.pdf

H) Forest Service Letter.pdf

I) Public Comments.pdf

MOTION: *Having reviewed the application materials for Wendorff Special Event Facility SUP, as well as the additional material provided by staff and other agencies; I hereby move to recommend APPROVAL to the Teton County Board of County Commissioners, having found that the application meets the criteria found in Teton County Land Development Code Section 4-8 and Section 3-2 with the recommended conditions in the staff report as well as the following condition:*

1. No more than 10 events shall be held each year with less than 50 people and no more than 2 events per year with more than 100 people.

The Commission also recommend the applicant host a neighborhood meeting prior to scheduling the BoCC hearing.

RESULTADOPTED
MOVERRebecca Nolan **SECONDER:** Wade Kaufman
AYES Tim Watters, Rebecca Nolan, Wade Kaufman, Tyler Wertenbruch
NAYESLindsey Love, James Weber
ABSTAINne

5) **Adjourned at 10:12 PM.**

MOTION: 5) *Adjourn*

RESULTADOPTED [Unanimous]
MOVERRebecca Nolan **SECONDER:** Wade Kaufman
AYES Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James Weber,
NAYES Tyler Wertenbruch
ABSTAINone
Wyatt Penfold

Cindy Riegel, Chairperson
ATTEST: _____
County Clerk or Deputy