TETON COUNTY, IDAHO | Board of County Commissioners
SWEETWATER RANCH PHASE I SUBSTANTIAL PLAT AMENDMENT - PRELIMINARY PLAT

This is a written decision on the findings for the approval of the Substantial Plat Amendment - Preliminary Plat, under Teton County Title 7 Chapter 1 Driggs Area of Impact (AOI) amd 9/15/2011).

APPLICATION DATE:	July 19, 2024
HEARING DATE(S):	February date, March 9, 2026
APPLICANT & PROPERTY OWNER:	Applicant: Sunrise Engineering / Owner: Driggs Idaho Real Estate LLC
PROPERTY:	Teton County Legal Description: LOTS 8-25 SWEETWATER PHASE I SEC 24 T5N R45E; Total project acreage – 61.20 acres
PROJECT NAME:	Sweetwater Ranch Phase I – Substantial Plat Amendment – Increase
PURPOSE OF APPLICATION:	Approval of the Preliminary Plat for a Substantial Plat Amendment

Applicable Standards and Criteria for Application Evaluation:

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).

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.

Summary:

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 18 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).

Joint Planning and Zoning Commission (JPZC) meeting on January 13, 2026: The JPZC held several public hearings, including on January 13, 2026, where the JPZC reviewed additional applicant material and received public comment, including from the City of Driggs. The JPZC had continued the hearing to review the narrative the applicant had previously prepared and to demonstrate a resolution of questions/concerns raised by the Airport Board related to access to the Driggs Airport. Following the hearing, the JPZC voted unanimously to recommend approval of the Preliminary Plat with conditions, specifically, 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 Teton County Planning and Zoning Commission, and Commissioners Smith and Kirkpatrick, representing the City of Driggs Planning and Zoning Commission.

BOARD PROCEEDINGS:

Notice was duly provided via mail to surrounding property owners within a 300-foot radius of the property, by publication in the Teton Valley News, and by posting notice on the subject property. Accordingly, the Teton County Board of County Commissioners (the "Board" or "BoCC") to hear this matter and conduct a public hearing regarding the same on February 23, 2026.

At the Board meeting on February 23, 2026, the following Board members were present: Ron James, Brad Wolfe, and Dan Powers. At that meeting, Planning Administrator Chase presented the staff report. He highlighted the complexities of the application using both County and City codes as well overlapping the old Title 9 and the new Driggs AOI Land Development Code.

Rob Heuseveldt, representing the applicant, presented the applicant's position and answer questions. He explained that the ADU is meant for the pilot of the hangar owner. The fencing is required by the FAA. John Stenquist, also representing the applicant, clarified that there is a 30-day rental restriction in the CC&Rs. Some discussion was held on annexation and feasibility of connection to city services given the number of proposed septic systems. Driggs Mayor August Christiansen and Deputy City Administrator Doug Self clarified that the letter from the Airport Advisory Board did not make it into the packet. Mayor August clarified that property owners are not allowed to have a business, like short term rentals, on a "through the fence" property.

The opportunity was then given to the public to comment on this application. Niki Richards opined that the application does not meet the City of Driggs development standards required and that the Airport Board should be required to approve the application as well.

Mr. Heuseveldt clarified that rentals are only allowed for greater than 30 days so no short-term rentals will be allowed.

The Board deliberated, discussing the short-term rentals and ADU's. Commissioner Powers expressed the need to review the conditions of approval prior to making a motion and asked to continue the item. Accordingly, the Board continued its deliberations to the Board meeting scheduled for March 9, 2026.

On March 9, 2026, the Board resumed its deliberations. The Board noted that its members had received certain ex parte communication regarding lead pollution from aircraft fuels both in writing and during open mic agenda item on March 9th. However, the Board members are aware that they cannot consider that information during this deliberation. To further cure these ex parte communications, the applicant was given the opportunity for rebuttal. Courtney Stallings, representing the applicant, stated that the City of Driggs approved a plan in 2022 for expanding use at the airport. She asked the Board to reject the improper attempts to influence approval of this project. She also specifically noted that the County has no regulatory jurisdiction over aviation fuels, nor can the county regulate airport traffic or low flying aircraft.

Commissioner Powers suggested re-opening the public hearing to accept and discuss the additional information. Chairman Wolfe felt the process had been followed and that the Board should vote on the application. Commissioner Powers stated that he would need to recuse himself from any vote as he could not unhear what was said during the open mic and could not make a decision without taking those facts into account. The other Board members indicated they could vote without bias from the new, ex parte comments.

Chairman Wolfe moved, and Commissioner James seconded a motion approving the amended preliminary plat for Sweetwater Phase I Subdivision as described in the application materials submitted July 30, 2024, with the conditions set for the by P&Z items 1 through 11 and additionally that the comments in the first line regarding ADUs be stricken from the conditions and the regulation of ADUs be left to the current Code (and the subdivision's CC&Rs, as applicable, although outside the County's jurisdiction). The motion was adopted by a vote of 2-0, with Commissioner Powers having recused himself.

Conclusions:

Having given due consideration to the application and materials presented, and to the criteria of approval called out in the staff report, and setting aside any ex parte communications, the Teton County Board of County Commissioners hereby makes the following conclusions:

1.The use is not in conflict with the City of Driggs Comprehensive Plan or relevant land development codes outlined in this decision.

2. The conditions suggested by the JPZC, as modified by the Board's motion, are sufficient to minimize adverse impacts on the surrounding land uses.

Accordingly, having concluded that the Criteria for Approval of a Subdivision Preliminary Plat found in Teton County Code § 9-3-2(C)(8), applicable to this application, have been satisfied, the County hereby

APPROVES the Amended Preliminary Plat for Sweetwater Phase I Subdivision as described in the application materials submitted July 30, 2024, with the following CONDITIONS:

1. The plat be updated in the following ways:
    - Airport overlays shall be shown on the amended plat.
    - 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.
    - A plat note should indicate that each lot is suitable for up to 350 gpd or a 5-bedroom unit. (applicants requested not to have this requirement).
    - 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.
3. A letter from the Grand Teton canal company be provided indicating they approve of the amended subdivision layout and all canal easements.
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.
5. The transfer of maintenance to an HOA should occur when 40% of lots are sold or transferred.
6. The required fencing be provided in the improvement plans, cost estimate and development agreement.
7. 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.
8. Address all Teton County Public Works comments: Installation of a stop sign at N Falcon Lane and 2500N should be a condition of approval No longer accessed at 2500N and SH33: 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 Design Standards;
    - Public Works is recommending the applicant pay their pro-rated share for recommended turn lanes at 2500N SH33. 9. Address all City Public Works Comments: See Attachment 28 for most recent responses to Public Works Comments.

10. 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.
11. 9-5-3 AOI LDC Requires an Avigation Easement Agreement to be referenced on the plat and recorded with the subdivision.
12. 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.

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Brad Wolfe Date

Chair of Teton County Board of County Commissioners

NOTICE OF APPLICABLE RIGHTS

Applicants have a right to request a regulatory taking analysis of this decision pursuant to Idaho Code § 67 8003. Further, per Idaho Code § 67-6535, and in accordance with Idaho Rule of Civil Procedure 84, an applicant or an affected person has the right to seek review of this decision.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April 2026 I served a true and correct copy of the foregoing document upon the following:

[email redacted]	**[ ] Mailing** **[ ] Hand Delivery** **[ ] Fax** **[X] E-Mail** **[ ] Overnight Mail** **[ ] Courthouse Box**

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Clerk Date