CONCEPT PLAN / MAJOR MODIFICATION OF A PLAT

FOR: Sweetwater Holdings LLC
WHERE: Sweetwater Phase II
PREPARED FOR: Planning and Zoning Commission
Public Hearing of May 12, 2026

APPLICANT AND LANDOWNER: Sweetwater Holdings LLC.
ENGINEER: TJ Togiai, Sunrise Engineering

REQUEST: Sweetwater Phase III is a proposed residential subdivision or re-subdivision of a portion of the existing Sweetwater Phase II subdivision located within the Driggs Area of Impact, southeast of the Driggs Airport. The applicants are proposing to use the Sweetwater II common area for the 12 lot subdivision. Its current zoning designation is Driggs AOI – 2.5.

APPLICABLE COUNTY CODE: Teton County Land Development Code - Area of City Impact of Driggs Ordinance (#1209-2024). Specifically see sections 4-13 and 4-14, (Subdivisions and Modifications to Previous Approvals), and Chapter 6 Subdivision Development Standards. Teton County Comprehensive Plan (A Vision & Framework 2012-2030).

LEGAL DESCRIPTION: COMMON AREA SWEETWATER PHASE II
PARCEL NUMBER: RP001480000COM
LOCATION: North of the City of Driggs within the Driggs AOI and south of the airport runway.
ZONING DISTRICT: AOI-2.5 Zone 1 AOI-2.5 (2.5 ac min lot size) Driggs Area of Impact
PROPERTY SIZE: 96.51 acres

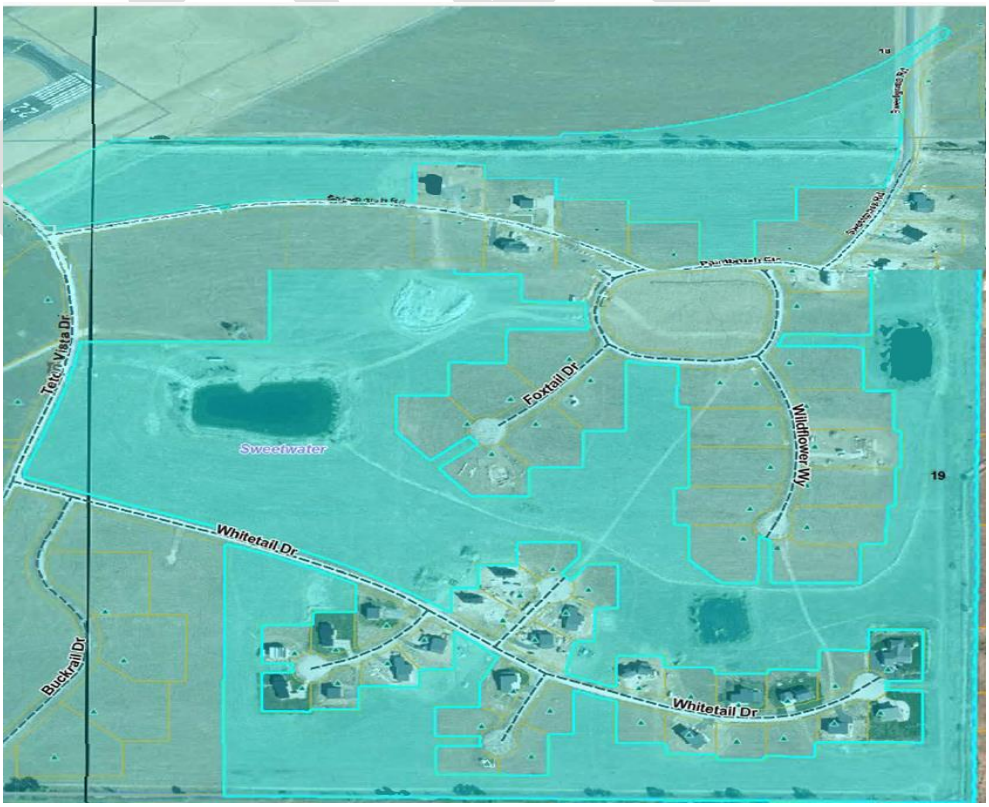


Figure 1 Aerial Image COMMON AREA SWEETWATER PHASE II *(Subject Parcels highlighted green)*

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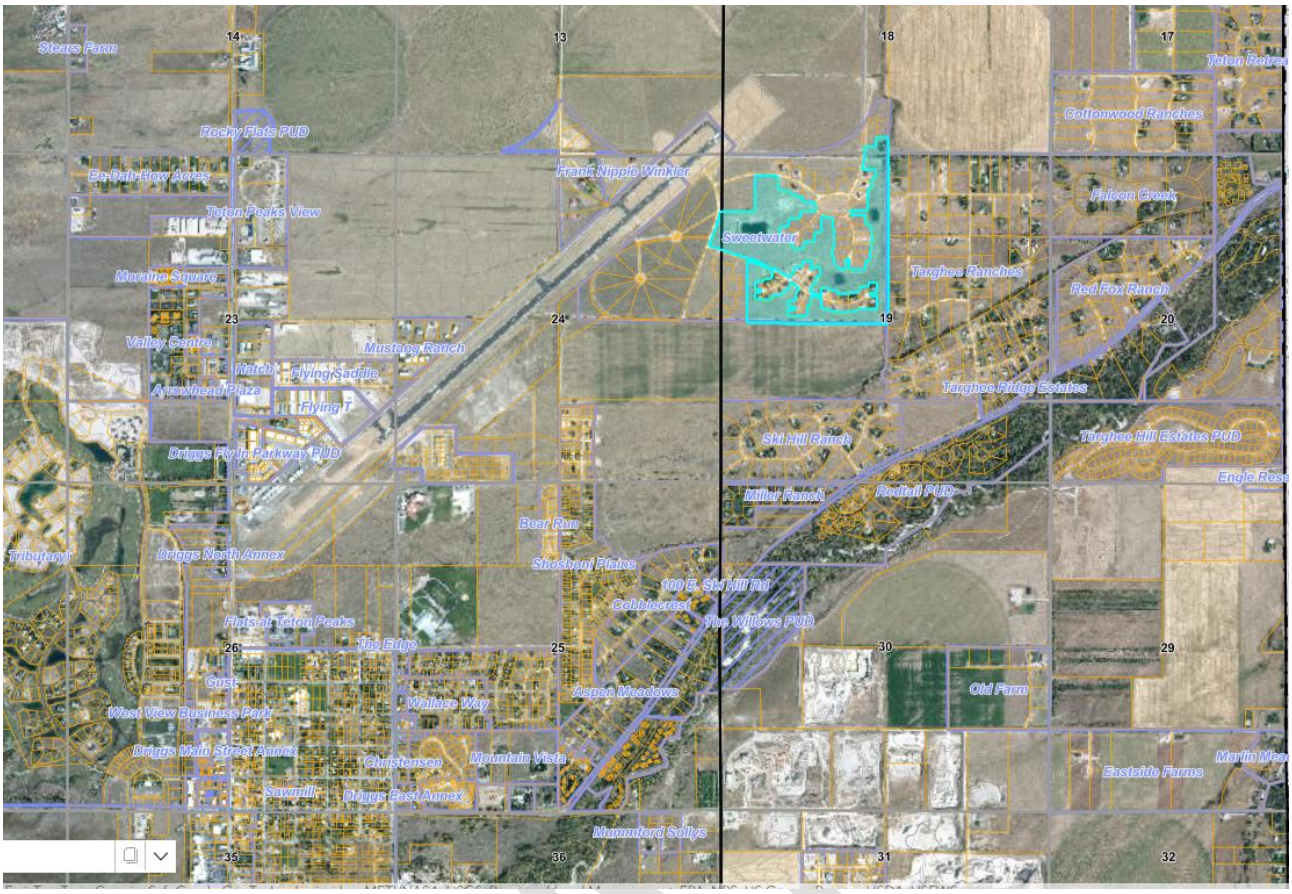


Figure 2. Vicinity Map (Subject Parcel highlighted green)

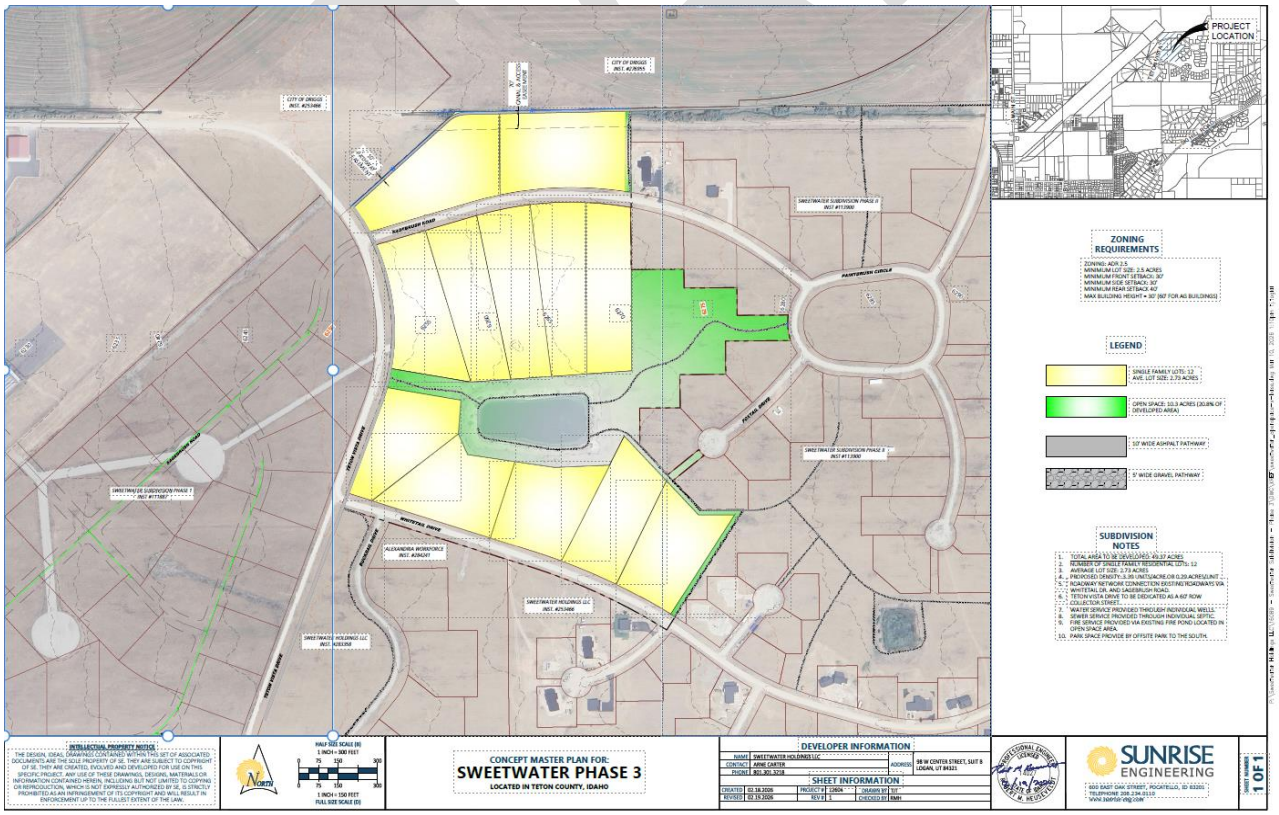


Figure 3: Concept Master Plan

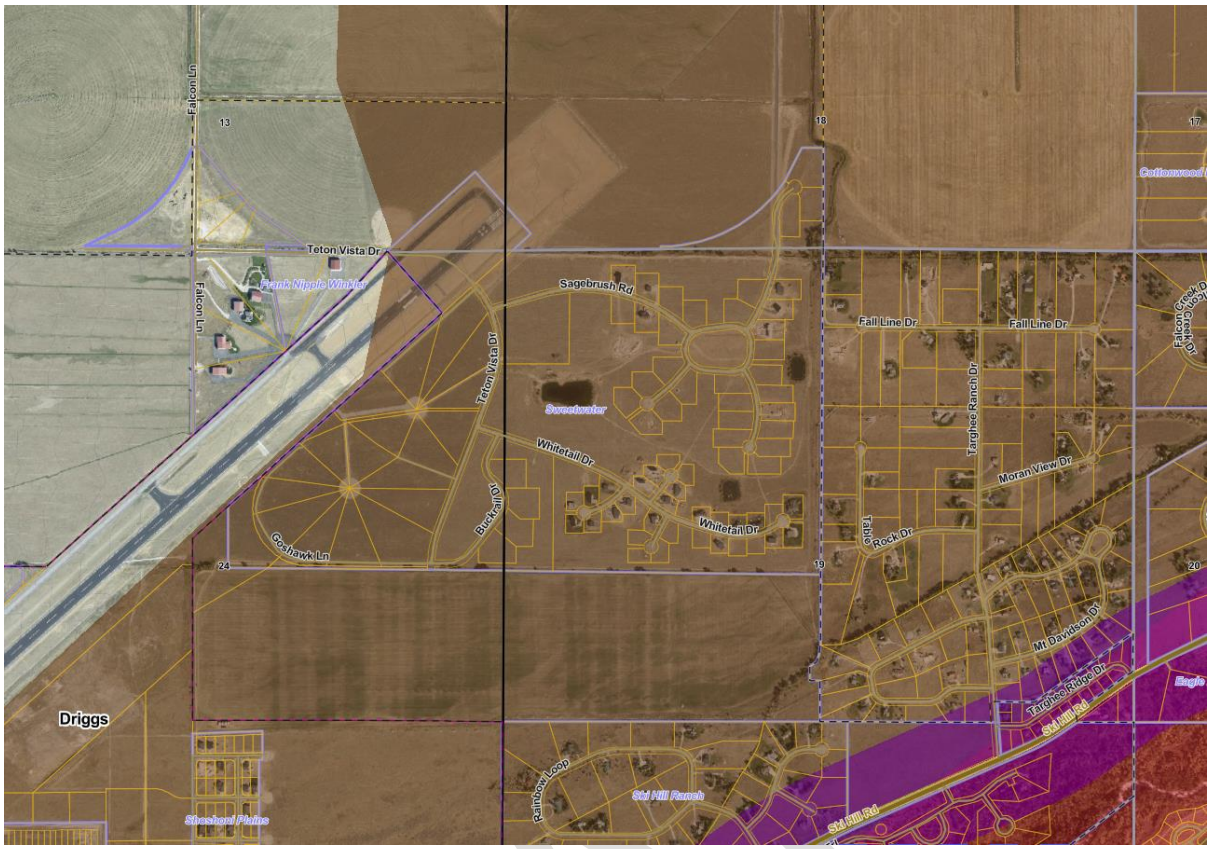


Figure 4: Natural Resource Overlay Areas

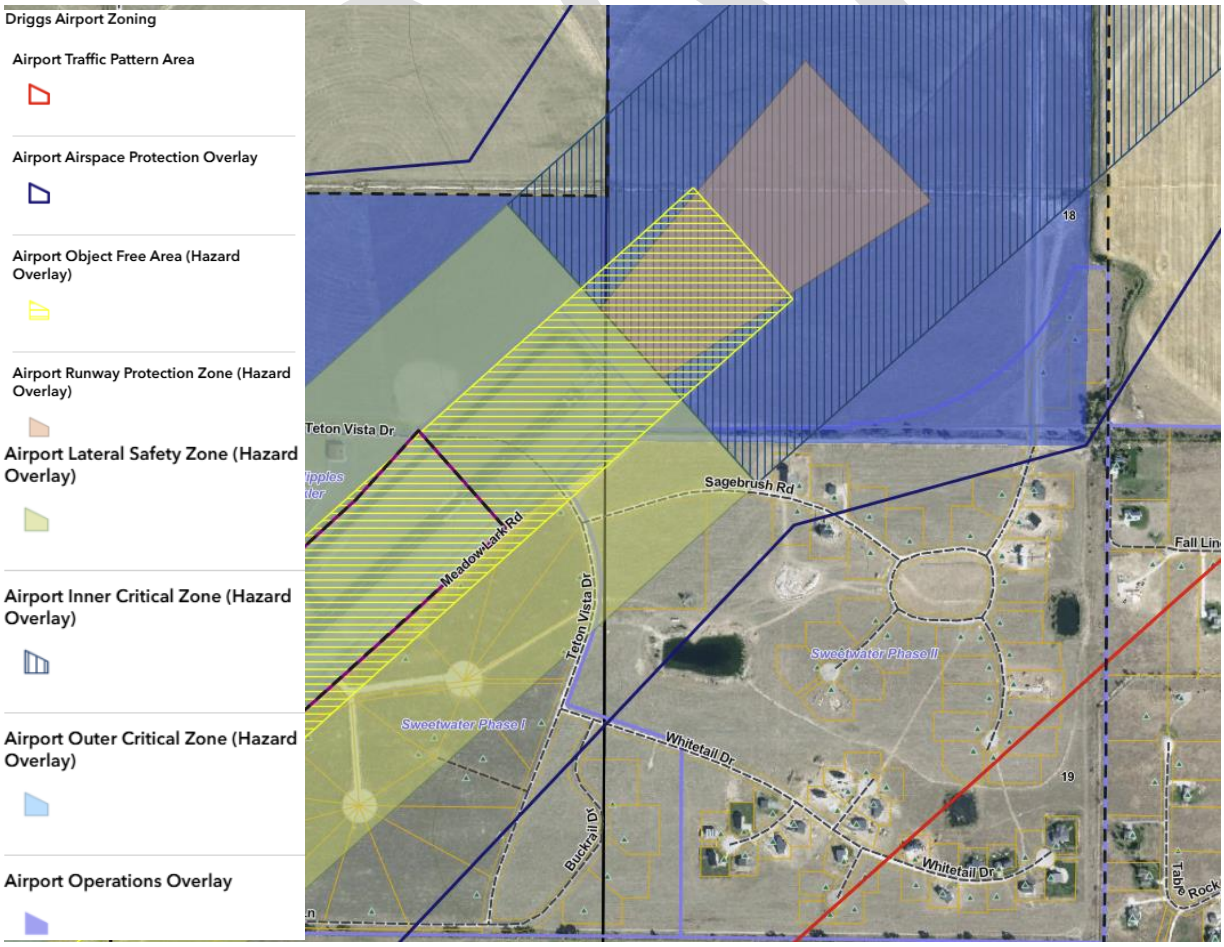


Figure 5: Airport Overlay Areas

PROJECT BACKGROUND

Pre-application: A pre-application for the major plat amendment was held on November 18, 2025. Planning staff considers the request to be a Major Change to an existing plat, however as the review process for that makes a number of assumptions which are not clearly answered, staff believes the initial concept plan review to be in order. Some discussion was had on the feasibility of the proposal to re-subdivide land designated as common space to the subdivision, even if it is under single private ownership. The owners asserted that the recorded CCRs for the subdivision include language related to future developable land that would allow for this further division. Any relevant studies that may be expected at a preliminary plat hearing are typically identified in the concept plan stage and confirmed by the Planning and Zoning Commission at that time. These studies could include a traffic impact analysis, Nutrient Pathogen evaluation, or others and there is no other opportunity outlined in the LDC to clarify and answer these questions. And the applicant agreed to this approach in an email. A Concept Plan application was received on March 11, 2026.

Overview of original plat approval

Limited information is available related to the approval of the original plat. Sweetwater Phase II was recorded on September 28, 1993 as instrument #113900, and included additional lots to those platted in Phase I, beginning at lot 31 through lot 103. This included common areas, a recreation lot, and lots on the north of the runway as well as the south. CCRs were recorded on Jan 08, 1993 as instrument # 111964 and are included as an attachment.

REVIEW COMMENTS: The County has solicited comments from other agencies and entities.

- **ROADS & UTILITIES:** Public Works Director (Letter dated May 4, 2026):
  - The proposed Phase II consists of Recreation Lot and Common Area platted in Sweetwater Phase II. Is this use consistent with the use intended in Phase II Plat.
  - Infrastructure for this proposed phase appears to already be in place. Confirm that power and communication is available at all proposed lots.

- **FIRE PROTECTION: TETON COUNTY FIRE MARSHALL**
  - No comments received at this time.

- **WASTEWATER TREATMENT: EIPH**
  - EIPH noted concerns with development of the common area as the HOA has allowed placement of septic systems in the common area previously. They would likely require location of those septic systems and formal application to EIPH which has not yet been received.
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- **CITY OF DRIGGS REPORT (DATED MAY 6TH, 2026)**

  The report is included in full as an attachment. It notes a number of concerns including a lack of certain studies, conflict with the proposed use and current county code related to residential use in some airport overlays, and concerns or expectations related to road infrastructure.

- **PLANS AND STUDIES**
  - The applicants have prepared a brief estimate of tax revenues that would result from the proposal in their narrative.
  - No traffic study was called for by the Public Works director at this time. Recent studies were prepared for an adjacent project that may provide some information related to this proposal. The commission should determine if one would be required. As noted in the Driggs review memo, the AOI code does refer to Driggs' design standards for certain road imprvements.

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- A Nutrient Pathogen Evaluation is required for a subdivision with the density that is proposed (see AOI LDC 6-6-2 which requires developments with less than 30 acres average density to prepare a study, or if 20 acres average or less with nutrient-reducing septic systems.
- Wildlife Habitat Overlays are on the parcel, as noted in the City of Driggs comments; a Wildlife Habitat Analysis is required by code before submitting a concept plan.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE

Idaho Code, Title 67, Section 67-6509, 67-6511, 67-6512, and LDC Chapter 4, Section 4-2-D. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News on April 22, and April 29, 2026. A notification was sent via mail to surrounding property owners within a 300- foot buffer area on April 20, 2026. A notice was also posted on the property providing information about the public hearing on May 4, 2026.

COMMENTS FROM NOTIFIED PROPERTY OWNERS AND PUBLIC AT LARGE

As of May 7, 2026, one public comment has been received. It notes concerns about additional traffic generation and connectivity.

APPLICABLE COUNTY CODE: Modifications to Previous Approvals, Chapter 4-14(E),

E. Major Modification of a Plat (short plat or full subdivision)

2. Applicability

a. A proposed modification to an approved plat will be considered a major change and therefore subject to this subsection where the proposed changes result in one or more of the following:

ix. An increase in the number of lots;

6. Review Criteria

a. Any proposed changes to an *easement*, public right-of way, or planned unit *development*, shall comply with all applicable criteria and standards of the County regulations, ***and conditions of approval established in the previous approval.*** Conditions of approval from the original application are now difficult to determine. CCRs recorded with the project and elements of the plat itself are largely relied upon to understand the expectation of the original approved subdivision. This report attempts to identify the current standards and criteria that exist today. Planning staff believes that the combination of the designation of "common space" designated on the plat in conjunction with the CCRs does not provide a clear path to demonstrate that the common area can be further developed with new residential subdivision lots.

b. The subdivision master plan and plat for a subdivision or planned unit *development*, including the proposed changes, shall reduce governmental costs for operations and capital expenses. It is unclear how the proposed increase in the number of lots will impact governmental costs and capital expenditures, however it could be assumed that additional lots will create additional governmental costs. The narrative does discuss estimated tax revenues, however the criterion that this proposal will result in a reduction in governmental costs has not been demonstrated in staffs opinion.

c. The revised plat or plan shall reduce the impact to neighboring properties.

This criterion seems very difficult to determine. It calls for the applicant to demonstrate that the additional proposed 12 lots from the existing common space "shall reduce impacts to neighboring properties," and not merely maintain the same level of potential impacts. It is likely that additional traffic generation alone cannot be offset or eliminated to find a reduced impact. Upgrading roads to city standards could potentially result in a reduced impact if it improves traffic flows and safety conditions, but this is only one element of many that could be evaluated. (note that the application does not propose any roadway construction or improvements). The Health District notes that there are potential impacts to the existing lots which would have otherwise had some additional room for

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placement of septic system infrastructure. In general terms there would likely be reduced access to the currently platted common area.

d. The revised plat or plan shall reduce the intrusion of *development* into areas identified on the County's Natural Resource Overlay Map and updated identification of areas where indicator habitats and/or habitats for indicator species are found as documented by input that is accepted by the County from Idaho Department of Fish and Game or other qualified wildlife professionals.

The property does have a wildlife habitat overlay. It would seem that this criterion could not be demonstrated with the proposal, given the strict language of this criterion.

e. Review criteria applicable to a Major Modification to a preliminary or final plat include those applicable to the original approval process for the preliminary or final plat, respectively. See criterion a.

f. Any proposed changes to a plat, shall comply with all applicable criteria and standards of the current County regulations, and conditions of approval established in the previous approval. See criterion a in this section and below, as well as comments from the City of Driggs.

g. Any proposed changes to a recorded plat or subdivision master plan that increase direct or indirect impacts may require additional mitigation pursuant to the current criteria and standards of County regulations. The PZC can discuss potential additional mitigations if it finds any direct or indirect impacts which are identified during the public hearing process.

5-7 Buffers, Screening, Fencing, and Walls

5-7-2 Buffers

A. Applicability

3. Type A *buffers* (per below) shall be installed around the perimeter of all *subdivisions* adjacent to property of a lower *density* use.

It appears that the proposal is generally less dense than the surrounding development and that this standard would likely not apply.

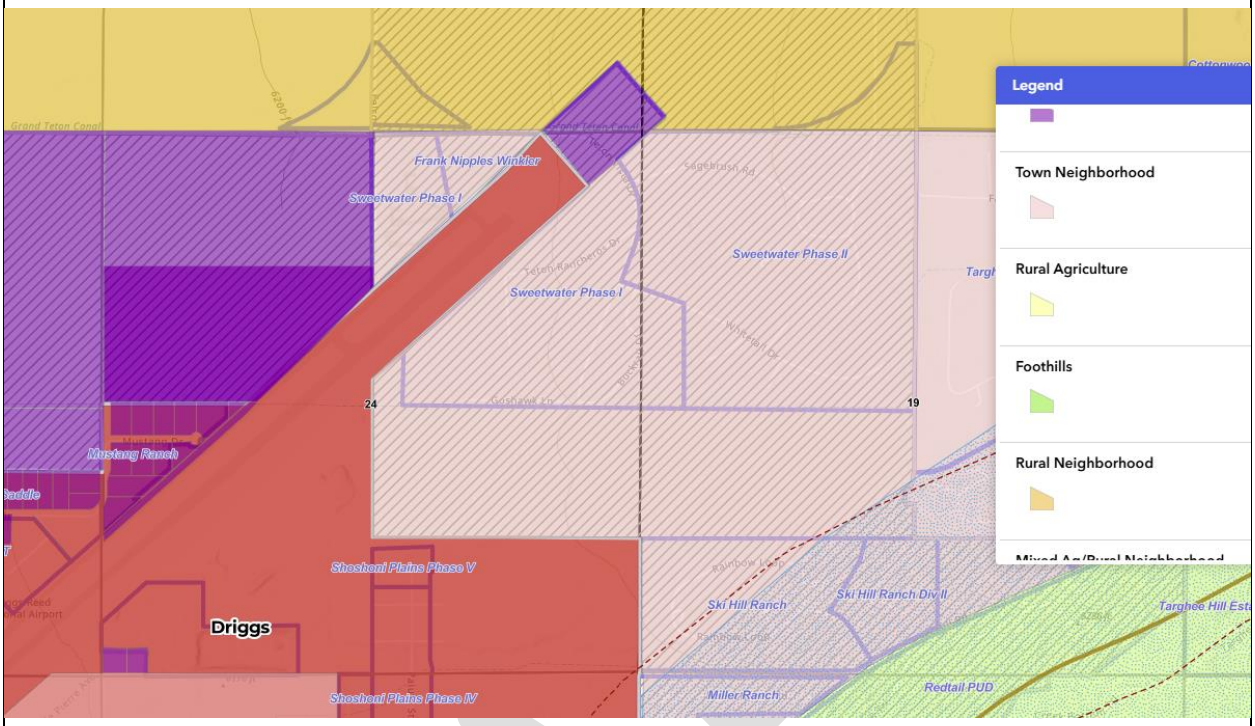
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CRITERIA FOR APPROVAL OF CONCEPT PLAN

The Planning and Zoning Commissioners shall only approve if it finds that all of the following criteria (LDC Chapter 4-13-D-4, LDC Chapter 6, and the Teton County Comprehensive Plan) 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):

Criterion a. The preliminary *plat's* compliance with the policies of the *comprehensive plan*, the LDC, other County codes, including Chapter 6, Subdivision Development Standards;
Applicant Comment: The applicant notes that the lot size in conformance with the 2.5 acre minimum lot size and dimensions, and discusses open space expectations within the City of Driggs AOI.

Staff Comment: The proposed project lies within the Town Neighborhood area of the future character areas in the Comprehensive Plan.



- At the time of the development of the County's comprehensive plan lands in the Area of Impact were collectively lumped into the town neighborhood which indicated that these lands would likely be annexed and become part of the adjacent city. Although this proposal seems generally consistent with the intent of the comprehensive plan the proposal is not proposing connection to city services.
- Town Neighborhood: Town Neighborhoods are located within the area of impact, immediately adjacent to the cities of Victor, Driggs and Tetonia. These areas are in close proximity to electric, phone and other dry utilities as well as public water and sewer services; although that does not imply that these services would be available as a public utility. Town Neighborhoods currently include a mix of developed and undeveloped property and have easy access via automobile, bicycle or pedestrian access to town services and amenities. The intent of this plan is to encourage growth in existing population centers such as our cities; residential uses near the cities would be more desirable than in the far reaches of the County. In the Areas of Impact, applicable plans and ordinances must be mutually agreed upon by the city and the county and thus will be negotiated further with each city. While the applicable land use plan for the Areas of Impact must be negotiated with each city, the desired future character and land uses for Town Neighborhoods include: * Single-family, detached housing in low densities consistent with non-municipal services. * Parks, greenways, and neighborhood amenities * Safe and convenient street and pathway connections to towns * Pedestrian amenities and complete streets.
- Provisions of the LDC are generally discussed in other sections above. It appears that the proposed uses may not be permitted on a portion of the concept plan as presented. Specifically, the airport overlays would not allow for residential use within the lateral safety overlay. As noted above, strict criteria calling for a reduction in impacts, across the board seem like they may be unattainable, particularly in the case of no intrusion of development into wildlife overlays. Other sections of Code have not been satisfied in the current application materials as noted above and in the Driggs memo.

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Criterion b. Requirements of other reviewing agencies and / or jurisdictions providing public services.
Applicant Comment: The applicant reviews how the proposal would be served by various public services. No public services are proposed as far as sewer and water.
Staff Comment: • Limited comments have been received at this time, but question the viability of redevelopment of "common space" and concerns with utilizing the common space which has generally been available if needed to place individual septic system components. The city of Driggs comments notes expectations of certain roads serving new subdivision development to meet City Standards (as outlined in 6-3-1 B. Driggs AOI LDC).
Criterion c. Other health, safety, or general welfare concerns that may be brought to the County's attention.
Applicant Comment: No health safety or welfare concerns are discussed in the proposal. It does note that a portion of the existing common space would serve as open space for the owners' benefit.
Staff Comment: County staff have not identified health safety, or general welfare concerns with the proposed major plat amendment. There are no overlays related to physical or topographical elements on the property which would identify concerns such as wetlands or floodplains, however the proposal is in proximity to the airport which can present some additional hazard risks and including noise, exhaust, and potentially other more persistent general welfare concerns with being in proximity to an airport. The parcel does lie within a natural resource overlay. This is not addressed in the proposal.

CONSIDERATIONS AND STAFF RECOMMENDATIONS

Planning staff has noted several criteria, specific to a major plat amendment, that do not seem to be achievable with this proposal, or at least very difficult to demonstrate compliance with, and staff does not believe that conformity has been demonstrated. As such, staff would recommend denial of the proposal. Given this, no additional staff-recommended conditions of approval have been identified. If the JPZC believes that the criteria for a major plat amendment and a concept plan have been demonstrated, they could consider what conditions may be appropriate to establish, or could direct staff to prepare recommended conditions for further consideration.

JOINT PLANNING & ZONING COMMISSION ACTIONS

A. Approval of the Concept Plan, with the possible conditions of approval as determined by the commission, having provided the reasons and justifications for the approval.
B. Approval of the Concept Plan, 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. Denial of the Concept Plan application and provide the reasons and justifications for the denial.
D. Continue to a future JPZC 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 Concept Plan and Major Plat Amendment found in Driggs AOI LDC Sections 4-13-(C) and 4-14 (E) can be satisfied, I move to APPROVE the Concept Plan for the Sweetwater Phase III Subdivision and Major Plat Amendment of Sweetwater Phase II, as described in the

application materials submitted March 11, 2026, and additional information attached to the staff report. (with the following conditions of approval…)

DENIAL

Having concluded that the Criteria for Approval of a Concept Plan found in LDC Section 4-13-C and 4-14 (E) have not been satisfied, I move to DENY the Concept Plan for Sweetwater Phase III Subdivision and Major Plat Amendment of Sweetwater Phase II as described in the application materials submitted on March 11, 2026, and additional information attached to the staff report, based on the following findings:

CONTINUATION

I move to continue the public hearing for the Sweetwater Phase III Subdivision and Major Plat Amendment of Sweetwater Phase II to a specific date in time in order to obtain additional information from the applicant or other agencies.

Prepared by:
Joshua Chase, Planning Administrator

ATTACHMENTS:

A. Application (3 pages)
B. Narrative (7 pages)
C. Concept Master Plan (1 pages)
D. Original Sweetwater Phase II plat (8 pages)
E. AMENDED Operating Agreement 072325 (9 pages)
F. Soils Report (17 Pages)
G. Title Insurance (14 Pages)
H. Warranty Deed (5 pages)
I. Letter of Authorization (1 Page)
J. EIPH comment email (1 Page)
K. City of Driggs Comments (3 pages)
L. Assignment of Declarants Rights (3 pages)
M. Original Sweetwater CCRS (19 pages)
N. Public Comment – Caires (1 page)

End of Staff Report

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