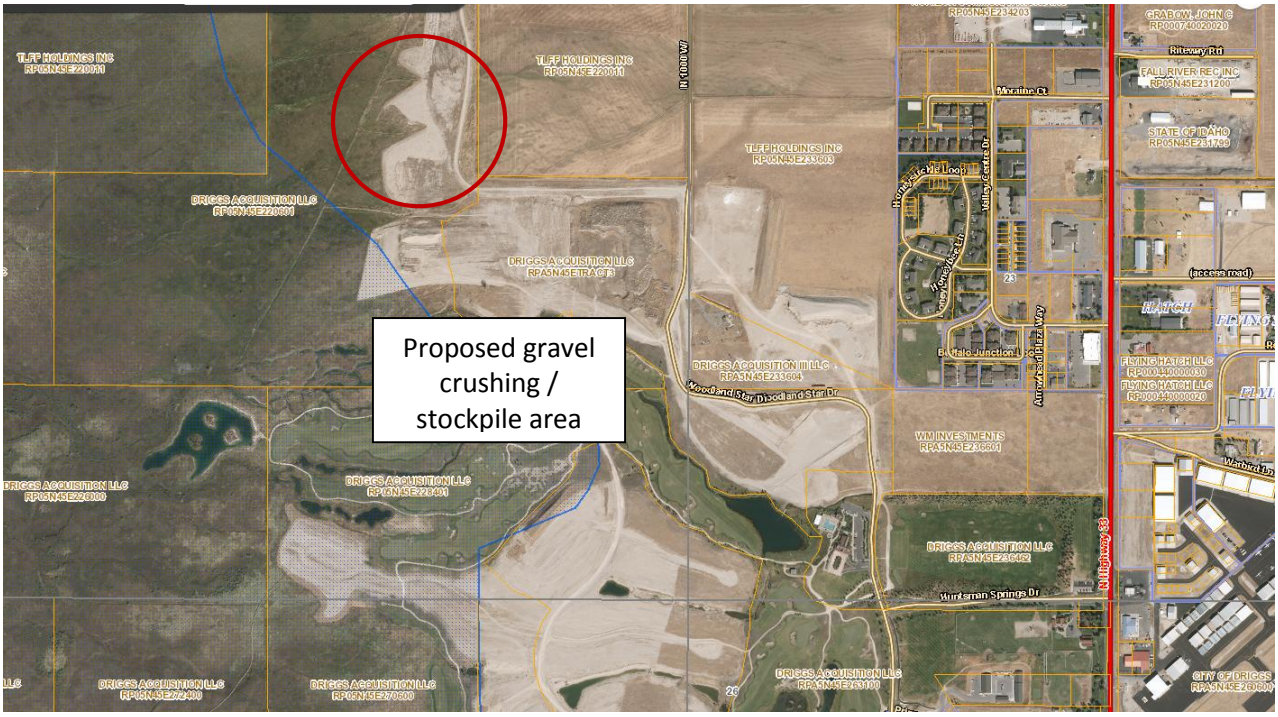
A REQUEST FOR A SPECIAL USE PERMIT BY:
Driggs Acquisition LLC / Colin Kersey
FOR: Temporary Gravel Crushing
WHERE: Driggs City Area of Impact
Prepared for the Planning and Zoning Commission
Public Hearing of May 12, 2026

APPLICANT: Driggs Acquisition, LLC
LANDOWNER: Driggs Acquisition, LLC

APPLICABLE COUNTY CODE: Teton County Land Development Code Section 3-7-5, 4-8 Special Uses and the Teton County Comprehensive Plan (A Vision & Framework 2012-2030)

APPLICATION: Colin Kersey and Matt Mena submitted an application for approval for a Special Use Permit to allow for temporary crushing of gravel stockpiles stored onsite within the Tributary (f.k.a. Huntsman Springs) PUD property. The property is located within the county in the Driggs Area of City Impact. Comment has been solicited from the City of Driggs given the location in the Impact Area.

PARCEL NUMBER: RP05N45E220601
LEGAL DESCRIPTION: ~ 1500 N ~ 1000 West, north end of Tributary PUD
ZONING DISTRICT: DRIGGS AOI LA-35 Lowland Agriculture (35-ac avg density)
Driggs Area of Impact
PROPERTY SIZE: 159.82 acres
VICINITY MAP:



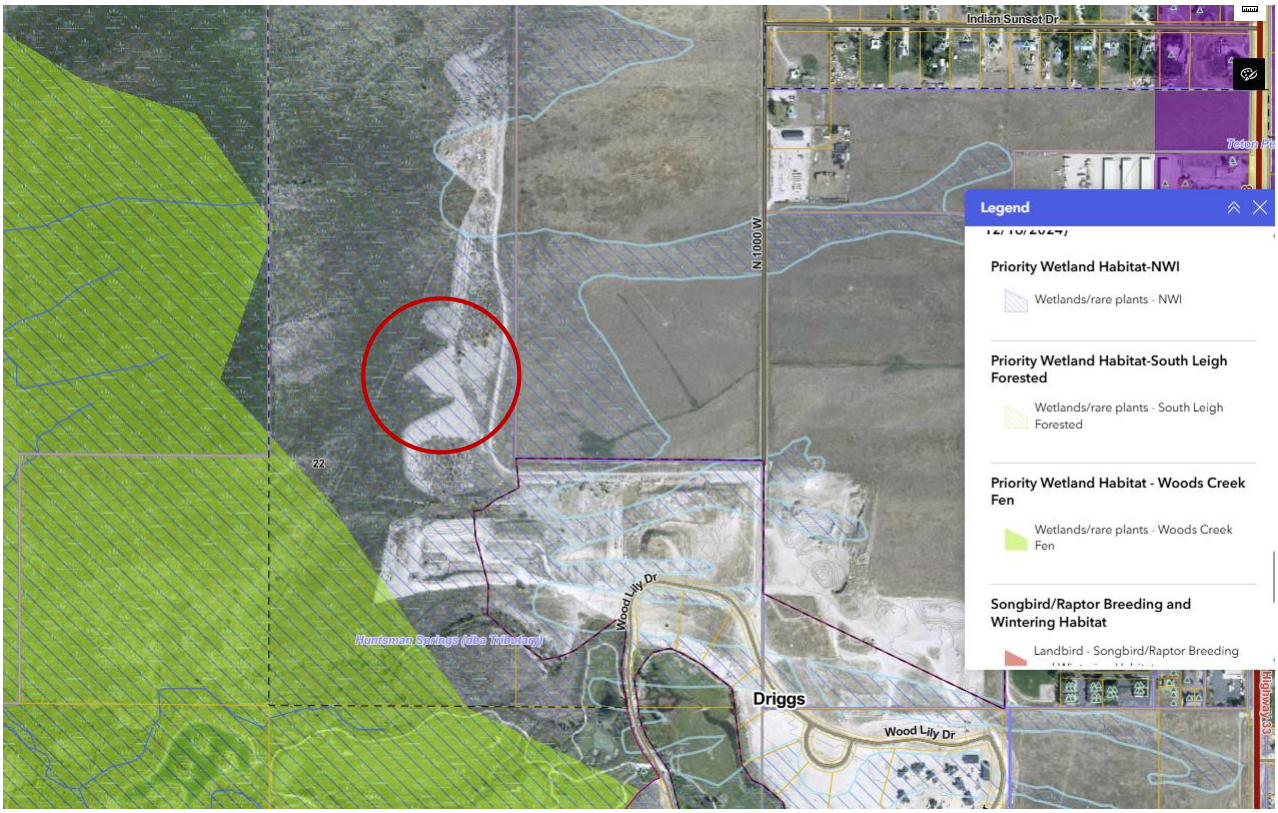
PROJECT BACKGROUND AND DESCRIPTION:

As described in the application narrative, the application is to operate a temporary gravel screening and crushing of pit run material currently on the property owned by Driggs Acquisition LLC in the former Huntsman Springs PUD, now doing business as Tributary. The narrative explains that the location of the crushing activity is located further than the minimum setbacks from the nearest residence and Hwy 33 (though those standards are specifically established from permanent excavation locations). Crushing material already onsite will result in a reduction of heavy vehicles bringing material to the site, which would otherwise occur. The application narrative also notes that the activity will be over 250' from the nearest wetland boundary which is depicted on their site plan.

At a pre-application conference, a couple of paths for review of the proposed use were discussed, including a temporary use permit. Given the length of time and previous approach to permitting this type of activity, it was determined that this was a reasonable approach to reviewing this request. A similar application was processed for this use through a Conditional Use permit in 2019 and 2024.

The site is located in proximity to the Driggs Area of City Impact, therefore the application was forwarded to the City for comment, and a Joint PZC review scheduled for a public hearing to consider the application.

AERIAL IMAGE INCLUDING OVERLAYS:



The property is located within the City of Driggs AOI Lowland Ag 35-acre average zoning district. The Mineral Resource Development use which would include this temporary gravel crushing is allowed through a Special Use Permit in this zone. The site is located outside of the scenic corridor

and floodplain. No Wildlife habitat overlays are present. The applicants site plan shows the extent o wetlands in proximity to the activity sites and notes that this is based on a 2025 wetland delineation currently under review by the US Army Corps of Engineers. Access roads and overburden stockpiles are existing on the disturbed site.

Recommended conditions of approval from the City of Driggs Area of Impact Land Development Code. They also establish hours of operation and a specific window for completing the work.

INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS- INFRASTRUCTURE AND UTILITIES

Eastern Idaho Public Health – No comments. (Email response on 4/28/2026)

Teton County Fire District - No comments have been received.

County Engineer - No Comments have been received.

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.

SECTION 4-8-E REVIEW CRITERIA FOR SPECIAL USE PERMITS

The following findings of fact shall be made if the Special Use is approved. If the application is being recommended for denial, the JPZC should likewise specify the reasons for recommended denial based on the items listed below.

1. The requirements of this Chapter and other provisions of the LDC, including Chapter 5, General Development Standards

Staff Comment:

Chapter 5 of the LDC addresses a variety of Natural resources considerations. Many of these are not applicable or not found on the site. No steep slopes, floodplains, areas of higher risk for wildfire, of scenic corridors exist on the property. Wetlands have been discussed as they are indicated, but the applicant's site plan includes the delineation showing the activity outside of wetlands. The proposal is subject to the lighting regulations of the County but also limited to certain hours of operation.

2. *Meets special use standards set forth by the category of use in Chapter 3*

Staff Comment:

The applicant must meet all the special use standards of 3-7-5, listed below.

Special Use Standards for Mineral Resource Development (3-7-5):

3-7-5 Mineral Resource Development

A. Defined Mineral resource development is any land use related to the excavation, ***crushing,*** washing, sizing and screening, processing, asphalt batching, cement and concrete processing, ***and surface stockpiling (excavated on-site)*** of topsoil, peat, sand, gravel, rock, clay, aggregate, metallic, non- metallic and industrial minerals, gemstones, or other mineral resource.

B. Location Standards for New Mineral Resource Developments The following standards shall be used to determine the appropriate location for new mineral resource developments:

1. Shall be located no closer than five hundred (500) feet from any state highway. Appears to comply.
2. Shall be located no closer than one thousand (1000) feet from an existing residence. Appears to comply.
3. Shall be located no closer than fifty (50) feet from an irrigation ditch or public right-of-way. Condition of Approval

C. Operational Standards for New Mineral Resource Developments All mineral resource developments shall adhere to the following operational standards:

1. Hours of operation are limited to 7 AM to 7 PM daily. _Condition of Approval
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act. Staff believes that this does not apply.
3. A seventy-five (75) foot Type A Buffer per Section 5-7 shall be maintained between the facility and residential uses. Staff believes that this should not apply given the scope and temporary nature of the proposal, however the language is included below for reference.

5-7 Buffers, Screening, Fencing, and Walls

5-7-1 *Intent*

Buffers, *screening*, fencing, and walls are intended to minimize conflicts between potentially incompatible, but otherwise permitted, land uses and *development* on *abutting* property.

5-7-2 *Buffers*

A. Applicability

1. *Buffers* shall be installed between all uses in the IR *zone district* and adjacent properties zoned residential as the primary use.
2. *Buffers* shall be required to mitigate adverse impacts of certain uses as specified in Chapter 3 of the LDC.
3. Type A *buffers* (per below) shall be installed around the perimeter of all *subdivisions* adjacent to property of a lower *density* use.
4. All vegetation used to meet buffer requirements shall remain alive with any dead plant material replaced by the same species or a species with similar growing habit within one growing season.

B. *Buffer* Requirements

There are two types of required *buffers* that include a variety of *landscaping* and/or fencing. The minimum width, *screening*, and *landscaping* requirements for each *buffer* type is shown in Table 12.

Table 12. Buffer Types

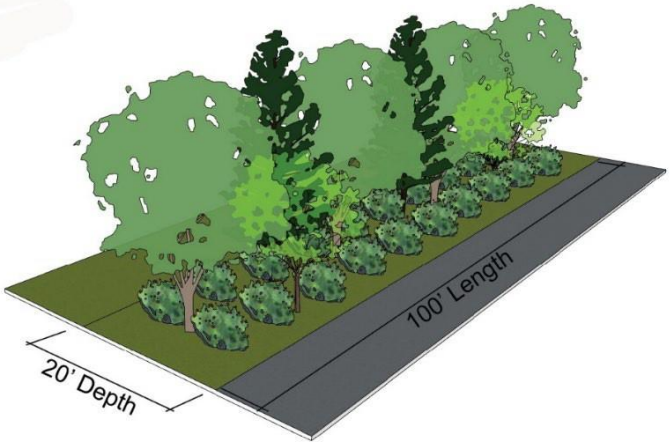
	Minimum number of plants per 100’		
	Buffer Type A	Buffer Type B Option 1	Buffer Type B Option 2*
Minimum Depth	10'	20'	10’
Shade Trees	4	4	4
Understory Trees - 20% shall be evergreen	--	4	--
Large Shrubs - 20% shall be evergreen	10	20	10
6’ High Privacy Fence or Wall	--	--	Yes

*type 1 plant requirements with a privacy fence or wall

Type ‘A’ Buffer



Type ‘B’ Buffer – Option 1



C. Location

Generally, a required *buffer* should be located along the entire property line between the two incompatible uses. A required *buffer* may be located within the required *setbacks* identified in Chapter 2. *Landscaping* must be planted on the developing property's side of the required *buffer*.

D. Encroachments

1. The parking of vehicles and the placement of *buildings* or *structures*, except for walls, fences and *landscaping* is not allowed in a required *buffer*.
2. No *building* or *structure* on the subject site may be located closer than 10 feet (10') to a required *buffer*.

E. Grade Change

1. In lieu of a required wall or fence, a natural or man-made vertical grade separation of at least 6 feet in elevation may be provided.
2. The developing property must be located at an elevation lower than the property to be screened.
3. The stabilized side slopes of the grade change may be no steeper than 3:1.

F. Alternative Compliance

The *buffer* requirements may be modified by the PZC. The PZC must consider the following criteria in determining the appropriateness of alternative compliance:

1. The existing topography or vegetation achieves the purpose and intent of this Section.
2. For topographic reasons, a fence or wall or other required *screening* device could not screen activities from an *abutting* property as required by this Section.

4. The excavation site, any overburden and stockpiles, and buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Teton County Weed Superintendent. – Condition of approval

5. All operations shall meet the riparian setback requirements of Section 5-4-2, Riparian buffers. Appears to comply based on applicant's site plan.

6. Within 72 hours of blasting, the operator shall provide written notification of the date and time of planned blast, by certified mail, to the Teton County Planning Department and all residences within one mile of the blast site. Condition of approval – however based on the narrative, this is not anticipated to occur. PZC may want to clarify.

7. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or all Federal holidays. See above.

8. An owner or operator may request, and the Public Works Director may grant, an exception to provide additional hours of operation for a mineral resource development when additional hours

of operation are needed to alleviate a public emergency. Public emergencies include the following:
a. Damage to public roads or structures that require immediate repair.
b. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts. based on the narrative, this is not anticipated to occur. PZC may want to clarify.
9. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (¼) mile of the site's entrance onto a public road. – Condition of approval
10. The mineral resource development shall be marked by warning signs posted two hundred (200) feet from mine operations. – Condition of approval
11. A plan to retain stormwater runoff within the mineral resource development boundaries in compliance with Section 5-2, Grading and Drainage. Condition of approval
D. Reclamation Standards for New Mineral Resource Developments The goal of reclamation is to leave the site in a safe, nonpolluting condition that has future land value, therefore, a post mining management plan shall be submitted at time of special use application to meet the following standards:
1. Final grading shall result in slopes no greater than 3:1. Condition of approval
2. Topsoil shall be reapplied for optimal revegetation. Condition of approval
3. All surfaces shall be revegetated to stabilize surfaces from erosion. Condition of approval
(Many of these conditions can be addressed through obtaining a Grading and Erosion Control permit.)

4-8-E REVIEW CRITERIA Continued from above

3. If the application relates to a public-school facility, the subject property is appropriate for development allowed in the proposed Zoning District, including the impacts authorized for review under Idaho Code section 67-6519(3). N/A
4. The County and other service providers will be able to provide sufficient public facilities and services, including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development. No concerns were raised by any public service providers following notification.
5. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics. These are largely addressed in the specific provisions listed and reviewed in Section 3-7-5 criteria above.
6. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.

JPZC ACTION:
A. Recommend approval of the SUP, with conditions of approval recommended in this report, having provided the reasons and justifications for the approval.

B. Recommend Approval of the SUP 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. Recommend Denial of the SUP application request providing 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.

POSSIBLE MOTIONS:

The following motions could be given:

APPROVAL
Having reviewed the application materials for Driggs Acquisition, LLC *and staff report; I hereby move to Recommend APPROVAL of the Special Use Permit, having found that the application meets the criteria found in* **Driggs Area of Impact LDC,** *with the conditions recommended in the this staff report,*

APPROVAL WITH MODIFIED CONDITIONS
Having reviewed the application materials for Driggs Acquisition, LLC*, and staff report; I hereby move to recommend APPROVAL of the Special Use Permit, having found that the application meets the criteria found in* **Driggs Area of Impact LDC***. with the following conditions…*

CONTINUATION
Having reviewed the application materials for Driggs Acquisition, LLC*; I hereby move to continue the public hearing to a future specific date and time to consider additional information or studies requested from the applicant or agencies.*

DENIAL
Having reviewed the application materials for Driggs Acquisition, LLC*, as well as the additional material provided by staff and other agencies, I hereby move to recommend denying the application, having found that the application does not meet the criteria found in* **Driggs Area of Impact LDC***. Specifically…*

Prepared by Joshua Chase, Planner

Attachments:

- A. Application (3 pages)
- B. Narrative (1 page)
- C. Site Plan (1 page)
- D. EIPH email (1 pg)
- E. City of Driggs Comments (2 pages)

End of Staff Report