PRELIMINARY PLAT REVIEW PUBLIC HEARING

FOR: Gallery Subdivision
WHERE: ~ 8000 -8500 S 4500 W, W of Victor
Board of County Commissioners'
PREPARED FOR: Public Hearing of October 26, 2026

LANDOWNER: Jones Idaho LLC
AGENT: Taylor Cook
ENGINEER: / Nelson Engineering

REQUEST: Nelson Engineering, on behalf of Jones Idaho LLC., is proposing to create 15 residential lots ranging from around 2.95 to 17.14 acres, and two open space lots amounting to about 24 acres. The applicant's narrative describes, "The parcel contains steep slopes and mapped wildlife overlays, and has been evaluated through preliminary slope and wildlife analysis. The subdivision road will be designed to meet applicable slope and fire access standards, providing safe access to each lot. A review of the Preliminary Plat and Civil Improvement Drawings confirms that the proposed building envelopes have been sited to avoid areas of slope in excess of 30%. Access to this subdivision will come off S 4500 W."

Phasing: The subdivision proposes fifteen (15) residential lots on 160.15 acres split into two phases.
Phase I (Lots 1-4) will utilize the existing access corridor to the parcel to the southwest, while Phase II (Lots 5-15) will require a future subdivision road, Gallery Drive, that will create access to the northern ~120 acres on the parcel.

APPLICABLE COUNTY CODE: Subdivision Preliminary Plat Review pursuant to Teton County Land Development Code, Chapter 4-13-D. Preliminary Plat, and Chapters 5 General Development Standards and 6, Subdivision Development Standards, (revised 12/4/2024); Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

LEGAL DESCRIPTION: TAX# 7900 SEC 7 T3N R45E
PARCEL NUMBER: RP03N45E073050
LOCATION: ~ 8000 S & 4500 W, WEST OF VICTOR
ZONING DISTRICT: FH-10, FOOTHILLS 10-ACRE AVG. DENSITY
PROPERTY SIZE: 160.15 ACRES

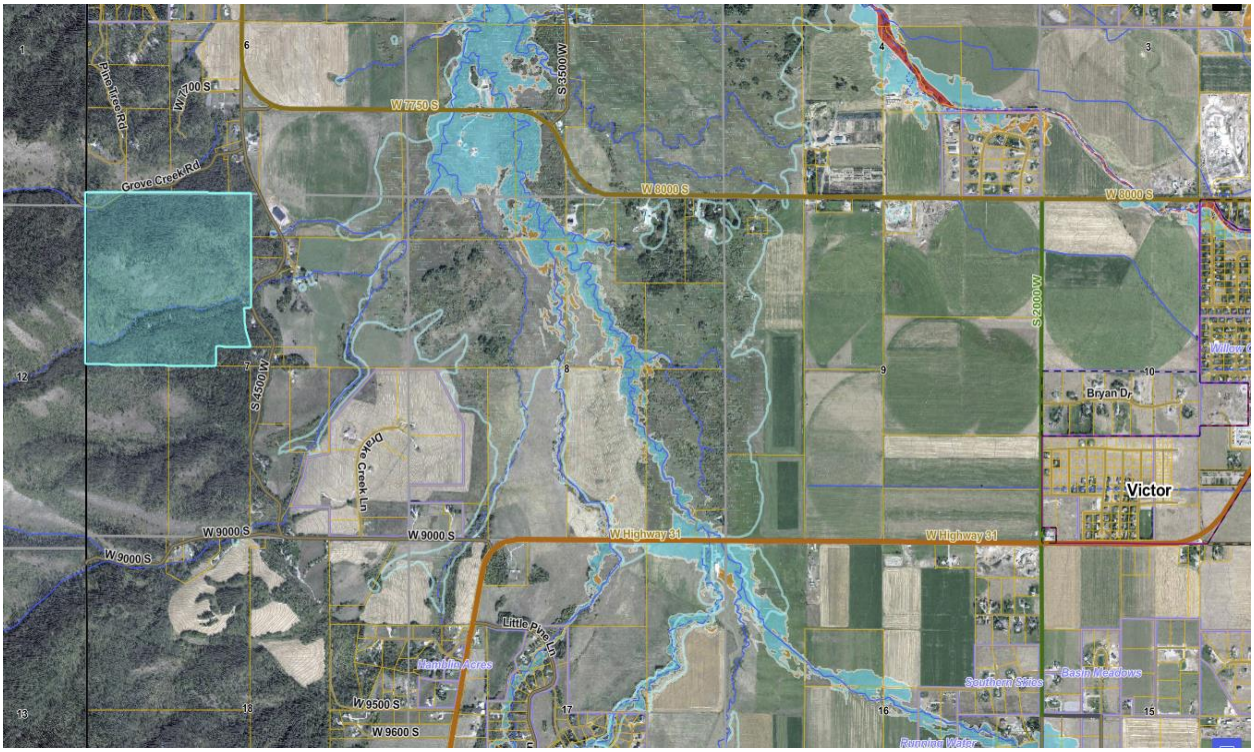


Figure 1. Vicinity Map



Figure 2. Aerial Image

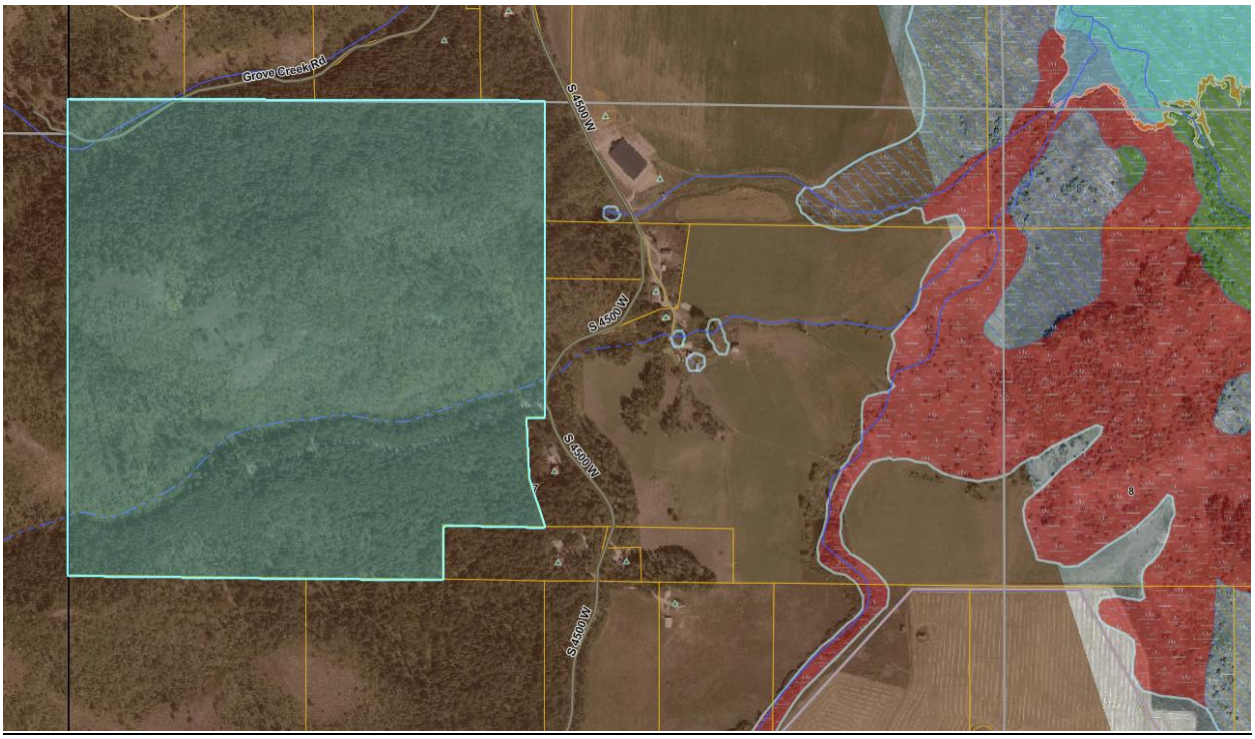


Figure 3: NROs present on parcel: Hillside Overlay, Big Game Migration Corridor & Seasonal Range, Bear Conflict Zone, Wildfire Hazard Overlay

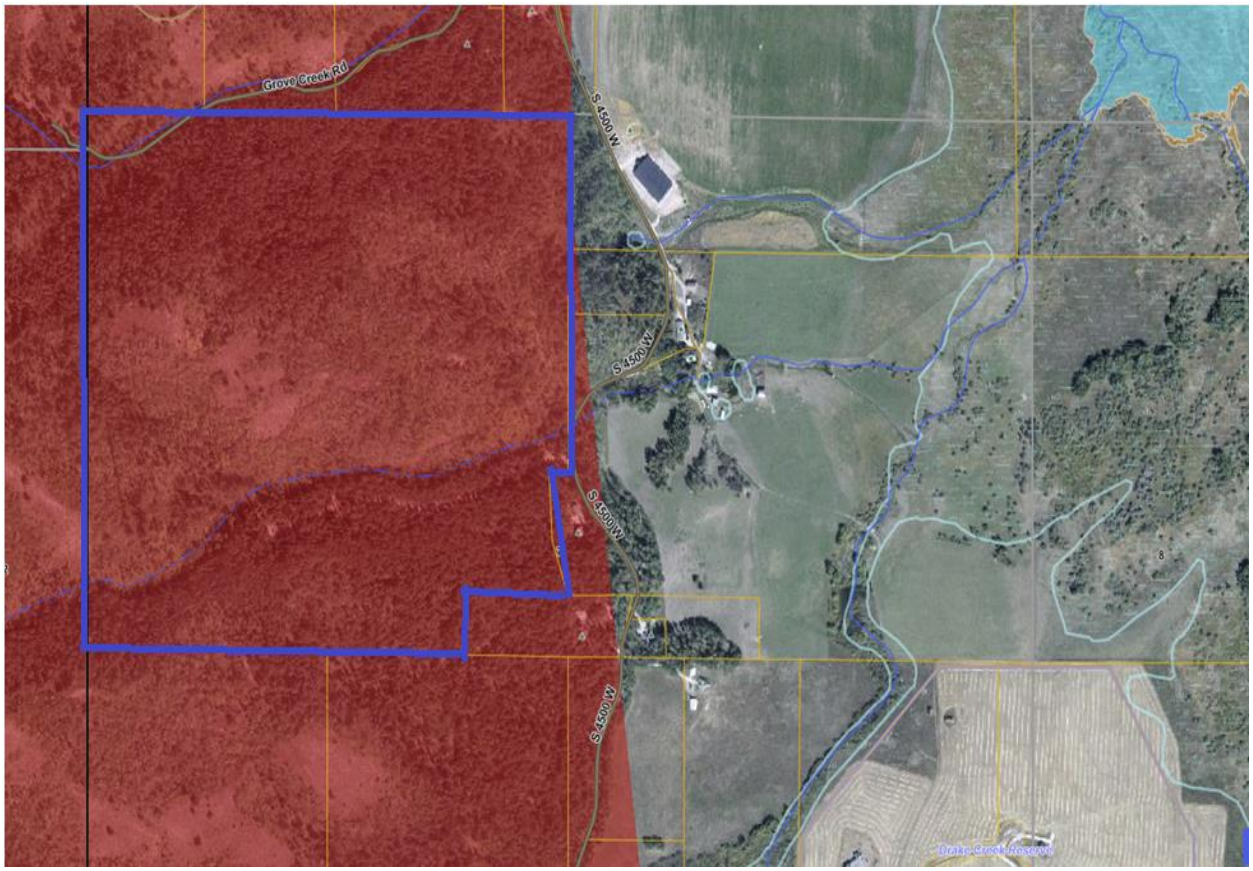


Figure 4. Wildfire Hazard Overlay

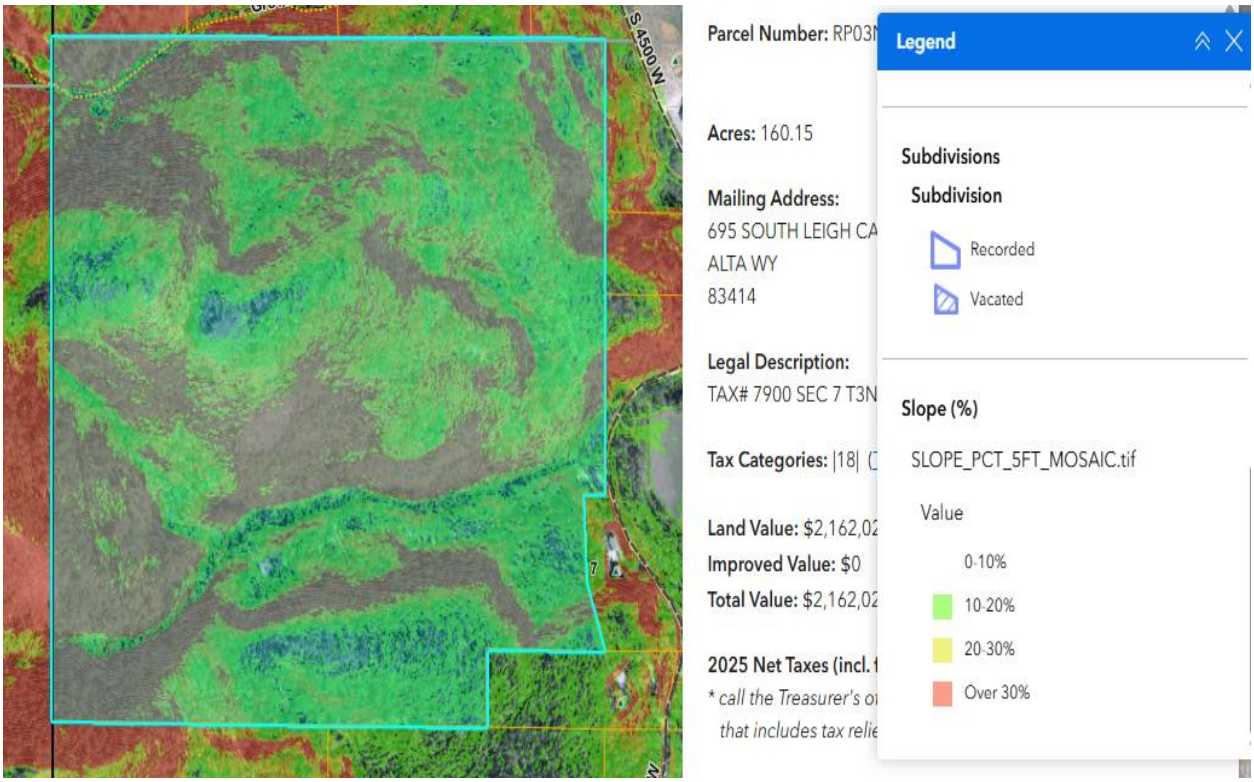


Figure 5: Hillside & Slope % Overlays

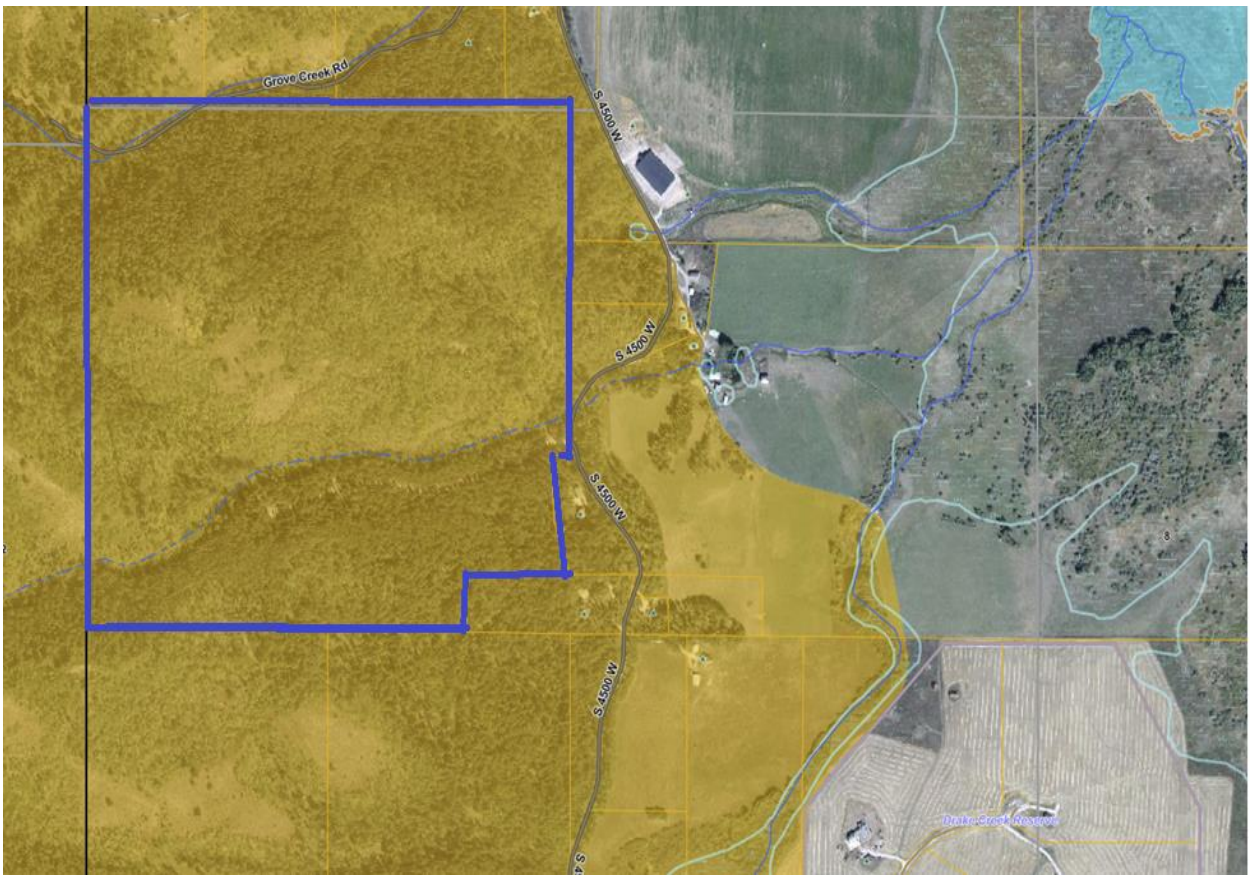


Figure 6. Bear Conflict Zone

PROJECT BACKGROUND

The first step in the subdivision process is a Concept Plan Review (LDC 4-1) A public hearing before the Teton County Planning and Zoning Commission is required for this proposal. Pre-application conference meetings were held with the applicant and Planning staff on May 8, 2025 and through other conversations.

OVERVIEW OF CONCEPT REVIEW:

The PZC reviewed the *concept plan* on June 9, 2026. **In their deliberation they emphasized following recommendation of the WHA.**

Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in LDC (LDC 4-1) can be satisfied I move to APPROVE the Concept Plan for Gallery Subdivision submitted **April 22, 2026** with additional applicant information attached to this staff report with the conditions listed in the staff report 1 - 5 and for:
#2 granting a partial waiver for the NP study, as well as
the following conditions:
6. Incorporate WHA findings to adjust lot layouts and building envelopes to lessen the fragmentation on indicator habitats and steep slopes.
7. Incorporate comments from Public Works Director.
AYES (6): James Weber, Wyatt Penfold, Carl Kohut, Harley Wilcox, Maggie Martin, Collin Hunter
Absent (1): Tom Braun
Adopted (6 to 0)

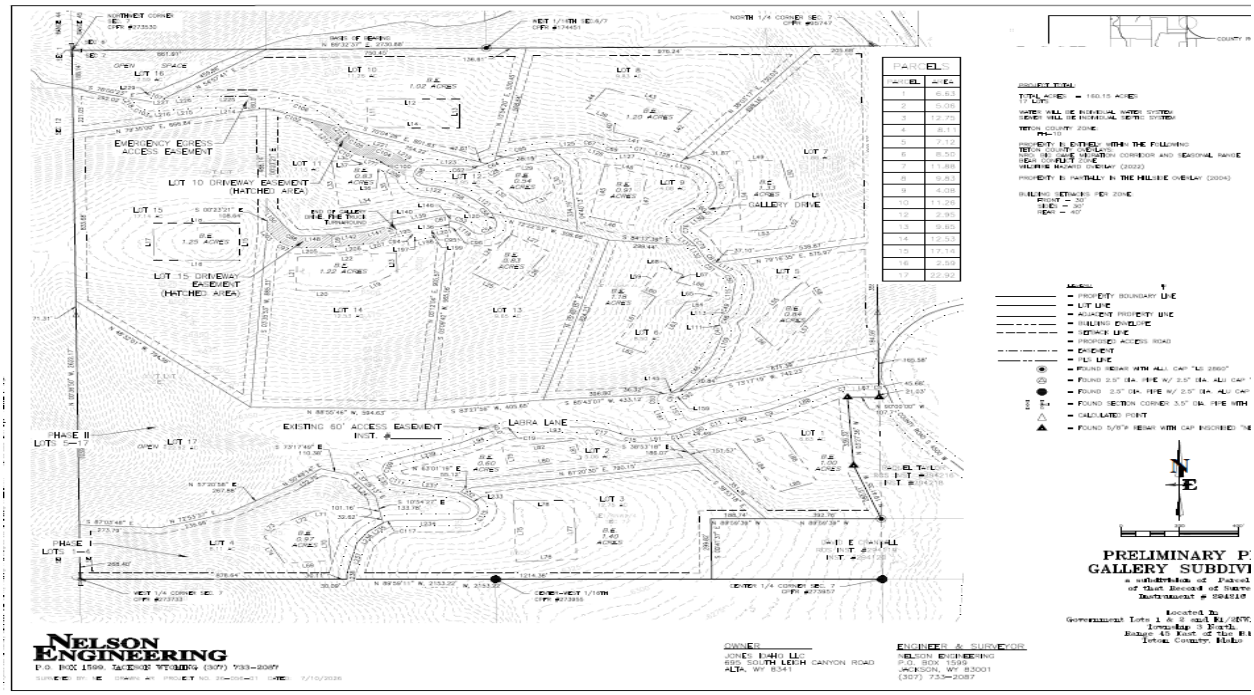


Figure 7. Preliminary Plat with new layout

INTER-AGENCY COMMENTS

Included in this application are engineered road plans designed by Harmony Design & Engineering. They concern parcel # RP03N45E073050. We are seeking a Grading and Erosion Control Permit to construct ~1,845' of gravel roadway designed to meet Teton County local road standards. The purpose of the road is to create access from county road S 4500 W to the referenced parcel. This road will provide future access to parcel # RP03N45E075550. A subsequent application will follow with engineered plans for the driveway to gov't lots 3&4.

- **TETON BASIN RANGER DISTRICT: JAY PENCE DISTRICT RANGER:** This is a Forest Service comment letter on the proposed Gallery Subdivision, written for the public hearing. The agency isn't opposing the project but asks for several protections where the lots border National Forest land.
    1. **Fire:** The adjacent forest is managed for timber production and fuel reduction because it sits in the wildland-urban interface. The Forest Service wants the subdivision built "firewise," with flammable vegetation cleared around buildings and fire-resistant materials used where possible. It wants this implemented and maintained before any lots are sold. Prevailing winds would push a fire from the forest into the subdivision, so without firewise planning firefighters would face an unsafe situation. The letter also calls for proper ingress and egress routes, safety zones, and strategic fuel breaks. It notes that the most effective home protection happens within 300 feet of the structure and that fire could also burn uphill from the subdivision onto the forest.
    2. **Wildlife:** The site was previously unoccupied, so the subdivision could significantly affect wildlife and increase recreation on the forest. The Forest Service defers to Idaho Fish and Game on wildlife issues.
    3. **Administrative access:** Despite the steep terrain, the agency requests access points spaced along the boundary for inspection, fire suppression, administration, and vegetation removal, including large equipment for fuel reduction. It wants to talk with the developer about this.
    4. **Public access:**
    5. Grove Creek Road, at the north end, provides public access to NFS land, but the Forest relies on prescriptive county access to keep it. The agency recommends a better legal easement.
    6. Improving the road would greatly increase public use and could cause parking problems. The Forest suggests the applicant meet with the Forest and user groups on design.
    7. There is currently no public access from the private land onto the forest, and the Forest doesn't think there needs to be. Unauthorized trails from homes are a concern, since building trails on NFS land without authorization violates 36 CFR 261.10a.
    8. **Requested trail language for the CCRs:** New trails to public lands require USFS permit and approval, and informal trails are prohibited. The PUD would monitor the boundary yearly and, under USFS oversight, close and revegetate any unpermitted trails.
    9. **Mr. Pence** closes by asking to be kept informed and involved as the project develops, and he says he wishes he could make the Commission's deliberation and decision easier. For additional information or clarification, he invites contact at jay.pence@usda.gov.

This request has been forwarded to the applicant to respond to directly. Recommended CCR language is included as a potential condition of approval below.

- **FIRE PROTECTION: TETON COUNTY FIRE MARSHALL:** Per the narrative, The Fire Marshal has reviewed and accepted the proposed road alignment as well as the location of the fire well and hydrant. Each house will be required to have an installed fire-suppression sprinkler system, as indicated on the preliminary plat.

  In response to concerns about areas of slopes exceeding 10 percent, the Fire Marshall noted in an email to the applicant,

"I would support this plan. The small sections of 12% grades on straight sections of the road shouldn't be a problem given road widths and overall design."

- **ENGINEERING REVIEW: TETON COUNTY PUBLIC WORKS DIRECTOR:**
  Upon review of the Gallery Subdivision Concept Plan Application, I have the following observations:
  1. A geotechnical report is recommended for this development due to the steep slopes Addressed, **attachment L**.
  2. Construction restrictions may apply due to slopes exceeding 30%. Road design and lot configuration should take that into account Addressed, **attachment L.**
  3. Roads cannot exceed 10% slopes without approval from Fire Marshal (See email comments above)
  4. Electric and telecommunications services must be run to all lots. Utilities should be shown on improvement plans Addressed, **attachment L**.
  5. Interior roads must be constructed to County Local Road Standards Addressed, **attachment L**.
- **EIPH Review:** Per the narrative, The Applicant has obtained East Idaho Public Health (EIPH) preliminary approval for onsite septic systems serving both phases of the subdivision. All wastewater systems will comply with EIPH and Idaho Department of Environmental Quality regulations for design, groundwater protection, and system performance.

- The Applicant completed a nutrient-pathogen (NP) study for Phase I, which is included in the submitted materials. Based on the upland location of the proposed Phase II lots, separation from surface water resources, and other site conditions, a waiver of the NP study requirement for Phase II was granted during the Concept review process.

- **Teton School District Growth Contribution Program:** The school district requests that the Gallery Subdivision voluntarily contributes $19,110 to the School Growth Contribution Fund to satisfy the service mitigation criterion found in the Teton County Comprehensive Plan, or if an amendment, the applicable Land Development Codes: (LDC § 4-5. F.1.h and 4-4. F.1.i) **attachment S.**

- **Grand Teton Canal Company:** This agenda item does not have Grand Teton water on property and therefore do not impact the Grand Teton Canal Company.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and LDC, Chapter 4-2-D. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News on October 7 & 14, 2026. A notification was sent via mail to surrounding property owners within a 300-foot buffer area, on October 2, 2026. A notice was posted on the property on October 13, 2026 providing information about the public hearing.

PUBLIC COMMENTS

No public comments have been received as of October 15, 2026.

CRITERIA FOR APPROVAL

For approval of Concept Review of a proposed subdivision (LDC 4-1), the County shall consider the objectives of Teton County LDC, application materials, and in a general way, at least the following:

Objective: 1. The conformance of the subdivision with the Comprehensive Plan, LDC and other County Codes as well as Subdivision Development Standards;

Applicant Comment: The property is zoned Foothills 10 (FH-10) and this proposed subdivision will meet the applicable zoning standards with lot sizes, setbacks and other applicable standards. The Comprehensive Plan designation for this parcel is "Foothills". This proposed development meets these standards listed in the Foothills Comprehensive Plan area. The proposed Gallery Subdivision has low residential density and takes into account development patterns for environmental resources and topography. There is access provided within the subdivision to public lands and special standards are in place to take into account the wildland-urban interface.

Staff Comment: The proposed project lies within the Character Area: Foothills FH-10, Foothills 10-acre avg. density:

The Foothills (FH-10) Zone District is intended to ensure development is in harmony with mountainous and hilly settings that are at higher risk to wildfire and notable for wildlife values. FH-10 serves to provide limited residential development with an average density not to exceed one (1) lot per ten (10) acres in the foothills of the Western, Southern, and lower elevation Northeastern portions of the valley. The intent for development in the FH- 10 is to maintain public access to state and federal lands; discourage scattered hillside development that requires remote roads and infrastructure; follow best practices to help prevent wildfires and minimize threats to life and property when wildfires do occur in the fire prone wildland interface; protect steep slopes; and preserve critical wildlife habitats such as wildlife migration linkage areas at the forest edge, and to protect native vegetation and scenic views of the foothills from the valley floor.

The zoning of the parcel is FH-10, Foothills, 10-acre avg. density. The proposed lots will conform to this requirement as the applicant is proposing 15 residential lots on 160 acres, and two open space lots amounting to about 24 acres. and the density calculation allowed is 16 residential lots.

Objective: 2. Requirements of other reviewing agencies and / or jurisdictions providing public services.

Applicant Comment: **EIPH:** An onsite evaluation was completed on March 11, 2026 for a newly proposed 4 lot subdivision on Parcel #RP03N45E073050, known as Gallery Phase 1 subdivision. No groundwater was encountered at the time of the on-site evaluation. Rotten Bottom Creek and Drake Creek run through this parcel. A variety of slopes are present throughout the property, see attached slope map. During this evaluation 4 test holes were excavated to varying depths due to some caving of soils. See additional subdivision on-site evaluation form for soil information. No limiting layers were encountered during this on-site evaluation.

The four test holes that were excavated are for four lots for Phase 1. Additional application and on-site evaluation will be required for Phase 2.

It appears that septic systems in accordance with IDAPA 58.01.03 and the Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems should be able to be placed on these four proposed lots. **Attachment E**.

Staff Comment:

Per EIPH: Gallery Subdivision: Application has been made and preliminary approval has been given. Applicant will need to engage EIPH for individual septic reviews. **Attachment E**.

Objective: 3. Impacts presented from any studies requested related to NP Study

Applicant Comment: The Applicant completed a nutrient-pathogen (NP) study for Phase I, which is included in the submitted materials. Based on the upland location of the proposed Phase II lots, separation from surface water resources, and other site conditions, a waiver of the NP study requirement for Phase II was granted during the Concept review process.

Objective: 3. Impacts presented from any studies requested related to natural resource overlays.

Applicant Comment: The site design responds directly to wildlife habitat considerations, topography, and infrastructure feasibility, resulting in a configuration that reduces overall impact while aligning with the intent of the Teton County Land Development Code. Total disturbance is estimated to be under 20 acres, or approximately 12.5% of the parcel. The remaining 87.5% of the property will remain largely undisturbed outside of designated build envelopes and access corridors.

Staff Comment: At the concept plan stage, the Planning and Zoning Commission (PZC) included the following condition of approval: that the applicant incorporate Wildlife Habitat Assessment (WHA)

findings to adjust lot layouts and building envelopes so as to lessen fragmentation of indicator habitats and steep slopes.
The WHA noted the following:
Per the WHA: Due to the high-quality habitat provided by the project area, a high-density, clustered approach to development of a subdivision is the preferred approach. A cluster of smaller lots in the northern portion of the property would minimize impacts associated with the development of the lots, minimize the amount of necessary road construction and preserve a large intact habitat patch in the southern portion of the project area. The applicant assessed this development scenario and determined that it is not possible to use this type of high-density, clustered approach to attain the full development right on the property and meet development objectives due the extensive steep slopes. **Attachment F.**

Objective: 3. Impacts presented from any studies requested related to **GEOTECHNICAL INVESTIGATION**

ENGINEERING REVIEW: TETON COUNTY PUBLIC WORKS DIRECTOR
Upon review of the Gallery Subdivision Concept Plan Application, I have the following observations:
A geotechnical report is recommended for this development due to the steep slopes. Addressed **attachment O**.
A consecutive stretch Gallery Drive consisting of 10% grade and 12% grade and totaling approximately 540' in length is being proposed. Maximum vertical grades for Local Roads is 10%. Vertical grades may be increased to 15% with special attention to maintenance consequences. Public Works is recommending that the proposed vertical grades be reviewed and approved by the fire marshal. (Again, see Fire Marshal email above)
2. Public Works assumes that Lot 16 is to be accessed from Grove Creek Road?
3. Lots 16 & 17 consist of 30%+ slopes and will be difficult to develop under LDC limitations.
4. Extra landscaping efforts should be put in place given the steep slopes
5. Interior roads must be built to County Local Road Standards
6. Electric and telecommunications services must be run to all lots per Development Agreement and Improvement Plans. **Attachment N**.

Staff Comment: Per the gallery phase II roadway Geotech report: The proposed roadway will need to be constructed at a 22-foot width with an upslope ditch, using standard 2(h):1(v) cut/fill slopes (steepened to 1.75(h):1(v) in select areas), supported by favorable subsurface conditions including shallow bedrock and no observed springs or seeps. Subgrade treatment varies by soil type — loess areas require geotextile reinforcement and deeper structural fill, while gravel/cobble/clay and bedrock subgrades follow a standard section of crushed aggregate over compacted structural fill. Site soils may be reused as fill where suitable (clean gravel, bedrock, or high-gravel-content clay), subject to compaction and placement standards. **Construction will require careful moisture management given the site's clay and loess soils, restrictions on fill placement during frozen or wet conditions, and adherence to OSHA and Wyoming excavation safety standards, with Nelson Engineering providing required quality control testing throughout. Attachment L**. (These may be more relevant considerations during the construction on individual lots.)

CONSIDERATIONS

6-6-2 Applicability

A. This section applies to:
1. *Subdivision developments* in the TN, RN, IR, RA, RR, and FH *zone districts* with 30 acres or less average *density* with standard on-site septic systems or 20 acres or less average *density* with advanced nutrient reducing on-site septic systems.
2. *Subdivision developments* in the LA *zone district* with 75 acres or less average *density* with standard on-site septic system or 40-acres or less average *density* with advanced nutrient reducing on-site septic systems.
3. *Subdivisions* that lie within Nitrate Priority Areas identified by Idaho Department of Environmental Quality (DEQ) and all proposed Large Soil Absorption Systems (LSAS), both of which require a Nutrient Pathogen Evaluation submitted to DEQ.

An NP evaluation was prepared for a portion of the project, while the other lots were waived from the requirement of an NP evaluation. The county reviewer concluded: *Harmony's conclusion found issues of unsupported inputs, not demonstrated site conditions. The chosen values are plausible but arbitrary — equally plausible higher or lower values would swing the outcome favorably or unfavorably. The report doesn't show these are the best available site-specific values, only that they're reasonable-looking ones. At the same time, requiring a full Level 2 NP Evaluation may be disproportionate for a 4-lot project*.

The evaluation was also sent to Idaho DEQ for comment on August 24th, 2026; however, no response had been received at the time the PZC reviewed. As a result, the PZC conditioned their approval to ensure the DEQ review was received before scheduling for the BoCC hearing.

This review, prepared by Harmony Design raises concerns with the fact that a waiver was granted for a larger area of the project than the area that was evaluated, and questioned the data that was relied on for the modeling. Although it raised concerns, it did not provide clear direction for how those concerns should be resolved. Following the PZC hearing the county received comments from Idaho DEQ concurring with the findings of the NP evaluation, supporting the proposed septic system density.

PLANNING AND ZONING COMMISSION PRELIMINARY PLAT REVIEW:

While acknowledging the site's severe development constraints, the committee debated the subdivision's layout relative to environmental studies and building placements. Mr. Weber and Mr. Braun raised concerns regarding sensitive areas, specifically noting that lots 5, 14, and 15 do not avoid critical zones, and requested further clarification on the Nutrient Pathogen (NP) study before moving the application forward. Conversely, Mr. Wilcox, Mr. Llywellyn Jones, and Ms. Martin defended the design, asserting that the layout successfully balances the consultants' input and study results, and cautioned that moving building envelopes out of the wildlife migration corridor would require a great deal more roadwork.

Mover: Harley Wilcox Seconder: Maggie Martin
Ayes (5): Wyatt Penfold, Tom Braun, Harley Wilcox, Maggie Martin, And Collin Hunter
Nays: (2): James Weber, And Carl Kohut
Having Concluded That The Criteria For Approval Of A Subdivision Preliminary Plat Found In LDC (LDC 4-13-D) Can Be Satisfied, I Move To Recommend Approval Of The Preliminary Plat Application For Gallery Subdivision As Described In The Application Materials Submitted March 2, 2026, With The Inclusion Of Additional Applicant Information Attached To This Staff Report And The Following Condition Of Approval:

1. DEQ Report Will Be Provided Before Scheduling The BoCC Preliminary Plat Hearing. Provided (attachment R).

POTENTIAL BOCC CONDITIONS OF APPROVAL

- Obtain approval for the Improvement Plans from Public Works and the Planning Department.
- Record a signed development agreement, CCRs, and Master Plan as necessary (LDC 4-13-(D)(5) and (6).
- Complete a Grading and Erosion Control Permit as required by LDC 5-2-1 and complete a pre-construction meeting before commencing construction.
- Completion of improvements and application for Final Plat must be submitted within 24 months of approval of the Preliminary Plat (LDC 4-13-(D)(5) and (6).

Recommended language from USFS comment for addition to CCRs.
Trails: Any new trails from the PUD to the surrounding public lands are subject to permit and approval of the USFS. Any informal, unpermitted trails from the PUD onto the Forest Service Lands are prohibited. The boundary of the PUD will be actively monitored by the Gallery Subdivision HOA on a yearly basis. If unpermitted trails are identified, with the oversight of the USFS, the Gallery Subdivision HOA will close and revegetate these trails. (note that the subdivision name has been changed to reflect the current application name).

Note: The Teton School District has requested a voluntary contribution from the developer. It is not clear to staff that the county can mandate this contribution given the current LDC language. The board could seek legal counsel if they have questions on this.

BOARD OF COUNTY COMMISSIONERS' ACTIONS

A. Approve the Preliminary Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
B. Approve the Preliminary Plat, with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
C. Deny the Preliminary Plat application request and provide the reasons and justifications for the denial.
D. Continue to a future BoCC 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 approve or deny the application:

APPROVAL

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in LDC (LDC 4-1) *can be satisfied with the inclusion of the following conditions of approval: …*

- *I move to APPROVE the Preliminary Plat for Gallery Subdivision with additional applicant information attached to this staff report.*

DENIAL

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in LDC (LDC 4-1) *have not been satisfied, I move to DENY the Preliminary Plat for Gallery Subdivision as described in the application materials submitted April 22, 2026 and as supplemented with additional applicant information attached to this staff report.*

CONTINUATION

I move to continue the public hearing for Gallery Subdivision to a specific date and time in order to obtain additional information from the applicant or reviewing agencies.

Prepared By
Mitzi Van Arsdell, Associate Planner
Joshua Chase, Planning Administrator

ATTACHMENTS:

A. Application
B. Narrative
C. Preliminary Plat
D. Development Agreement July 2026
E. EIPH Review
F. CCRs
G. Phase I Gallery N-P Report
H. Improvements
I. Improvements Cost Estimate
J. Jones_85ac_MitigationPlan

K. Labra Lane N-P Report_2.5.2026
L. EIPH Response - Agency Notices for February 10, 2026
M. WHA
N. 2026-09-01_Engineer Review Gallery Subdivision Preliminary
O. 2026-05-29_Engineer Review Gallery Subdivision Concept
P. Gallery Phase II Subdivision EIPH Letter7.14.2026
Q. Gallery Fire Marshal Review_8.17.2026
R. DEQ Comment Letter_9.25.2026
S. Gallery Subdivision School Growth Contribution Program
T. Forest Service Gallery subdivision 2026 comment letter

End of Staff Report