TETON COUNTY

PLANNING & ZONING COMMISSION

PUBLIC HEARING

February 10, 2026
5:00 p.m.
First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422

Members Present:	James Weber Carl Kohut Tom Braun Harley Wilcox
Members Absent:	Wyatt Penfold
Staff Present:	Sharon Fox Joshua Chase

A. Chairman Business

There was no Chairman business.

B. Administrator Business

Mr. Chase informed the Commission that one of the vacant positions was appointed on February 9th by the BoCC. His name is Collin Hunter and he will not be sworn in for 2 weeks.

Mr. Chase also noted that there were only 3 Planning Commission members present but due to the two current vacancies that was sufficient for a quorum since there are only 5 Planning Commissioners appointed at this time. The Board of County Commissioners plans to appoint the replacements at their next regular meeting.

C. Action Items

1. 5:00 PM PUBLIC HEARING: Ripple Ridge Ranch Subdivision Preliminary Plat Hearing

Mr. Chase reviewed the application for a 9 lot subdivision on two parcels totaling 218.3 acres located at 11248 N 5000 W in Felt. He discussed the zoning, the surrounding uses, the presence of Bull Elk Creek and big game and sharp tailed grouse overlays also on the parcels. He noted that the applicants had prepared an NP study that was submitted to DEQ for

review, but no response had been received yet. He stated that EIPH has approved the subdivision but the Fire Marshal has not yet finalized his review. He then reviewed the suggested conditions of approval and the next step for the applicant.

Mr. Braun asked about the two large lots that he thought would have building envelopes. Mr. Chase commented the wildlife study determined that the those lots were large enough to accommodate two houses without interfering with the migration corridor.

Mr. Husk Crowther with Civilize Engineering, representing the applicant, commented on the two larger lots and stated that, at this time, they are not planning on placing any residential structures on these parcels. He discussed the changes made to improvement plans based on the review by the Public Works engineer, new fire pond details to get the final approval, and the attempt to meet the design requirements for utility layout. He explained that will be worked out after the next Preliminary hearing with the BoCC and discussed the new cost estimate submitted and the recent approval received from the Fire Marshal.

Mr. Braun asked how the disturbed areas were calculated. Mr. Crowther commented that it was based on the subdivision road, assumed driveways and space for two residences. He also questioned the lack of building envelopes on the two large lots and Mr. Crowther commented they made need to use the lots for ag buildings since they will be kept in ag for some time and did not want to be required to put those type of buildings in an envelope rather than the most appropriate location for an ag building.

PUBLIC COMMENT:

There was no public comment.

COMMISSION DELIBERATION:

Mr. Weber asked about 5000 W being a private road and if there was a road maintenance agreement proposed. Mr. Chase commented he thought that issue was resolved with the redesigned access.

Mr. Braun was concerned with the building envelopes being partially in the new floodplain mapped area. Mr. Chase commented there is still sufficient area for building that is not within the floodplain. Mr. Kohut commented he thought the envelope placement might have something to do with the steep slopes that are located on some of the proposed lots. Mr. Chase commented he felt that was part of the process. Mr. Kohut commented he was pleased with the way the lots were clustered, but wanted to see the envelopes removed from the floodplain since it has been established and to demonstrate meeting the 50' setback from the creek.

Mr. Weber felt that the 50' creek setback would be enforced at the building permit state. Mr. Kohut commented he was fairly confident in the setbacks

will be included on the plat and will be confirmed through the building permit phase. Mr. Braun felt the building envelopes and setback from the stream should be dealt with now before the next hearing and he also wanted to see building envelopes on lots 1 & 2.

Mr. Weber commented he also wanted to see lots 1 & 2 set aside building envelopes in the native grass which would give them a large amount of acres to choose from regarding home placement. He was not concerned with the use of 5000 W for Lot 2 access and was pleased with the design. He would like to add a condition to place building envelopes in the grass area if approved.

MOVER: James Weber
SECONDER: 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 APPROVING the Preliminary Plat Application for the Ripple Ridge Ranch Subdivision as described in the application materials submitted June 23, 2025, with the inclusion of additional applicant information attached to this staff report and the conditions of approval #1 and 2 in the staff report along with a condition #3 Calling for building envelopes on Lots 1 & 2 to be placed in the native grassland/agricultural meadows habitat .

AYES (3): James Weber, Carl Kohut, and Harley Wilcox

NAYS: (1): Tom Braun

Absent (1): Wyatt Penfold

Adopted (3 to 1)

2. <u>5:20 PM PUBLIC HEARING: Palisade Village Subdivision Preliminary Plat Hearing</u>

Mr. Chase reviewed the application for a 7 lot subdivision on 37 acres located at the intersection of Hwy 33 and CR W 5250 N. He noted the natural resource overlays, wetland habitat and some floodplain due to South Leigh Creek on the norther portion of the property. He discussed the previous access layout that was agreed on with an adjacent neighbor and since the layout changed there is a new proposed road maintenance agreement but there has been no agreement reached at this time. Mr. Chase also talked about the canal on the property and the water master living on an adjacent lot who maintains the canal for the users with rights downstream and the need for the water source for the fire pond to be clarified.

Ms. Allison Ahlert with Harmony Design & Engineering, representing the applicant, commented the road maintenance agreement has been presented to the involved neighbors and there are still some issues to be resolved, but they are working on the issues. She also noted the easement shown for the preliminary plat to protect that stream conveyance downstream in two locations. She stated they are working on other potential conveyances that may need easements added when verified. She stated they have decided to add a well for the fire pond so there are no concerns with maintaining the pond levels and they would move the canal to make the flow management more consistent.

Mr. Jacob Borg, applicant, commented he has been working with The Vistas Subdivision and felt that they have been very responsive with the proposals and he believed that it would be worked out soon. He also stated he is committed to see that Mr. Brightman gets all the water needed for irrigation and would wait until after the spring runoff and the ditches dry out before attempting to move anything.

Mr. Weber asked about the building envelope on the open space lot. Ms. Ahlert commented that was placed there to potentially provide a storage area for outdoor sports equipment or a potential clubhouse, but would have no building rights.

PUBLIC COMMENTS:

Ms. Chloe Pierce, adjacent property owner, commented they have tried over the last three years to resolve lot line issues. The original agreement was not held to and she felt he is not living up to the promises made and she is concerned with his lack of willingness to continue discussions. She was also concerned with some of the points in the road share agreement and wanted to see it finalized before moving forward.

Mr. Kane Brightman, adjacent property owner of 25 acres, read a letter regarding the shared road agreement failure to acknowledge the existing fence line that is now the border based on a court case resolution in 1985. He claimed the proposed road outline encroaches on his property and wants that to be resolved prior to moving forward. His biggest concern was the distribution of irrigation water through the ditches that cross the property.

APPLICANT REBUTTAL:

Ms. Ahlert commented the property line shown on the plat has been surveyed and it is not the fence line and state fence laws are resolved at the state level if the property line is disputed. She also noted that does not interfere with the criteria for approval and would not alter the access to the subdivision if there is a property line change. Regarding the EIPH comment on the review of the site she commented they have given preliminary approval for on-site septic for the subdivision and when

someone applies for a building permit they will work with EIPH to finalize their septic system requirements and location.

Mr. Jacob Borg, applicant, commented he has been communicating with Mr. Brightman and his daughter Chloe and was planning on a shared road for access. He said their timelines were not matching up and they needed the road completed prior to the subdivision approval so they could obtain a CO. They were able to put in an access road to their new home on their property so there is not need to share that access road.

Mr. Bart Birch, legal counsel for the applicant, stated that only the Idaho district court can make a property line determination and unless that is done there is no property line issue. He stated the court had already denied the previous lawsuit regarding the fence location and he felt that the survey is accurately representing the true property line. He also noted they would not impede any water flow through the property and will make sure all accesses are protected.

Mr. Kohut asked if Mr. Borg is going to allow access to the adjacent property that appears to be absorbed by Tag Alder Lane. Mr. Borg commented they have constructed an access road that is completely on their property so they do not need access from the subdivision road.

COMMISSION DELIBERATION:

Mr. Weber commented he was comfortable moving forward with the conditions of approval and the concerns expressed that can be resolved in the BoCC preliminary hearing.

Mr. Braun commented the two outstanding issues are addressed with a condition on the final plat regarding the ditch easement locations and wanted to have the road maintenance agreement resolution included as a condition.

Mr. Weber also wanted to see a condition to add a plat note for lot 5 stating it was an open space lot with no residential rights.

MOVER: James Weber
SECONDER: Harley Wilcox

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 Palisade Village Subdivision as described in the application materials submitted January 10, 2025, with the inclusion of additional applicant information attached to this staff report and the three conditions of approval listed in the staff report along with an additional condiion:

#4. The Road share agreement be finalized prior to the BoCC final approval.

AYES (4): James Weber, Carl Kohut, Tom Braun, and Harley Wilcox

Absent (1): Wyatt Penfold

Adopted (4 to 0)

3. 5:40 PM PUBLIC HEARING: Labra Lane Subdivision Preliminary Plat Hearing

The Commission took a five minute break at 6:50.

Mr. Chase review the application for a 7 lot subdivision (6 residential lots and 1 open space lot) on 85.94 acres located SW of Victor. He discussed the varied lot sizes based on topographic aspects of the land, the overlays, and the significant redesign since concept plan was approved to improve the proposal based on the WHA and conversations and concerns with the Fire Marshal that have partially been addressed. All structures will be required to be sprinkled due to the steep slopes. He discussed the road width that would be required for fire access, which would disturb a significant amount of foliage and the requirement to provide sprinkler systems in each residence was sufficient to reduce the road width based on the Fire Marshal. He also explained that the NP evaluation located in the information packet is a final version and it has not yet been reviewed by DEQ.

Mr. Wilcox asked if the road width discussed is the for the main road or the driveways. Mr. Chase commented on a standard in the Wildfire Hazard overlay that requires the home be within 200' of the main road. Due to the steep slopes on the parcel the Fire Marshal has made some concessions since the state code does not require the full road width that is suggested in the LDC code. Mr. Wilcox asked if the subdivision road would meet County road standards. Mr. Chase commented the applicant's representative would be able to clarify the road issue.

Mr. Taylor Cook with Nelson Engineering, representing the applicant, commented the the 200' represents the driveways distance to the home from the main road. He stated the Fire Marshal has agreed that if they can't meeting the 200' requirement the road would need to be widened and have turnouts, but would not have to meet County road width standards. He noted the clustering of the lots and the reduction of the number of lots proposed. He offered to answer questions and noted the other consultants available to answer questions.

Mr. Wilcox asked about the variance option if the roads don't meet the standards. He was concerned with approving a subdivision layout that will require a variance at the building permit stage. Mr. Chase commented that

the applicant has stated they can work with the requirement if the 200' driveway distance was not possible.

Mr. Lewellyn Jones, applicant, commented that the slope on lot 1 is due to the desire to reduce vegetation disturbance to get down to a building site.

PUBLIC COMMENTS:

There was no public comments.

COMMISSION DELIBERATION:

Mr. Weber commented he was appreciative with the layout and design after comments received at Concept and incorporating the findings from the WHA and he had no problem with moving the application forward.

Mr. Wilcox commented that as long as they can build within 200'' of the road there is no need for a condition in relation to that requirement and it would not require a variance. Mr. Braun agreed the first condition could go away for that reason.

MOVER: James Weber
SECONDER: Harley Wilcox

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 Labra Lane Subdivision with additional applicant information attached to this staff report and the following condition:

1. Use and incorporate the findings of the NP study prior to the preliminary plat at the BoCC hearing.

AYES (4): James Weber, Carl Kohut, Tom Braun, and Harley Wilcox

Absent (1): Wyatt Penfold

Adopted (4 to 0)

4. 6:00 PM PUBLIC HEARING: John Ferguson JGF Family 2 LLC Variance Request - WITHDRAWN

5. 6:20 PM PUBLIC HEARING: MD Spud LLC - LDC Amendment Request

Mr. Chase reviewed the application proposal to amend the LDC, which is allowed by Ordinance, and that this is proposed as a County wide LDC change rather than a site specific request. The request is to add a new item to the Land Use Table in Chapter 3 for a drive-in theater in the RN-5 zone. He reviewed the criteria for approval for a change to the LDC and

felt that the applicant has met the criteria. Based on the fact that the drive-in existed in the valley for a long time he did not feel the request was inappropriate and that it was supported by the Comp Plan. He noted the applicant's proposal to allow additional activities outside the drive-in use without obtaining a Special or Limited Use Permit in order to use the space as an event center, which he felt should be discussed by the Commission.

Mr. Braun asked if it was the applicant that requested the limited review process or the special use process or if it was it the County that asked. Mr. Chase commented the BoCC wanted to see the change made for the applicant and it was felt that the applicant should request the change rather that the BoCC proposing the change.

Mr. Wilcox asked if there was anything in the proposal that would trigger a traffic study for the proposed change. Mr. Chase commented he did not believe there was.

Mr. Kohut asked why the 3 acre requirement was identified. Mr. Chase commented the applicant would need to answer that question.

Ms. Jen Zung with Harmony Design & Engineering, represent the applicant, commented the application is for a new land use for a drive-in theater. She said they wanted to expand beyond the grandfathered use of the drive-in and be able to provide other additional entertainment use for the valley. They wanted to offer theater, films, music performances, and an enlarged restaurant capacity. She felt the proposal was a benefit to the community and was unique to Teton County. Due to the limited summer season the applicant wanted to increase the use of the space by having additional types of events. She stated they looked at other jurisdictions and based on the number of cars per acre in other areas they are proposing 71 cars per acre on 3 acres, which would be 137 cars for viewing and additional parking for overflow on events. She noted that the limited use stamdards proposed would include fencing all around the parcel, they addressed health concerns with connecting to public waste water systems, lighting restrictings, noise minimization efforts, and compliance with the restaurant regulations.

Mr. Kohut asked if the reference should be tied to cars rather than acres. She did not think that is necessary since the chance of another drive-in request was highly unlikely.

Mr. Weber thought the perimeter fencing should be better addressed in the description. Ms. Zung commented she did think a privacy fence should be used rather than code compliant fencing. Mr. Wilcox was concerned that the allowance of events with no SUP would provide no control of traffic for special events that could be held at any time and could conflict with the flow of traffic on the highway. He was concerned if there were more than 150 cars it could be a problem without a traffic plan. He thought

with an event that anticipates a large amount of traffic there should be some additional requirements. He suggested that if a special event goes over a certain number of participants it should require a traffic plan be submitted. Mr. Chase commented that a Limited Use Permit or a Special Use Permit for events identify other concerns like traffice flow, parking, hours of events, etc. and this would not allow the review by other agencies.

Mr. Braun was concerned with the special event use without further review of those events or the scale of those events. He also wanted the applicant to respond why the limited use standards rather than special use standards. Ms. Zung commented that they added enough use standards to protect the surrounding neighborhoods.

PUBLIC COMMENTS:

Ms. Nikki Richards with VARD commented she felt that the community was excited for the return of the Spud and encourage the Commission to come up with the way to work with the applicant. Regarding the traffic flow, she noted that the subdivision across the street will be generating a lot of traffic since it has been converted to IR zoning.

COMMISSION DELIBERATION:

Mr. Weber asked why the applicant proposed 3 acre minimum lot size for the use when the lot is almost 5 acres. Ms. Zung felt that the 3 acre requirement was a sufficient number for the size of the valley. It will provide 137 parking spaces and she felt that was more than enough for a drive-in.

Mr. Braun commented he wanted to find a solution to support the drive-in but was not in favor of the way it was written. He wanted to have more requirements for special events but was not comfortable with special events without any additional guidelines and potential traffic analysis done and was not ready to move the application forward at this point.

Mr. Weber agreed with some of the concerns and comments that have been brought up, but wanted to find a way to move it forward with specific comments to address the concerns expressed. Mr. Weber also questioned the lack of landscaping or scenic corridor standards being required. Mr. Wilcox felt the size and scale of the event and the public benefit should be part of that consideration to avoid those type of requirements.

Mr. Wilcox commented he agreed that problems should be addressed and moved forward unless it was felt the application should be denied. He felt there should be a public hearing to give the neighbors a chance to provide feedback. He wanted to see the neighbors notified about special events and some limits as to the scale of a special event. He felt there should be some trigger for a traffic plan to be submitted for an event and possible a

size limit for special events. He was concerned that someone else will apply for a movie theater just so they could have special events.

Mr. Braun was concerned with the 2:00 AM allowance for events. Mr. Weber asked if they approved the 2:00 AM time would that be something that could be changed if there were a lot of neighbor complaints. Mr. Chase commented that the special use permit would be able to apply different requirements based on the proposed event, if that was required.

Mr. Kohut felt there was a consensus for a special use permit for events other than movies rather than a limited review without public comments.He wondered if they could move it forward with the includsion of a special use permit requirement rather than the requested limited use permit. Mr. Chase suggested that they could move the application forward with the change of requiring a special use permit rather than a limited use permit which would trigger public hearings to notify neighbors of the event. He felt it could be moved forward with the concerns expressed included in the conditions.

MOVER: Harley Wilcox
SECONDER: Carl Kohut

Having found that the review criteria in LDC 4-4-F can be met with conditions or modifications, I move to recommend approval of the LDC amendment to add the Drive-In Theater use as presented in the staff report and materials attached, with the following modifications or conditions:

1. Instead of a LUP it would require a SUP,

2. There will be some consideration to limit the size of a special event without further permitting.

3. There will be some consideration to what size movie theater would require a traffic study.

4. Buffer screening should be provided to protect surrounding incompatible uses.

5. Hours of operation should be determined through the special use proces.

AYES (4): James Weber, Carl Kohut, Tom Braun, and Harley Wilcox

Absent (1): Wyatt Penfold

Adopted (4 to 0)

6. <u>ACTION ITEM: Written Decision for the T10 MNTS LLC Variance Request</u>

Mr. Chase explained the Written Decision was a result of the approval for the requested wetlands variance.

MOVER: Carl Kohut
SECONDER: Harley Wilcox

I move to approve the Written Decision for T10 MNTS LLC Wetlands Variance Request as written.

AYES (3): James Weber, Carl Kohut, and Harley Wilcox

Absent (2): Wyatt Penfold, Tom Braun

Adopted (3 to 0)

D. Adjourn

MOVER: Harley Wilcox
SECONDER: Carl Kohut

<u>MOTION:</u> *Adjourn 8:45 PM.*