



FROM: Kristin Owen, Planning Administrator
TO: Planning & Zoning Commission
RE: Nutrient Pathogen Waiver Request
MEETING: November 8, 2016

Nutrient Pathogen Waiver for Nelson Subdivision

Valoie Nelson, represented by Pierson Land Works, has applied for Preliminary Plat approval for a 2-lot subdivision. Fox Creek crosses this property, which is considered part of the Wetlands and Waterways Overlay. This Overlay requires a Nutrient Pathogen Evaluation to be conducted for the Preliminary Phase of a subdivision application.

Title 9 identifies a waiver process for the Nutrient Pathogen Evaluation if the study is not required by IDEQ or Eastern Idaho Public Health. For this application, neither IDEQ nor EIPH require a Nutrient Pathogen Evaluation, which makes this application eligible for the waiver.

The Board of County Commissioners may approve a Nutrient Pathogen Evaluation Waiver after they receive a recommendation from the Planning & Zoning Commission.

Comments to Consider

After speaking with Mike Dronen, Eastern Idaho Public Health does not require Nutrient Pathogen Evaluations.

After speaking with William Teuscher, P.E., the Idaho Department of Environment Quality could require Nutrient Pathogen Evaluations. IDEQ has three conditions that require this evaluation:

1. If the system generates more than 2500 GPD of wastewater (Large Soil Absorption System)
2. If the system falls within one of the State's designated Nitrate Priority Areas. (The only place this may occur in Teton County is on the very north boundary of the county near Bitch Creek.)
3. If the system is over a designated "Sensitive Resource Water", which do not exist in Teton County.

Title 9 identifies Nutrient Pathogen Evaluations for proposed developments. Although Nelson Subdivision is a proposed development, both of the proposed lots have an existing home and septic system in place. New development is not being proposed. However, additional development could take place in the future that may impact water quality, such as adding accessory dwelling units, replacing the existing homes, etc.

Possible Motions

Recommending Approval

I move to recommend the Nutrient Pathogen Evaluation Waiver Request for Nelson Subdivision to the Board of County Commissioners for approval, with the following condition(s):

1. A section in the Development Agreement for Nelson Subdivision will be added that says the Nutrient Pathogen Evaluation will be required before a building permit will be issued.

Recommending Denial

I move to recommend the Nutrient Pathogen Evaluation Waiver Request for Ross Meadow Nelson Subdivision to the Board of County Commissioners for denial, for the following reason(s):

1. ...

Attachment: NP Waiver Request for Nelson Subdivision

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November 7, 2016

Teton County Planning & Zoning Department
Attn: Kristin Rader and Teton County Planning & Zoning Commission
Teton County Courthouse
150 Courthouse Drive
Driggs, ID 83422

RE: Request of a Nutrient-Pathogen Evaluation Waiver for the proposed Nelson Subdivision 2-Lot Subdivision; 680 East 5500 South Victor ID

Dear Kristin and Teton County Planning & Zoning Commission:

Please consider this request to waiver the Nutrient-Pathogen Evaluation as required under Teton County Subdivision Regulations Title 9-2-3(C-3-b). We are submitting this waiver on behalf of Valoie Nelson owner and applicant for the Nelson Subdivision, a 2-Lot subdivision of 8.11 acres within the SW1/4 NE1/4 of Section 25 T. 4 N., R. 45 E., B.M., TETON COUNTY, IDAHO.

The Nelson Subdivision is proposing a new boundary line that will take the parent parcel of 8.11 acres and form a 2-Lot Subdivision consisting of Lot 1 (5.6 acres) and Lot 2 (2.5 acres). The proposed Nelson Subdivision is within the Wetlands and Waterways Overlay due to the fact that a seasonal channel of Fox Creek flows through the property. The WW Overlay was originally overlooked during the Concept Review Phase and was a non-issue in the Development Review Committee meeting held on October 11, 2016. The proposed Nelson Subdivision has existing infrastructure consisting of two homes with appropriate utilities to service the residences. Both domestic wells and sanity sewer systems that service the residences have been approved and are of record with the Eastern Idaho Public Health Department. The Nelson Subdivision proposes no further development that would may require a Nutrient-Pathogen (NP) Evaluation as the in-place infrastructure is satisfactory and current to the standards required by Eastern Idaho Public Health Department.

Please let me know if you need additional information or have any questions. This request to waiver a Nutrient-Pathogen (NP) Evaluation will be on the Preliminary Plat Approval Hearing scheduled November 8, 2016.

Sincerely,

Patrick Gilroy