



## PRELIMINARY PLAT REVIEW SUBSTANTIAL PLAT AMMENDMENT HEARING

**BY:** Refugio Engineering

**FOR:** Jason, Robert and Nina Grimm

**WHERE:** 1138 Ski Hill Road, Driggs

**REPORT PREPARED FOR:** Board of County Commissioners Public Hearing June 9, 2025

**REQUEST:** Refugio Engineering, on behalf of their client, the Grimms, has submitted an application requesting the division of a 2.5 acre lot in Aspen Meadows Subdivision into two lots, one at 1.76 acres and the other at .79 acres. The property is currently accessed from a gravel driveway and proposes to utilize a shared driveway for the new lot. The project parcel is within the Scenic Corridor Overlay and Big Game Migration Corridor & Seasonal Range.

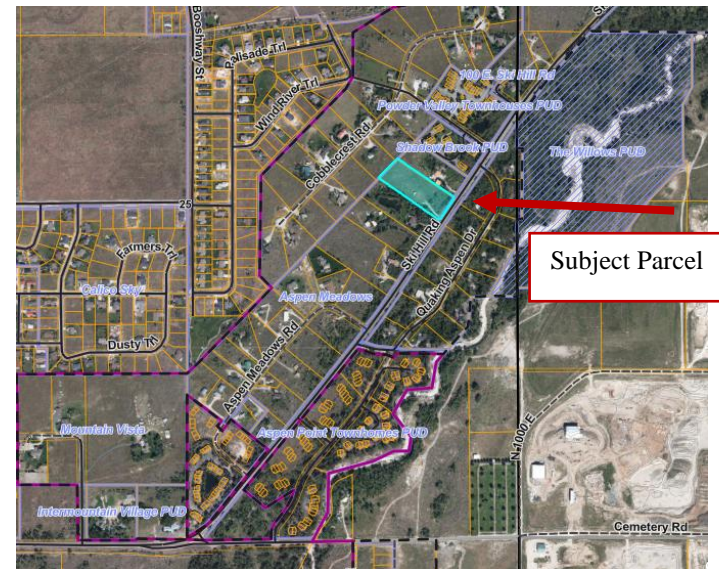
**APPLICABLE COUNTY CODE:** Teton County Code Title 7 Chapter 1- Driggs Area of City Impact Ordinance specifies, under A.3., Teton-County Subdivision Regulations apply, with exceptions to include City of Driggs Subdivision Design Standards (Title 1, Chapter 4), City of Driggs Subdivision Improvement Standards (Title 10, Chapter 5), and City of Driggs PUD Regulations (Title 10, Chapter 6). 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:** RP00030000200; LOT 20 ASPEN MEADOWS SEC 25 T5N R45E

**LOCATION:** 1138 Ski Hill Road

**ZONING DISTRICT:** ADR-1.0 – Driggs Impact Area 1.0-Acre Avg. Density Residential  
Overlays: Scenic Corridor Overlay, Big Game Migration Corridor

**PROPERTY SIZE:** Total project acreage – 2.43 acres



## **PROJECT DESCRIPTION**

The applicant is requesting a division of an existing lot in the Aspen Meadows Subdivision in order to create two lots from one current lot. The proposed lots are *Lot 20A at 1.76 acres and Lot 20B at .79 acres*. See Drafted Amended Plat in Exhibit C. The applicable zoning in place at this time is Driggs Area of Impact ADR-.5 (Average Density Residential). The properties are located within the City of Driggs Area of City Impact and zoning and subdivision requirements are subject to the Impact Area Agreement between the City of Driggs and Teton County, Idaho. That Agreement specifies that the applicable zoning ordinance is an older version of the City of Driggs zoning ordinance, and the relevant subdivision ordinance is the 'old' County subdivision ordinance with certain exceptions to include City improvement standards.

The zoning indicates that "Development shall be limited to one dwelling units for each one (.5) acre. This is not a minimum lot size requirement. The number of units permitted is determined by parcel size requirements. The number of units permitted is determined by parcel size divided by (.5) acre and rounding to the nearest whole number. Lot size may vary; provided, that the resulting development complies with all other requirements of this article" (City of Driggs Area of Impact, Title 9-6B-4.A.)."

The applicant has provided a site plan and narrative with setbacks and proposed building locations, with the assumption that building permits would be processed under the old regulations. Staff recommends building envelopes are adjusted to meet the updated AOI code which would regulate any future building permits. The County Subdivision ordinance categorizes the proposal as a "Substantial Change – Increase Scale, Impact," which includes "An increase in the number of lots." (Title 9-7-1-B-2-a).

## **PROJECT BACKGROUND**

Aspen Meadows Subdivision was originally platted in 1977 as 21 lots ranging in size from 2-3 acres (instrument no 79600). Multiple amendments have occurred over the years, notably 9 lot splits, and 3 of the original lots being replatted for 48 townhomes.

Some lots in Aspen Meadows Subdivision are served by City water and some have individual wells. The lot was zoned .5 ADR (average density residential) at the time of application. The AOI for the City of Driggs was effectively changed by ordinance a day after the application submitted.

Aspen Meadows does not have an HOA nor any CCRs.

A Joint City-County Planning & Zoning Commission previously considered the proposal under a previous application (PA21-3). During a public hearing on March 11, 2025, they discussed setbacks and ADUs.

*Ms. Jade Krueger, Planning Administrator for the City of Driggs, reviewed the application to split Lot 20 into two lots in the ADR-0.5 zone district. The lot is in Aspen Meadows accessed from Ski Hill Road.*

*Mr. Nick Mestre with Refugio Civil Engineering, representing the applicant, commented on the intent to split the lot in order to provide a house for their grown children. He noted the nine other lots in Aspen Meadows that have been split since the subdivision was platted, and felt it would be no different. Regarding setbacks, he brought up the old setbacks that were in place before the AOI zoning was adopted and stated the applicant wanted to maintain those rather than comply with the new zoning setbacks.*

*Mr. Weber asked if the applicant was planning on an ADU with the new lot. Mr. Mestre commented if they do choose to have a small ADU it would be in the identified building envelope. Ms. Krueger pointed out that the old zoning did not allow ADUs but the new zoning will allow one. Mr. Mestre also commented that things are unclear in the AOI when it comes to setbacks and felt it needed to be looked at for the future.*

*Mr. Kirkpatrick asked if the setback rules need to be decided at this point. Ms. Krueger explained it can be discussed but does not need to be decided at this hearing. Ms. Barker asked if Condition #2 was appropriate. Ms. Krueger commented that the Code that was in place at the time the application was submitted allowed the 10' side & 20' front & rear setbacks but not an ADU. Therefore, a building envelope*

*for an ADU should be removed if the Commission wants to allow the previous setbacks for the plat amendment.*

*Mr. Weber felt the building envelopes were a positive thing on the plat since they are not required and would like to see them remain. Based on the existing density in the subdivision and the effort made to locate the new structures on the west side of the lot away from Ski Hill Road, Mr. Weber had no issues with the application.*

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 recommend APPROVAL of the Amended Preliminary Plat for Lot 20 of Aspen Meadows Subdivision as described in the application materials submitted on December 17, 2024 with the conditions listed in the staff report.

#### **RECOMMENDED CONDITIONS OF APPROVAL**

1. Applicant to submit drafted deeds for the proposed new parcel.
2. The building envelopes be adjusted to not conflict with regulations at the time of building permit.
3. CCRs be updated to reflect building envelopes and setback and include general land use recommendations from Appendix 3 of the NRA.

#### **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).
- 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.

#### **REVIEW**

- **ROADS & UTILITIES:** No additional public roads are proposed. The two proposed lots will have access via an easement from Ski Hill Road. City of Driggs Public Works confirmed that the lot does not have access to an existing sewer line. The County Public Works had the following comment dated February 27, 2025:  
*25' Driveway Easement shown is assumed to be a shared access/driveway. For clarity, it is recommended that the easement be labeled as a "shared access easement". A second access on Ski Hill Road will not be permitted.*
- **FIRE PROTECTION:** Fire Marshal reported that there are no concerns approved the lot split for access.
- **WASTEWATER TREATMENT:** Eastern Idaho Public Health found that this property is suitable for sub-surface waste disposal to serve residences created by a split. The review letter (dated December 3, 2024) indicated the applicant should confirm with the city about city sewer lines given the proximity.

Nick,

JAY T. MAZALEWSKI, PE

- Grimm Significant Plat Amendment BoCC 6-9-2025

*This area includes all land between Teton Creek and Ski Hill road, northeast of the Aspen Pointe development. Most of this area is within the Teton Creek floodplain and therefore considered unsuitable for dense development. Where developments are proposed, utilization of areas outside of the floodplain should be required.*

The application appears to generally conform with the density recommendation in the Comprehensive Plan, where the proposed amendment resulting in two lots of .79 acres and 1.76 acres. If each lot were allowed ADUs, the density would be higher than the desired amount of 1 or few units per acre.

**b. The application complies with all applicable County (And City of Driggs) regulations.**

This application appears to comply with applicable County regulations. Specifically, the proposal meets the density of the existing zone (ADR-.5). Any building permits that would be submitted would be subject to current regulations, which would indicate standard county setbacks for this zone of 30' for side and front and 40' for the rear. In this instance, Staff would suggest the building envelopes be adjusted to not conflict with regulations at the time of building permit. The P&Z commission did not address.

**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.

**d. The application includes trails and pathways as required by Section 9-4-2(B-4) to the maximum extent feasible.**

This project is not proposing any trails. No new trails are indicated for these lots in the relevant transportation plans.

**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 does not appear to be required for this application.

**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 the further subdivision of the lot was required through EIPH. A review dated December 3, 2024 indicated the owner should confirm with the City of Driggs about city system connection. The Public Works Director confirmed the distance for an available connection was over 1000 feet away.

**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 is not required for this application.



- 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.**

The proposed additional lot created through this plat amendment application would utilize a 25' shared driveway easement to access Ski Hill Road.

- i. **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 parcel is within the Big Game Migration Corridor and Seasonal Range and Scenic Corridor, both of which are considered Natural Resources Overlays. A natural resource analysis was completed and indicated that development of the parcels will have both direct impacts via habitat loss and indirect impacts via increased human and domestic pet increase.

Because of the scale of development, the project is likely to have minimal adverse impacts on indicator species. The eastern portion of the project area was noted as quality habitat to ungulates.

**The mitigation and land management plan states the following:**

#### **MITIGATION AND LAND MANAGEMENT PLAN**

Per guidance provided in Title 9, avoidance and minimization of impacts to indicator species and indicator habitat is the preferred approach to mitigate adverse impacts to these species. Efforts were made by the applicant to avoid impacts to indicator species and indicator habitat. Based on the current site plan, impacts to indicator habitat have successfully been avoided. Impacts to mule deer and to a lesser extent elk are, however, unavoidable. The applicant has proposed noxious weed management and a prohibition of perimeter fencing around the proposed parcels to assist in mitigating project-related impacts to indicator species. Although the parcels will be developed, the prohibition of perimeter fencing will allow for continued big game (likely limited to deer) movement through the property. Future land management activities will be carried out on an as-needed basis and will be performed in a manner that minimizes negative impacts to indicator species and habitat and avoids harm to natural resources.

#### **SUMMARY AND CONCLUSION**

The proposed Grimm Lot Split will result in the creation of two lots within the 2.54-acre project area. In addition to the two parcels, development plans provided by Refugio Engineering include construction of an access road and establishment of building envelopes for a main residence and a barn/ADU on each parcel. Other than the access road, no physical development is currently proposed. This NRA report, including the Wildlife Habitat Assessment, has been prepared because the project area falls within the mapped WH Overlay for big game seasonal range and migration corridors. All proposed development will occur in the fallow agricultural meadow/disturbed grassland habitat, which along with the disturbed area is the least valuable habitat in the project area. Future development in the proposed building envelopes is expected to have negligible adverse long-term impacts on big game indicator species (i.e., mule deer and elk). The site plan pushes all development to the northwestern portion of the project area, which also maximizes the scenic corridor buffer between proposed development and Ski Hill Road.

BoCC should determine if the proposal and building envelopes meet 9-3-2(C-2-c-WH) and if the mitigation measures presented are appropriate. Proposed Building envelopes solely in the western portion of the property were arranged in order to restrict development in the southeast cottonwood forest and mountain shrubland areas fronting Ski Hill Road, which serve as the highest quality wildlife habitat, according to the NRA report.

iv. **Impact Analysis and Mitigation Plan:** The application shall include an Impact Analysis and Mitigation Plan prepared by a qualified professional based on the Natural Resources Analysis and Wildlife Habitat Assessment required above. The Impact Analysis and Mitigation Plan shall:

(a) Identify and analyze the type, duration, and intensity of direct and indirect impacts to indicator species and indicator habitat reasonably expected to result from the proposed subdivision (inclusive of infrastructure layout, proposed recreational uses, anticipated human presence, anticipated land uses, proposed wildland fire protection measures, etc.);

(b) Address how applicant intends to avoid, or minimize and mitigate any impacts to indicator species and indicator habitat. Avoidance of impacts is preferred to minimization of impacts with mitigation;

(c) Provide a list of proposed mitigation measures, that may include habitat preservation, restoration, enhancement, and creation and an analysis of the probability of success of such measures.

Revised 05/16/2013

Teton County Idaho

Page 32 of 87

-WH)

9-3-2(C-2-c-WH)

If the impact mitigation plan requires significant construction or restoration activities, the County shall require that the applicant provide a financial security in the form of a letter of credit for 125% of the estimated cost of those activities, with the letter of credit to be released when the construction or restoration has been completed as described in the impact assessment and mitigation plan. (amd. 11-14-08; amd. 05-11-10)

- j. **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 is not required for this application.

- k. **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 projects future development to be consistent with densities found in the City.

- l. **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.**

This is not applicable.

- m. **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.

- n. **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 conduct a public hearing and consider the approval criteria above. BoCC may consider requirements within 9-3-2(C-2-c-WH).

- The development agreement may be deemed unnecessary, if the driveway and all other improvements have been constructed to satisfactory standards. Teton County Public Works should confirm before Final Plat application.

#### **RECOMMENDED CONDITIONS OF APPROVAL**

1. Applicant to submit drafted deeds for the proposed new parcel.
2. The building envelopes be adjusted to not conflict with regulations at the time of building permit.
3. CCRs be updated to reflect building envelopes and setback and include general land use recommendations from Appendix 3 of the NRA.

#### **BOARD OF COUNTY COMMISSIONERS' ACTIONS**

- A. Recommend approval of the Preliminary Amended Plat, having provided the reasons and justifications for the approval.
- B. Recommend approval of the Preliminary Amended Plat, 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 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



## **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 RECOMMEND APPROVAL of the Amended Preliminary Plat for Lot 20 of Aspen Meadows Subdivision as described in the application materials submitted on December 17, 2024 [with the following conditions]...*

### **Continue**

Motion to continue the plat amendment request for Lot 20 of Aspen Meadows to (insert date here) until the following additional information is provided... *[to be determined by the Commission]*.

### **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 RECOMMEND DENIAL of the Amended Preliminary Plat for Lot 20 of Aspen Meadows as described in the application materials submitted December 17, 2024 based on the following findings:*

Prepared by Mitzi Van Arsdell Associate Planner  
Reviewed by Joshua Chase Planning Administrator

---

### **Exhibits:**

- |                            |                                      |
|----------------------------|--------------------------------------|
| A. Application             | G. Wildlife Habitat Assessment       |
| B. Narrative               | H. EIPH Approval Letter              |
| C. Deed                    | I. Fire Marshal Response             |
| D. Aspen Meadows Plat      | J. Driggs Public Works – Utility Map |
| E. Proposed Plat Amendment | K. Lot Split CCRs                    |
| F. Site Plan               |                                      |