PRELIMINARY PLAT REVIEW SUBSTANTIAL PLAT AMENDMENT HEARING

BY: Sunrise Engineering Firm, Robert Heuseveldt

FOR: Dan Christensen, Driggs Idaho Real Estate LLC

WHERE: Sweetwater Subdivision Phase I, (Lots 8-25)

REPORT PREPARED FOR: Teton County Board of County Commissioners 02/23/2026

REQUEST: Sunrise Engineering, on behalf of Dan Christensen, has requested a re-plat / plat amendment of Sweetwater Subdivision, Phase I. The request is to amend lots 8-25 from 18 existing lots to 44 lots, including one open space lot.

This is considered a substantial plat amendment within the applicable Teton County Subdivision ordinance and AOI agreement. The parcel does fall within Airport Overlays.

The application was initially heard in September 2024 but was tabled by the JPZC for additional information. Applicants presented the information in December and waited for confirmation from Teton County's Prosecuting Attorney's Office on a memo submitted by their attorneys. The applicant decided to pursue scheduling after making changes to the application to address the contested issues.

In June and August 2025 the joint Commission deliberated toward a decision, discussing concerns regarding CCR's, access, street lights, public works comments, safety and coordination with regard to vehicle/plane/pedestrian conflict and runway access, open space and park space, traffic impact study review, and fiscal impacts. At the most recent hearing the Joint Commission received updated information in the form of a judicial decision resolving questions of access to the runway for purposes of the county review. Following this the Commission reached a recommendation for approval on January 13, 2026, including conditions related to attempting to ensure protection from unauthorized vehicles entering the runway.

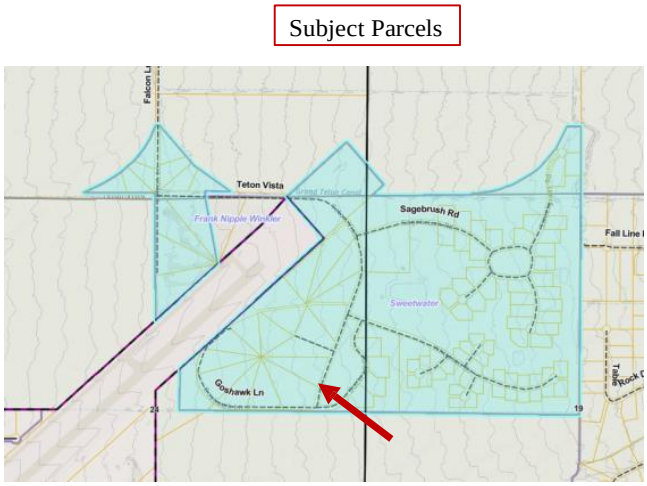


Figure 1 Sweetwater Subdivision; both phase I & II

Figure 2 Sweetwater Subdivision Phase 1 No existing development

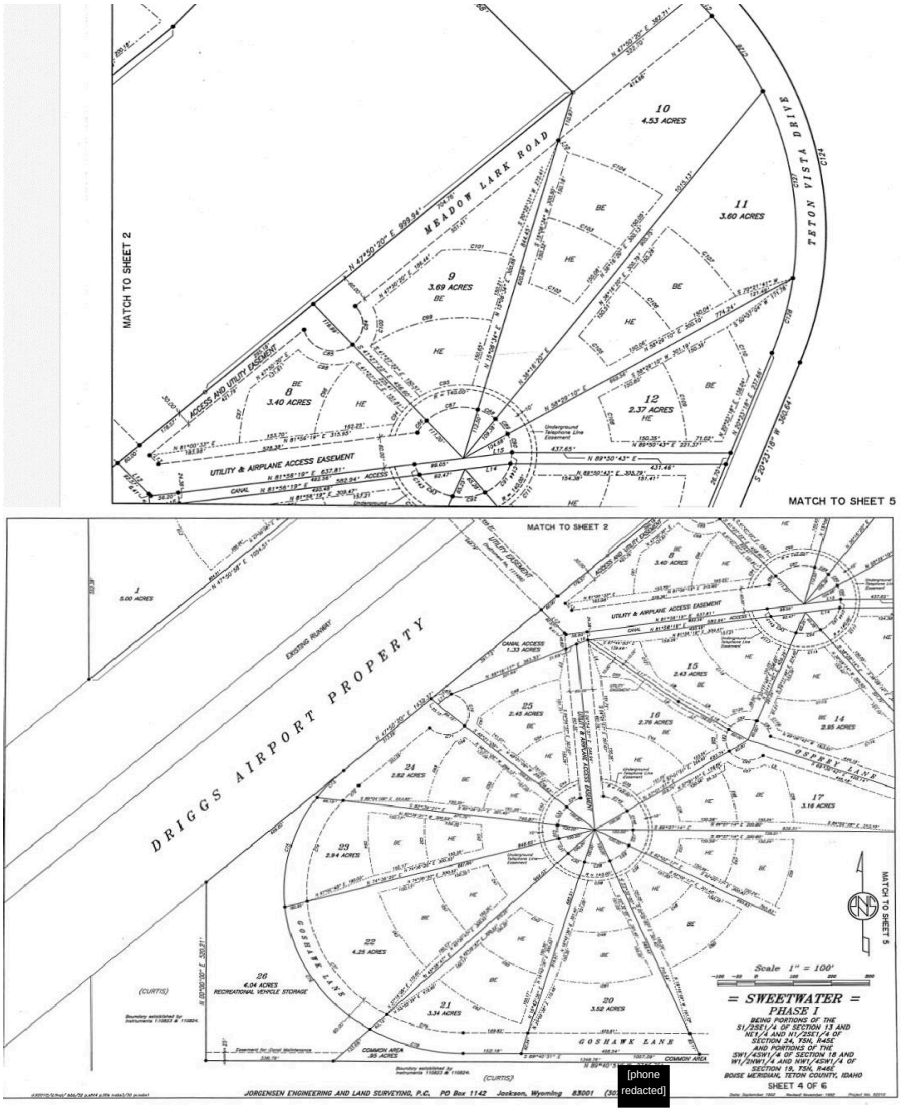


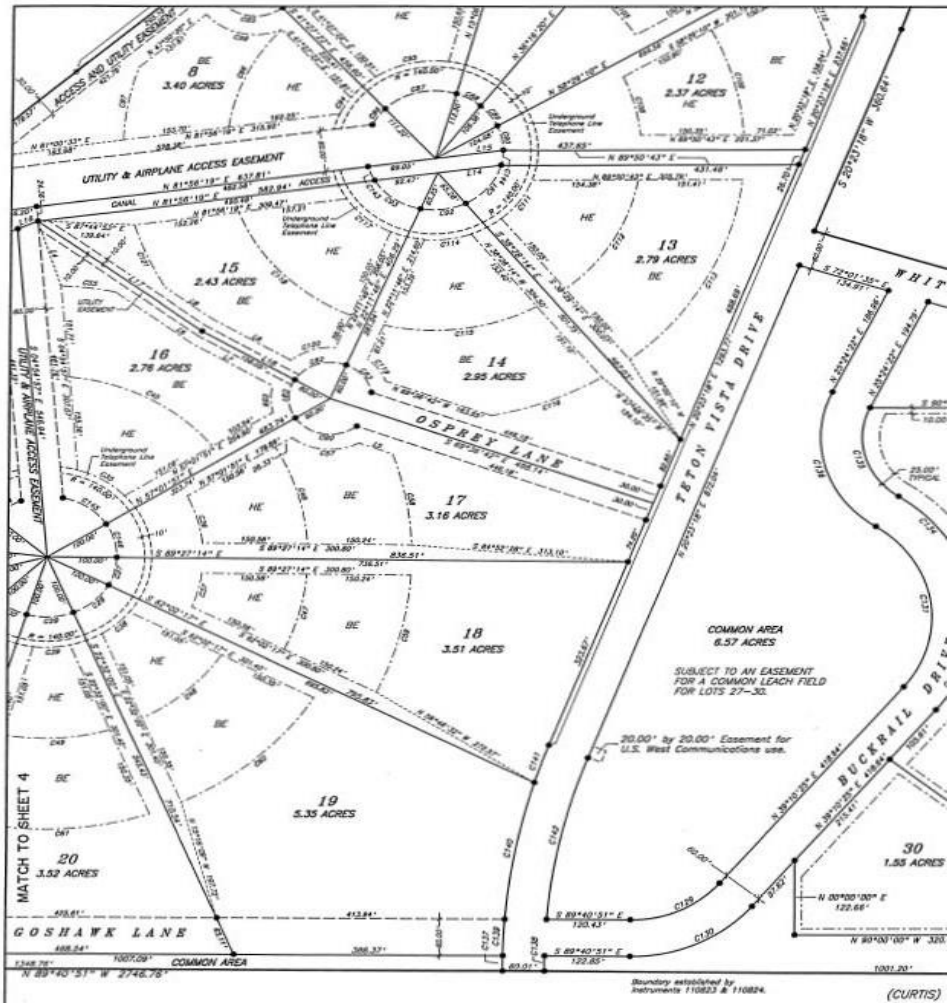
APPLICABLE COUNTY CODE: Teton County Code Title 7 Chapter 1- Driggs Area of City Impact Ordinance specifies, under A.3., Teton-County Subdivision Regulations apply, with exceptions to include City of Driggs Subdivision Design Standards (Title 1, Chapter 4), City of Driggs Subdivision Improvement Standards (Title 10, Chapter 5), and City of Driggs PUD Regulations (Title 10, Chapter6). Applicable County subdivision regulations are Title 9-7-1-B. Changes to Recorded Plats (revised 5/16/2013); City of Driggs Comprehensive Plan (dated January 19, 2010).

LEGAL DESCRIPTION: LOTS 8-25 SWEETWATER PHASE I SEC 24 T5N R45E;
LOCATION: Sweetwater Subdivision, Phase I, North of Driggs
ZONING DISTRICT: ADR-1.0 Driggs Impact Area 1.0-Acre Avg. Density Residential (at time of application)
PROPERTY SIZE: Total project acreage – 61.20 acres

PROJECT DESCRIPTION

Sweetwater Subdivision Phase I was originally platted in 1992 as 30 lots, allowing for hangar home development. The applicant is proposing to amend lots 8-25 of the development from 17 existing lots to 44 lots (an increase of 27 lots. Figures 3-5 (below) indicate the original plat layout. The lots were originally platted with Building Envelopes (BE) and Hangar Envelopes (HE).





Figures 3-5: original Plat Sweetwater Subdivision Phase

Because the applicant is proposing increasing the number of lots from 18 to 44, the project is considered a Substantial Change – Increase Scale, Impact.

b. **Substantial Changes – Increase Scale, Impact**. Substantial Changes – Increase Scale, Impact are changes that increase the scale or scope of the platted subdivision, or increase the direct or indirect impacts on the immediate neighborhood, general vicinity of the subdivision or overall community. These substantial changes may include the following:

i. an increase in the number of lots;
ii. the re-arrangement or relocation of lots that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property;
iii. the relocation of parking facilities, buildings, or other elements of the development that encroach further into natural resource areas or Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property; or
iv. other changes of similar magnitude or projected impact.

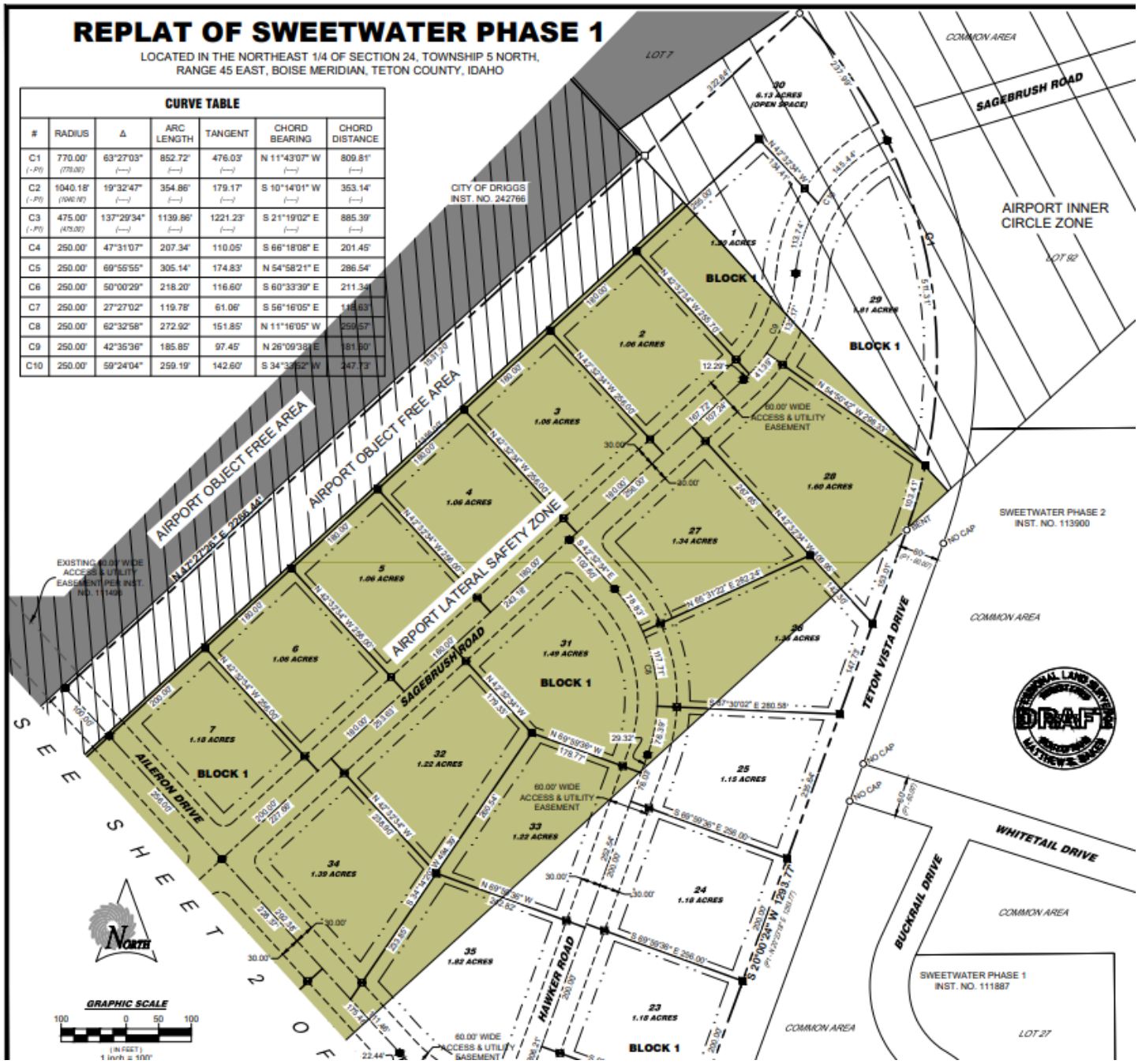


Figure 6. Replat proposal pg. 1

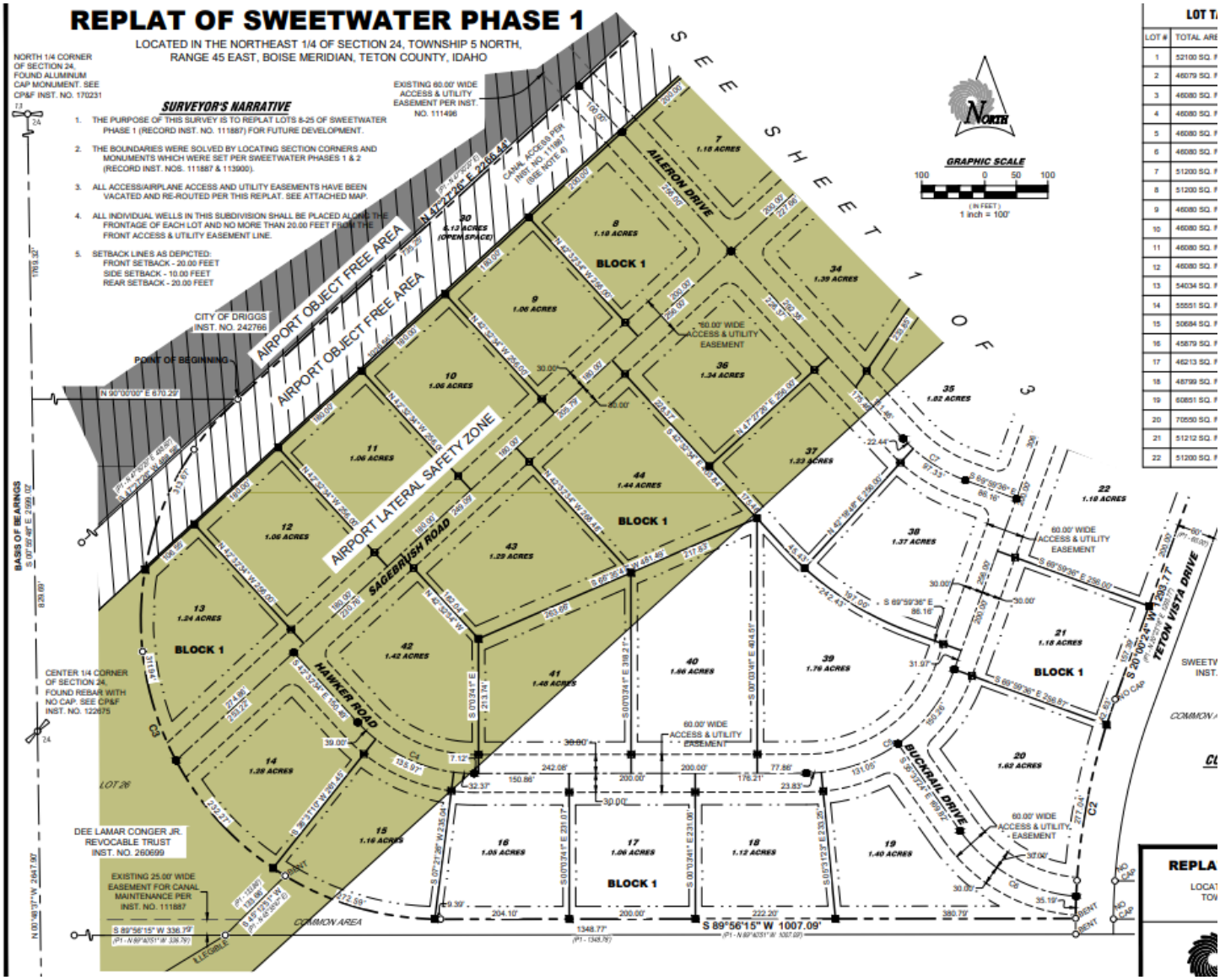


Figure 8. Replat proposal pg. 2

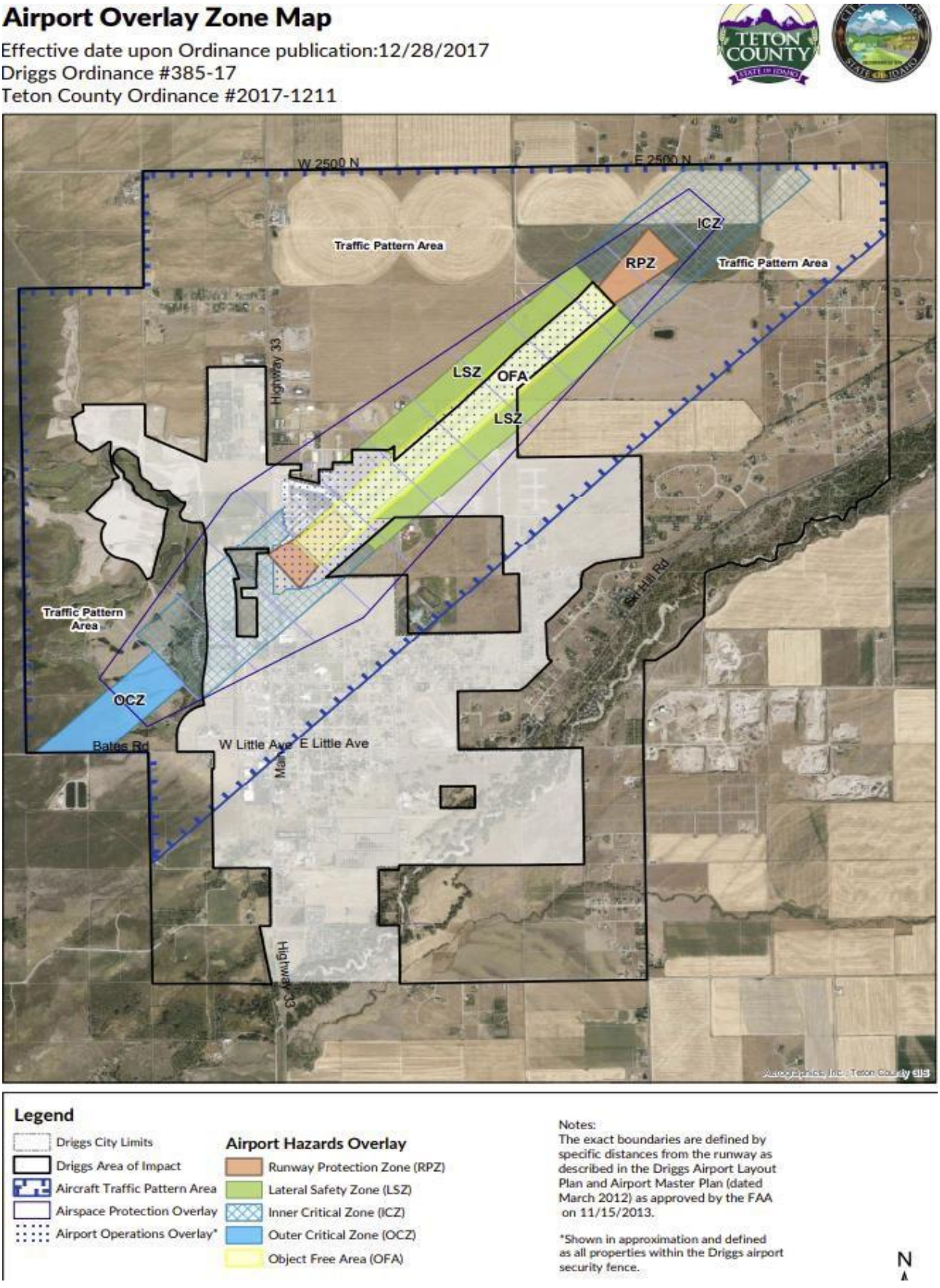


Figure 9. Airport overlays on the property – LSZ and partially OFA

PROJECT DESCRIPTION AND ANALYSIS - CONTINUED

An overarching challenge in reviewing the proposed replat is the consideration of regulations outside of the land development codes of the County and City of Driggs, such as the Driggs Airport Plan and FAA guidelines, as well as the challenge in tracking which codes are relevant based on the application date. During the final joint Planning and Zoning Commission hearing, the applicants presented a Memorandum Decision from the District 7 Court addressing issues related to this subdivision's access to the airport. It concluded that "the Access Easement is a valid and enforceable easement" and further, "the scope of the easement includes the right of access between the east and west lots of the subdivision and to the KDIJ airport runway." Doug Self, representing the City of Driggs, indicated that negotiations between the applicants and the City were ongoing, and the City presented updated information from these discussions at the recent January 2026 public hearing.

The applicable zoning this project is reviewed under is ADR 1-0 average density residential. The proposal is to create 44 total lots, 43 of which are just over 1 acre for residential and or hangar uses, and an open space lot parallel to the runway that largely coincides with the Airport Object Free Area. The applicant's narrative states that the subdivision adjustment results in 43 lots over 61.20 acres, which would result in an average density of 1.4 acres per lot, meeting the 1.0-acre average density requirement. Accessory Dwelling Units are allowed in the Lateral Safety Zone, within the City of Driggs code within hangars, and in proportion to their floor area,. This provision has not been consistently applied as changes have occurred within the Driggs impact area zoning. Building height is restricted to 30 feet unless an exception is granted.

Recent comments received from the City of Driggs Planning Department note that the application generally complies with the code in place at the time the application was made. It notes, however, that changes to the newly adopted (Dec. 2024) AOI Code do not allow for the primary residential uses anticipated for use in the subdivision within the Lateral Safety Zone. The previous ADR-1.0 zone district allowed for single and two-family dwellings, and the Lateral Safety Zone (LSZ), an airport overlay, allowed for aircraft hangar homes. There is some discrepancy as to accessory apartments within hangars as well. Facilitating these uses would require amendment of the County Code applicable to the Driggs Impact Area to restore these uses previously allowed in that overlay.

Several requirements associated with the Airport overlays are also noted and included in the recommended conditions of approval below. The memo notes the City's interest in a future annexation of the proposal, and county staff would recommend continued discussion with the City of Driggs on this matter. FAA Form 7460-1 will be required with all building permits.

The amended plat does not show any building envelopes for either residences or hangars, as the original plat did. Staff previously requested to see building envelopes on each lot to conform to City of Driggs 9-6 B-4(D) code which restricts lot coverage to not more than 35% of the lot area. After further discussion with the City, it appears the purpose of the request for building envelopes is to clearly indicate how individual structures will access roadways or taxiways accessing the airport as shown on the original plat. **The applicant responded that setbacks for the zoning district have been added to each lot along with a note that states that the lot coverage shall be 35% or less. County staff concurs that the question of lot coverage could rely on a restrictive statement and does not, in itself, require the establishment of building envelopes.**

County Planning staff believes the applicants have responded to all of the requests for additional information that the JPZC has previously requested. Below is a summary of the previous analysis by planning staff, including some updates and applicant responses. The attachment with the applicant's narrative response dated 7/15/2025 should provide the most recent responses.

Staff requested a traffic impact study because of the number of proposed lots, as well as a nutrient pathogen evaluation, given the request for individual septic systems with the increase in density. Staff also requested a letter from the Sweetwater Subdivision HOA approving of the further division of lots. Staff's current understanding is that there is no overarching HOA that currently governs all of the phases of the original subdivision.

The zoning district requires 10% of the area be designated open space. The applicant shows lot 30 as 6.13 acres as open space within the replat, which meets the minimum requirement of 10% of the 61.2-acre section of land in the replat proposal. Chapter 10-Section 4 of Driggs code requires that developments also provide for park space. The applicants drafted CCRs, which would establish an HOA, and briefly addresses how parks, trails, and open space management will be carried out. Due to the restrictions from playgrounds and civic uses within the LSZ the applicants have acquired an adjacent parcel and are proposing to establish it as a park space for recreational use. Planning staff does not see issues with this proposal; however, the Board could discuss whether this satisfies the requirements for the anticipated open space in Driggs City Code Section (10-4-6). **Applicant: The demographic of property owners of airpark homes are typically familiar with the precautions that must be made to ensure the safety of both aircraft, vehicles, and residents. A park and pathway including a small parking area will be placed directly outside of the safety fence to allow for residents to connect to connect with their surroundings and to enjoy the outdoors. These restrictions are known to the residents prior to the purchase of the lots.**

The pathway will be built according to the City Spec and aligns with the plans for connectivity with the Driggs pathway system. The HOA will be responsible for the maintenance of the park and pathway until such a time that Teton Vista becomes a public roadway and the pathway is taken over by the County. The CC&R's reflect that the transfer of maintenance takes place before 40% of the lots are sold.

PROJECT REVIEW BACKGROUND

Pre-application Conference: A meeting was held 11/21/23 with Teton County, the applicant and the City of Driggs.

Because this project is a significant plat amendment, it starts the process at Preliminary Plat with a joint City of Driggs and Teton County Planning Commission review.

Joint PZC September 11 2024: the Joint Teton County and City of Driggs made the following motion:

> Commissioner Barker made a motion to table the application to a future public hearing in order to obtain additional information discussed and and to include the staff report conditions of approval 1-12. Commissioner Moseley seconded, motion to table passed all in favor.

Many of the conditions of approval were requests for additional information or a request for resolution of certain questions or issues.

Joint PZC June 11 2025: The Joint PZC met again on June 11th for further deliberation on the application. The PZC identified several areas which they felt were still not addressed in the original list of 12 items and identified four points they wanted to be addressed.

Joint PZC August 12, 2025 Although the applicant presented their narrative memo at the last August meeting the JPZC also wanted to review this document further, which was not attached to the report materials for review prior to the August meeting. The Commission also requested resolution of concerns raised by the Airport Board.

> MOVER: Carol Barker
> SECONDER: Carl Kohut
> I move to table the plat amendment request for Sweetwater Phase I in order to obtain additional information from the applicant and to review the information that was not included in the packet for this meeting as well as the opinions from a meeting with the airport advisory board and the applicant.

AYES (4): Carl Kohut, Guyon Moseley, Carol Barker, and Patrick Hertz NAYS: (1): James Weber PZC 8/12/2025
6 Absent (5): Tyler Wertenbruch, Wyatt Penfold, Wade Kaufman, Rebeca A Baker, and Tom Braun; Adopted (4 to 1)

Joint PZC January 13, 2026 The JPZC held another public hearing where they reviewed some additional material and received comment from the City of Driggs. The stated need for continuing the hearing was to review the narrative the applicant had previously prepared and to demonstrate a resolution on questions related to access to the Driggs Airport concerns raised by the Airport Board. Following the hearing the JPZC voted unanimously to recommend approval of the Preliminary Plat with conditions.
The 11 conditions included in the staff report and one additional condition that "the Airport Board and the City of Driggs address potential security issues with the proposed access to the airport."

Voting JPZC members were Commissioners Weber (chair) and Nolan, representing the county and Commissioners Smith and Kirkpatrick representing the City of Driggs PZC.

CRITERIA FOR APPROVAL

Applications to vacate or make changes to recorded rights of way, easements, recorded plats, or master plans shall be reviewed using the following Criteria for approval:

i. The Master Plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the current county regulations. (or applicable regulations as specified in the impact area agreement).

Staff analysis:
The proposal complies with lot sizes in the ADR-1.0 acre zone district. Applicant provided 10% of open space with the replat but did not include park space within the subdivision. The applicant has subsequently acquired land in an adjacent subdivision phase for park use and provided an improvement plan. Additional material could be developed in CCRs to outline management of the park and open space.

The applicant has worked with the Fire District to receive approvals and is continuing to consult with new Fire Marshal. The concern that has been raised most recently is the continued reliance on a single access point to a county road for an increasing number of lots. The applicants have explained that the runway access provides a secondary emergency access point.

Staff suggested earlier that the open space requirements had not been met the intent for open space. The open space between Teton Vista and Buckrail Drive was platted as such to meet the requirements of the original platting of Sweetwater Subdivision. As discussed at the hearing, offsite provision of park space is authorized in the Previous Driggs Design Standards Code applied to the AOI which specified that it could be established in the general vicinity (see Driggs AOI Code 10-4-6).

ii. Ii. Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations. The applicants have completed additional studies to explore the potential need for mitigation. The applicants have proposed off-site park space and an adjacent trail system, while not compromising the need for exclusion from the airfield.

Staff analysis:
The applicant submitted a Fiscal Impact/ Public Services Analysis and Traffic Impact Study that should be reviewed to understand impacts and potential mitigation based on the proposed development. Additional mitigation may be necessary given the proposed density.

KEY ISSUES / PROJECT DETAILS

- **TETON COUNTY PUBLIC WORKS:**
  - It is assumed that all vacated roads will be removed/reclaimed as part of the replat process
  - All proposed roads will need to be built to City of Driggs Subdivision Design Standards
  - Installation of a stop sign at N Falcon Lane and 2500N should be a condition of approval
  - Public Works is recommending the applicant pay their prorated share for recommended turn lanes at 2500N and SH33. The applicants included a calculation of this cost in their proposal.

- **FIRE PROTECTION:** Teton County Fire Marshal had the following comments updated:

  - Increased density of the building lots may require a pressurized central main hydrant system. (The fire district subsequently indicated use of the existing pond in Phase II was already approved sand is therefore acceptable)
  - Access is approved from E 2500 N with a secondary emergency access onto the runway.

- **WASTEWATER TREATMENT:** The previous proposal of 17 lots was platted for individual wells and septic. The applicant is requesting the proposed 44 lots are also served by individual wells and septic systems. The application has received preliminary approval from Eastern Idaho Public Health on July 29, 2024. The EIPH letter states 43 out of 44 lots would be approved for individual septic systems. EIPH will ultimately need to sign the plat amendment for it to be recorded.

- **PLANS & STUDIES:** The following additional studies were completed for this project following recommendations at the pre-application conference phase of development.

  - Traffic impact study
  - Nutrient pathogen evaluation
  - Fiscal impact / public services analysis

- **CITY OF DRIGGS PUBLIC WORKS:** Driggs Public Works Director had the following comments on this application:
  General:

  - Does the development meet the PUD open space requirements?

  Transportation:
  - The Traffic Impact Study recommends 3 offsite transportation improvements, will this development be constructing these improvements?
  - Are any improvements proposed to Teton Vista Ave?
  - Who is responsible for maintaining Teton Vista Ave?
  - Overall development appears to have only one access to a county road, is this compliant with fire district requirements?
  - Proposed road alignment does not provide future access (vehicular or pedestrian) to the property to the south. The only potential south connection from the overall development is Teton Vista Ave. P&Z may want to consider additional connections/easement for future development and traffic patterns.
  - Internal pathways/sidewalks are proposed. How do these connect to the existing pathway/sidewalk network. P&Z should consider if off-site improvements (Teton Vista, parallel to runway or alternative route) are required to connect the development to the existing pedestrian network.
  - Road cross section does not meet city standards, city requires 4-inches of asphalt and 6- inches of base course and ribbon curbing. Developer/engineer should justify deviation from city

standards

- Pathway does not meet city requirements. Asphalt pathways are required to be 10-feet in width with 3-inches of asphalt. Sidewalks are required to be concrete.
- Streetlights are required unless waived by P&Z Commission and City Council.
- Final constructions plans must show how the development is served by the Postal Service
- Final constructions plans must show all ADA compliant crossings
- Final constructions plans must show all proposed signage and striping
- Final constructions plans must show all proposed fencing and dry utilities

Stormwater:

1. Stormwater report and plans complying with city standards required prior to Final Plat
2. Cost estimate and surety required prior to Final Plat for stormwater improvements

Parks:

1. Park mitigation required per Section 10-4-6 of the Land Development Code, Area of Impact
2. Park improvement plans required prior to Final Plat
3. Cost estimate and surety required prior to Final Plat for park improvements

Cost Estimate:

1. Cost estimate must be provided for all improvements and signed and stamped by a PE

- **AIRPORT MANAGER:** The proposed plat amendment vacates all access and airplane access and utility easements and re-routed them on the plat. Comments below are an FYI to the applicant pursuing any airport parcel developments:

  - Wildlife fencing with barbed wire will be required for the perimeter of the development.
  - A Through the Fence agreement is required for any airport related development. This is between the applicant and the City of Driggs.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, and Title 9, Section 3-2-(C-2) of the Teton County Code. The public hearing for the Joint PZC was duly noticed in the Teton Valley News February 4 & 11, 2026 notifications were sent via mail to surrounding property owners within a 300-foot radius of the property on January 30th 2026, and a notice was posted on the property providing information about the public hearing on February 13th, 2026.

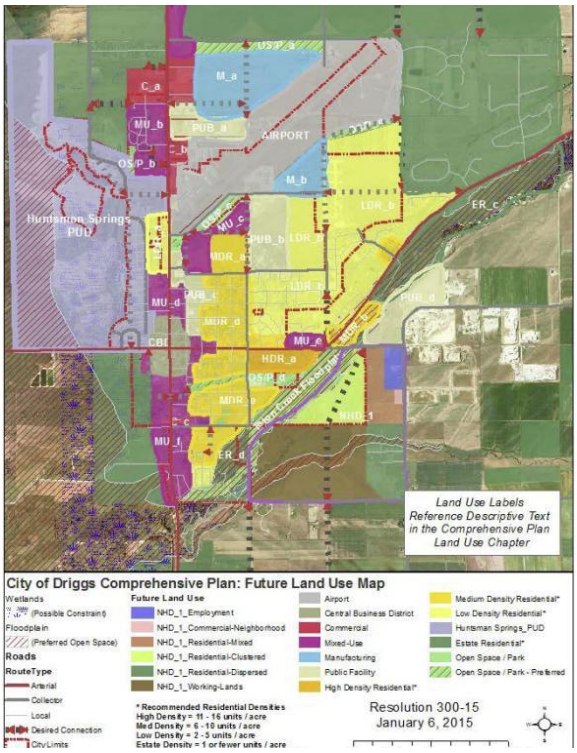
PUBLIC COMMENTS:

No new written public comments have been received as of Feb 17th, 2026.

CONSIDERATION OF APPROVAL FOR PRELIMINARY PLAT:

The Board of County Commissioners shall only approve if it finds that all of the following criteria (9-3-2(C-8)) have been met (or if it finds that some of the criteria have not been met, may recommend approval with conditions that would ensure that the proposed development meets the criteria):

a. **The application is consistent with the Comprehensive Plan.**
   The AOI agreement in place uses the City of Driggs' Comprehensive Plan as guidance for this area. The subject properties are located within the Comp Plan Future Land Use area designation of Airport.



The Airport zone is described as follows (Driggs Comprehensive Plan 2007-2020 - 14.4)

*The proposed Airport land use was delineated **based on platted airport related subdivisions** and anticipated future airport needs, with a desire to minimize impacts to residential areas to the south, while incorporating room for an additional taxiway and some aircraft hangar space also on the south side. The zone could be condensed on the west side if existing non-airport related uses (e.g., storage units, residences, Arts Council building, etc.) do not desire to transition to airport related uses. An Airport Zone should be created, with a perimeter fence eventually being developed around the zone and vehicle traffic controlled within. A more detailed neighborhood plan should be developed with assistance of property owners and the Driggs Airport Board.*

b. **The application complies with all applicable County (And City of Driggs) regulations.**
This application appears to comply with some applicable County regulations. Specifically, the proposal meets the density of the existing zone (ADR-1.0). ADUs will not be eligible on these properties given the proposed lot sizes and Lateral Safety Zone. Fire suppression has been met by the shared use agreement.

The cross section has been updated to reflect the City's cross section minus the sidewalk. The development is proposing no sidewalks or internal pathways for safety reasons.

The parks and open space requirements were discussed above and if desired could be discussed further by the BoCC.

c. **If the application is for a PUD, it complies with any regulations applicable to PUDs under Chapter 5 of Title 9, including without limitation regulations controlling the types and locations of open space to be included in the development and the required design and size of development clusters. If the application is for a Planned Community PUD, the application adequately mitigates any impacts identified in those additional studies required by Section 9-3-2(C).**

This application is not for a PUD.

The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible. The development is proposing no sidewalks or internal pathways for safety reasons.

d. **Proposal for pathway.**
The development proposes to place a pathway along the frontage of Teton Vista roadway as well as around the perimeter of the parcel where the park will be located. These plans have been discussed with TVTAP and align with the plan for future connectivity of the Driggs pathway system from Booshway up to 2500 North. The pathway will be built according to City specifications and aligns with the plans for connectivity in the Driggs pathway system. The HOA will be responsible for the maintenance of the park and pathway until such time that Teton Vista becomes a public roadway and the pathway is taken over by the County.

e. **The application is consistent with the results of any Nutrient-Pathogen Study required for the property and includes any conditions or changes required to avoid any potential degradation of surface or groundwater identified in that study.**
A Nutrient Pathogen Evaluation Study was requested for this application. Teton County Staff sent the application for review in July of 2024. The applicant previously had tried to secure DEQ approvals before submission to Teton County, which does not follow Appendix A of Title 9 of Teton County Code.

Eastern Idaho Public Health (EIPH) stated the effective size of the system will be determined once a full application for a septic system is received by EIPH.

The NP Evaluation indicated that the development is supportable but the evaluation looked at a single home on each lot with a total of 350 gpd wastewater flow, the equivalent to a 5-bedroom home. Previous staff reports suggest a plat note could indicate that each lot is suitable for up to 350 gpd or a 5-bedroom unit. ADUs should not be considered per the LSZ. The applicants point out that while the NP reviewer's comments note the wastewater volume used as a basis for the study, it did not recommend restrictive language be added on the plat or elsewhere, and also suggested that the county and health districts are unlikely to consistently consult the plat for such a note during permitting. Staff would generally concur with this likelihood. Further, the applicants argued that it is probably unlikely that, on average, homes here would develop with residences averaging more than 5 bedrooms. The Board could discuss this point in deliberation.

f. **The application is consistent with the recommendations of any report on the adequacy of the proposed sewage system for the development and includes any recommended mitigation measures identified in that report.**

A permit for subdivision was submitted and approved through the Health District. Eastern Idaho Public Health has preliminarily approved the application as of July 29, 2024.

g. **The application is consistent with any Traffic Impact Study required for the property and will not result in a decrease in the level of service (for example, from level of service B to C) on any State Highway or a maintained county road and includes any mitigation measures recommended in the Traffic Impact Study.**
A Traffic Impact Study was required for this application because of the increase in the number of lots.

The TIS conclusions:

CONCLUSION

ID-33 and 2500 North is a key intersection for developments along 2500 North and will likely fail as background traffic continues to grow. The type of failure it experiences is due to insufficient gaps with constant flow along ID-33. The installation of a traffic signal is recommended before 2044, actual signal warranting should be re-evaluated as growth and development continue. The addition of a designated right turn-lane at 2500 North will increase the length of time until a traffic signal is required. The other intersections in the analysis will continue to operate in a safe condition.

RECOMMENDATIONS

- Install a stop control at 2500 North and Falcon Lane due to sight triangle.
- Widen 2500 North at ID 33 to include a right turn lane by 2030.
- Install a traffic signal at 2500 North and ID-33 when signal warrants have the physical count data to warrant a traffic signal.
- Limit speed inside development to 15mph to match Driggs airport requirements.

Staff recommended Teton County pursue a technical review of the document and request mitigation measures (recommendations above) in the development agreement. After this evaluation was completed, access to Falcon Lane was severed. As no process has been established for secondary review of the TIS by the County, only an internal review was conducted. The Board should clarify the expectations for the proportionate share of any road improvements outside of the subdivision. The Public Works director recommended, and the applicants agreed to pay a proportionate share of the recommended turn lane on 2500 N.

h. **If the application is for land that is not adjacent to a state highway or a maintained county road, the applicant will bear the costs of constructing roads to connect the proposed development to at least one state highway or a maintained county road, and adequate for anticipated traffic and will be constructed to County Road Standards.**

i.

The proposed lots created through this plat amendment application are adjacent to roads connecting to E 2500 N, a County Local Road. Public Works recommended collection of a proportionate share for off-site improvements.

j. **If a Natural Resources Analysis is required, the proposed development will avoid all mapped Overlay Areas (except the AV Airport Vicinity Overlay Area), or will minimize any unavoidable impacts to the mapped Overlay Areas to the maximum extent feasible and mitigate any unavoidable impacts. In the case of land located in the WH Overlay Area, the duty to avoid or mitigate impacts on habitat areas shall only apply if the wildlife habitat assessment reveals evidence of an indicator species or the presence of indicator habitat, and shall only apply to portions of the parcel where the evidence or habitat is found.**

The subject properties did not fall within any natural resource overlays at the time of application. The NRO map subsequently revised in 2024, did place the entire development in the Big Game Migration Corridor and Seasonal Range. The requirement for barbed wire fence around the entire development because of the airport overlay would not allow for a migration corridor to be viable through this location.

k. **The required Public Service/Fiscal Analysis shows that all public services provided to the proposed subdivision or PUD have adequate capacity to service it, or if they do not, the applicant has committed to mitigation or financing to ensure that those services and facilities will be provided within two (2) years after the first unit in the development is occupied and that any**

shortfall of tax revenues below the costs of providing the services or facilities will be covered without cost to the County.

A Public Service/Fiscal Analysis was required for this application as there is an increase of over 20 lots. Title 9 of the Teton County Code references the following as requirements of the Public Service/ Fiscal Analysis:

> i. Identification of Affected Public Services and Facilities: The analysis shall identify all public services and facilities that would be provided to or be available to the subdivision or PUD, including public road construction and maintenance, schools, fire protection, police protection, central water, central sewer, parks and open space, libraries, recreation, maintenance, solid waste collection, and/or hospitals. (amd. 11-14-08)
>
> ii. Impact Analysis: An analysis of the impact the subdivision or PUD will have on those public services or facilities identified in subsection a, using an average cost methodology. The analysis shall identify whether existing public service and facilities provided to or available to the subdivision or PUD have adequate capacity to meet any increased demands created by the development. Where the service or facility is provided by an entity other than the County (i.e., the school district, Teton County Fire Protection District, or a public or private utility) the applicant shall submit a letter from that entity confirming whether the facility or service has adequate capacity available to serve the proposed subdivision or PUD, and if not, what changes or improvements would be required to provide that capacity. (amd. 11-14-08)
>
> iii. Estimate of Tax Revenue: An estimate of the tax revenue that will be generated from the proposed subdivision or PUD and the time frame over which the revenues shall be generated. The estimate shall be prepared in five (5) year increments and shall be consistent with any phasing plan provided with the application. (amd. 11-14-08)
>
> iv. Mitigation or Financing: Suggested means of providing or financing needed improvements or expansions to the services and facilities identified above if adequate capacity is not available or the cost of providing the public services and facilities would not be offset by tax revenue received from the development. Where the service or facility is provided by an entity other than the County that will not receive direct tax revenues as a result of the proposed subdivision or PUD, the analysis shall separately address mitigation or financing of needed improvements or expansions to the services and facilities they provide. (amd. 11-14-08)

Staff recommended a technical review of the Public Service/ Fiscal Impact Analysis to determine if any mitigation is necessary. The study prepared doesn't show that the taxes provided result in adequate public services and necessary expansion if approved.

The applicants have stated that:

"The fiscal impact should be minimal where the majority of the services being provided have either a tax levy that will be charged to each lot or they are being provided by the HOA and will be funded by the property owners themselves."

l. **The application is consistent with any Capital Improvements Plan (CIP) adopted by the County.**
The County Capital Improvement Plan identifies this area in the Area of Impact. This area was projected for future development to be consistent with densities found in the City, generally in excess of what is proposed.

The 2023 Impact Fees would be assessed at the time of building permits.

m. **An adequate institutional structure has been created to ensure that long-term maintenance costs of roads, water, sewer, and drainage systems will be collected from within the development and used to maintain such items. If the chosen structure relies on payments of dues (for example,**

through a homeowners' association) rather than taxes, the county shall be granted the institutional power to enforce payments of those dues in the event the organization fails to do so.

n. The applicant has prepared proposed CCRs stating the proposed lots are no longer held to the CCRs of Sweetwater Subdivision and included a letter from the only other lot owner (Dee Conger) within Phase I. The CCRs for Sweetwater Subdivision Phase I should ensure long-term maintenance of infrastructure as well as implementation of the open space management plan.

o. **If land ownership boundaries or natural terrain features make it impossible for the application to meet all of the criteria outlined in Section 9-3-2(C- 3), the application shall meet as many of the criteria as possible.**
This is not applicable.

p. **In addition to the above, for a Planned Community PUD, the application is consistent with the recommendations of any report on the adequacy of the school system to accommodate school aged children anticipated by the development, and includes any recommended mitigation measures identified in that study. If the applicant is obligated to pay an impact fee for schools, then mitigation measures identified in the report will not be required.**
This application is not for a planned community PUD.

STAFF RECOMMENDATION

Staff recommends that the BoCC hold the public hearing and consider the recommended conditions of the JPZC as well as any public comments received.

- Planning staff previously recommended that Teton County require a third-party technical review of the Public Service/ Fiscal Impact Analysis to determine if any mitigation is necessary. (Note that this has not been required for other projects and no regulatory mechanism is in place for secondary reviews other than for NP evaluations).
- Applicant is proposing park space within an existing lot of Sweetwater Phase I that is not part of their replat; PZC to comment on whether or not this is acceptable. The applicants have identified planned improvements in the nearby park which would allow use of these lot owners.
- Applicant has provided the required 10% open space but it is fully within the Lateral Safety Zone (LSZ) for the airport and does not allow for any playgrounds, Civic or recreational activities per that airport overlay. This was previously discussed and does not appear to conflict with any stated requirement.
- Consider a recommendation to the Airport Advisory Committee restricting Short Term Rentals in the Through the Fence Agreement considering the strict requirements of this development. This was found to not be legally supported and was not included in the JPZC recommendations.

JPZC RECOMMENDED CONDITIONS OF APPROVAL

1. The plat be updated in the following ways:

. Airport overlays shall be shown on the amended plat. - Addressed

. The plat states that lots 10-25 are being replatted. The narrative states lots 8-25 are being replatted. Please ensure that the numbers are correct throughout the application. Addressed

. A plat note should indicate that each lot is suitable for up to 350 gpd or a 5-bedroom unit. ADUs should not be considered within the LSZ. This is discussed earlier in the staff analysis. This condition should be discussed further.

. Building Envelopes be provided on each lot to confirm 9-6B-4(D): Lot coverage cannot be more than 35% of the lot area. Addressed through plat note rather than envelopes**.**

2. Provide CCRs that will govern Phase I of Sweetwater Subdivision and ensure an active HOA. Addressed

3. A letter from the Grand Teton canal company be provided indicating they approve of the amended subdivision layout and all canal easements. Addressed

4. The incorrect development agreement template is used. Please use the current DA for Title 9. Please submit the correct agreement before another preliminary plat hearing is scheduled. Addressed

5. The transfer of maintenance to an HOA should occur before 40% of lots are sold or transferred.

10. The required fencing be provided in the improvement plans, cost estimate and development agreement. Addressed

6. An open space management plan be provided for the required open space lot. Further, implement the management plan in the CCRs. CCRs are proposed which would create the entity to manage the park space and improvements in common. Updated CCRs include brief language addressing maintenance.

7. Address all Teton County Public Works comments:

- **It is assumed that all vacated roads will be removed/reclaimed as part of the replat process**
- **All proposed roads will need to be built to City of Driggs Subdivision Design Standards**
- ~~**Installation of a stop sign at N Falcon Lane and 2500N should be a condition of approval**~~ **No longer accessed**
- **Public Works is recommending the applicant pay their prorated share for recommended turn lanes at 2500N and SH33**

8. Address all City Public Works Comments: See Attachment 28 for most recent responses to Public Works

Comments.

9. Per 10-5-4, a Surety bond or other guarantee is required for the project at 110% of the cost estimate, by the City after final approvals.

10. 9-5-3 AOI LDC Requires an Avigation Easement Agreement to be referenced on the plat and recorded with the subdivision.

11. FAA Form 7460-1 will be required for all structures within the Airspace Protection Overlay. A note on the plat shall be included for future lot owners to be aware of this height restriction and all airport overlays.

12. The Airport Board and the City of Driggs address potential security issues with the proposed access to the airport. This recommendation was specifically directed to the City of Driggs and/or Airport Board and does not require anything specific from the applicant.

The list of conditions above represents an accumulation of conditions or suggestions through numerous Joint PZC hearings. Planning staff would recommend that the addressed items not be included in the BoCC motion in order to streamline the motion and clarify what needs to be accomplished still prior to the Final Plat review.

BOARD OF COUNTY COMMISSIONERS ACTIONS

A. Approval of the Preliminary Amended Plat, with the possible conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.

B. Approval of the Preliminary Amended Plat, with added conditions of approval (in addition to those listed in the staff report), having provided the reasons and justifications for the approval and for any

modifications or conditions.

C. Denial of the Preliminary Amended 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.
E. Table the application for more information

POSSIBLE 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 Title 9-3-2(C-8) can be satisfied, I move to APPROVE the Amended Preliminary Plat for Sweetwater Phase I Subdivision as described in the application materials submitted July 30, 2024 [with the following conditions]…

CONTINUATION

I Motion to continue the plat amendment request for Sweetwater Phase I until (DATE) in order to obtain additional information from the applicant…

DENIAL

Having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in Title 9-3-2(C-8) have not been satisfied, I move to DENY the Amended Preliminary Plat for Sweetwater Phase I as described in the application materials submitted July 30, 2024 *based on the following findings:*

Attachments:

1. Airport Advisory Board Comments_08052025

1.1. Applicant Response to Airport Advisory Board Comments

2. PA24-5 PW Comments Driggs_7.31.25

2.1. Applicant Response to PA24-5 PW Comments Driggs Response

3. Storm Water Management Report - Sweetwater Phase 1 Replat

4. Sweetwater Phase 1 - Development Agreement

5. REVISED Sweetwater Phase 1_Replat - Engineer's Opinion of Probable Cost - 7-15-2025

6. Final Plat for Sweetwater Phase 1 Replat

7. Declaration of Covenants, Conditions, and Restrictions - Teton Valley Airpark

Sweetwater Phase 1 - Development Agreement

8. Park Plan

9. Sweetwater Replat TIS - 7_14_Stamped

10. Bond Letter

11. Driggs 5000002 Subdivision Bond DRAFT 7-14-2025

12. City of Driggs Idaho Airport Advisory Board Meeting of 2-10-25

13. Sweetwater Trails

PW Comments Driggs_7.31.25

14. Additional Information Requested – Replat of Sweetwater Subdivision

15. Conditions of Approval Responses

16.. Sweetwater taxi config

17. Earle Teton County Mail - Fire Suppression Plan Approval_7.29.2025

18. Draft Meeting Minutes 6-11-25

19. JPZC Meeting minutes 9-11-24

20. Public Comments

21. Letter from Grand Teton Canal Company

22. FAA Recommendations for TTF Agreements

23. AIRCRAFT FLOW PATTERN 7-11 2025_Optimized

24. Application & Letter of Authorization Sweetwater Phase I Replat

25. 2025-09-09 Driggs AAB Comment Letter - Sweetwater Phase I Plat Amendment

26. NEW - Review Comments Response from Sunrise to JMAZ Jay Mazalewski - - 10-8-2025

27. Nov. 13 Teton County Mail - Fwd._ Sweetwater Phase 1 - Minor Construction Plan Revisions

28. 2025-08-20_Sweetwater Phase I Replat Survey Review

29. EIPH Teton County Mail - Agency Notices for January 13, 2026 Teton County Planning and Zoning Hearing_12.19.2025

30. REVISED SWEETWATER PHASE 1 REPLAT CONSTRUCTION DRAWINGS - 10.8.2025

31. Sweetwater Division 1 Replat - Submittal Narrative 7-15-2025

32. Memorandum Decision and Order

33. Comments from City of Driggs Planning Department.