

February 27, 2025
Teton County Planning and Zoning
150 Courthouse Dr.
Driggs, ID 83422

Re: Darby Meadows Ranch – Wetland Setback Variance Request

The Darby Meadows Ranch consists of two parcels (RP04N45E10600 and RP04N45E152400) and is located west of HWY 33 along W 3000 S and Darby Creek (Figure 1 and 2). Jurisdictional wetlands were delineated on the parcels in the fall of 2024 and much of the property was found to meet U.S. Army Corps of Engineers wetland criteria (Figure 3). The landowner would like to cross the northern parcel (RP04N45E10600) with a driveway and develop a residence on the southern parcel (RP04N45E152400) (Figure 4).

Figure 1. Vicinity Map

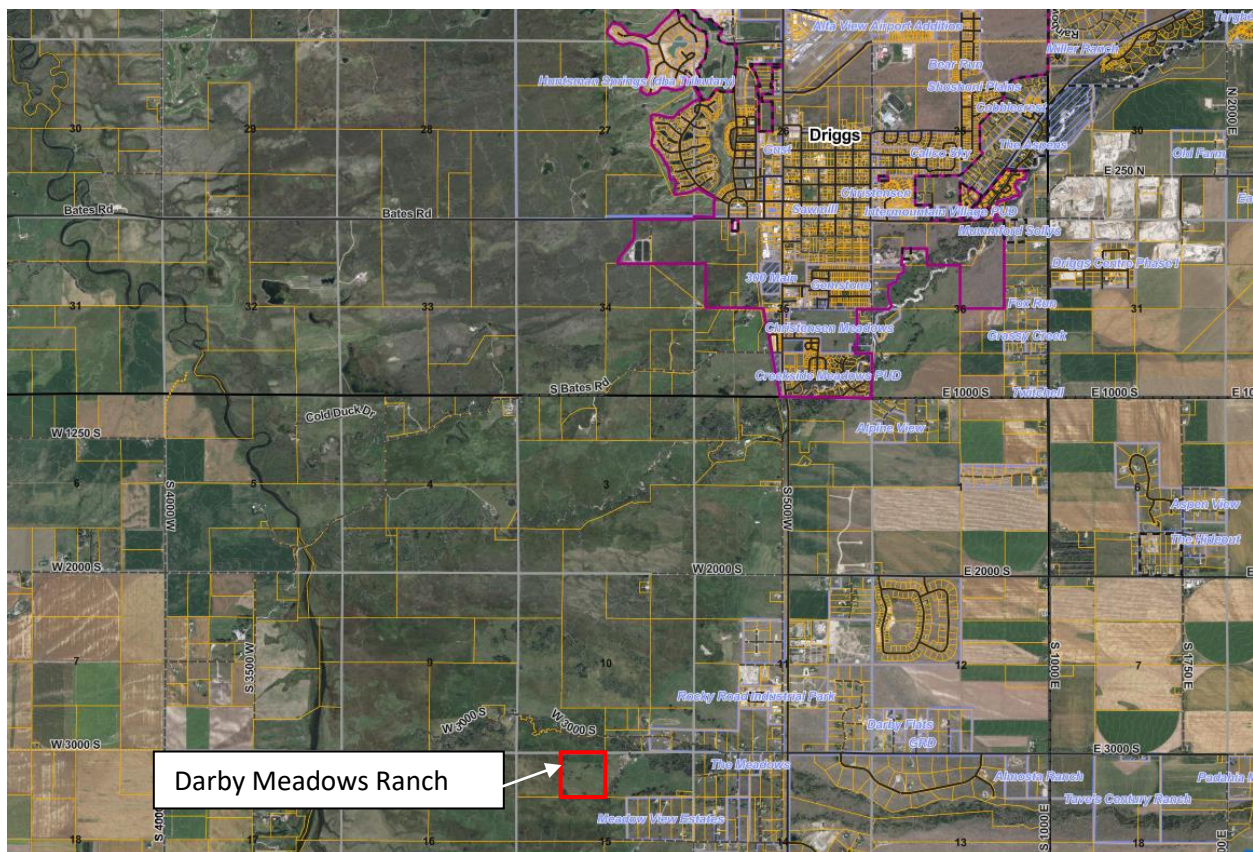


Figure 2. Parcel Map w/ Natural Resource and Floodplain Overlays

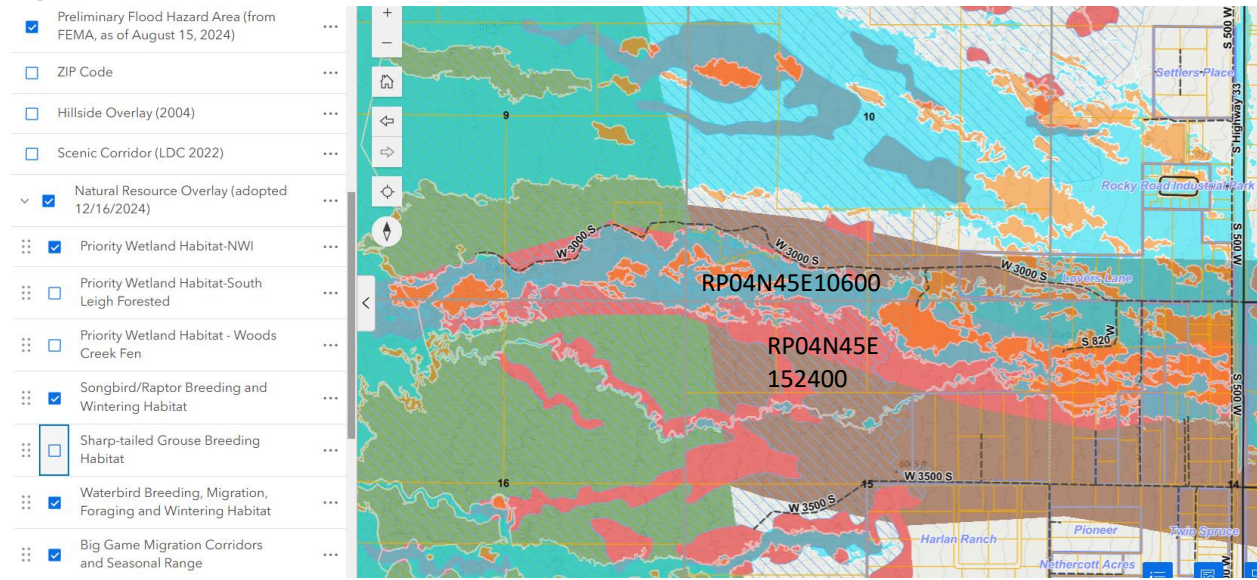


Figure 3. Wetland Delineation Map

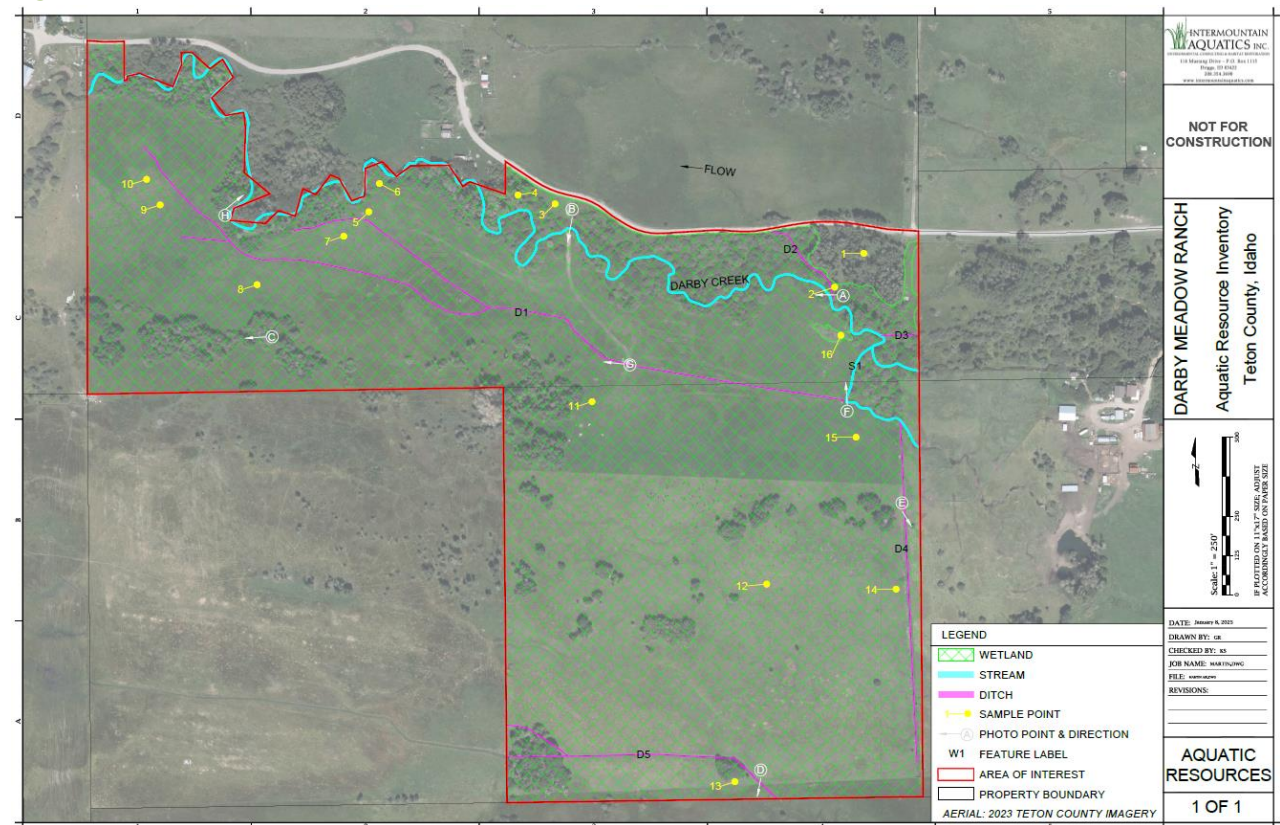
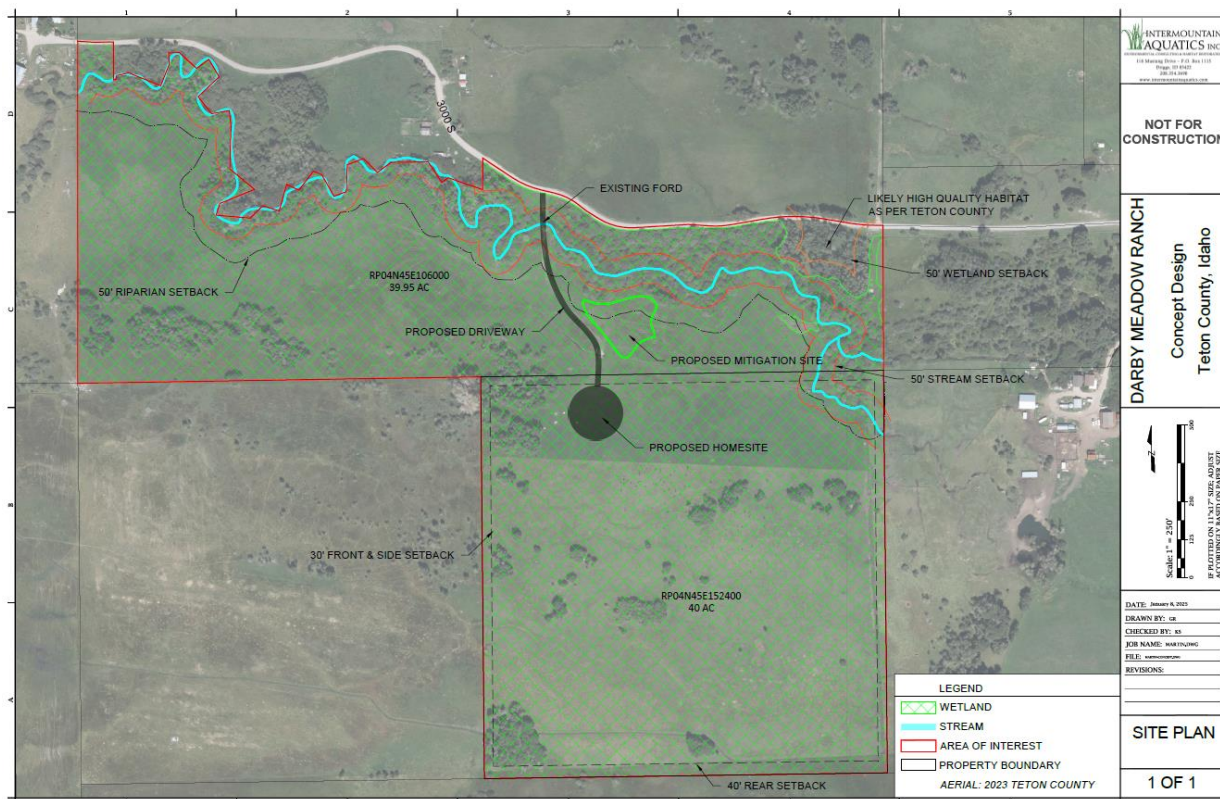


Figure 4. Concept development plan

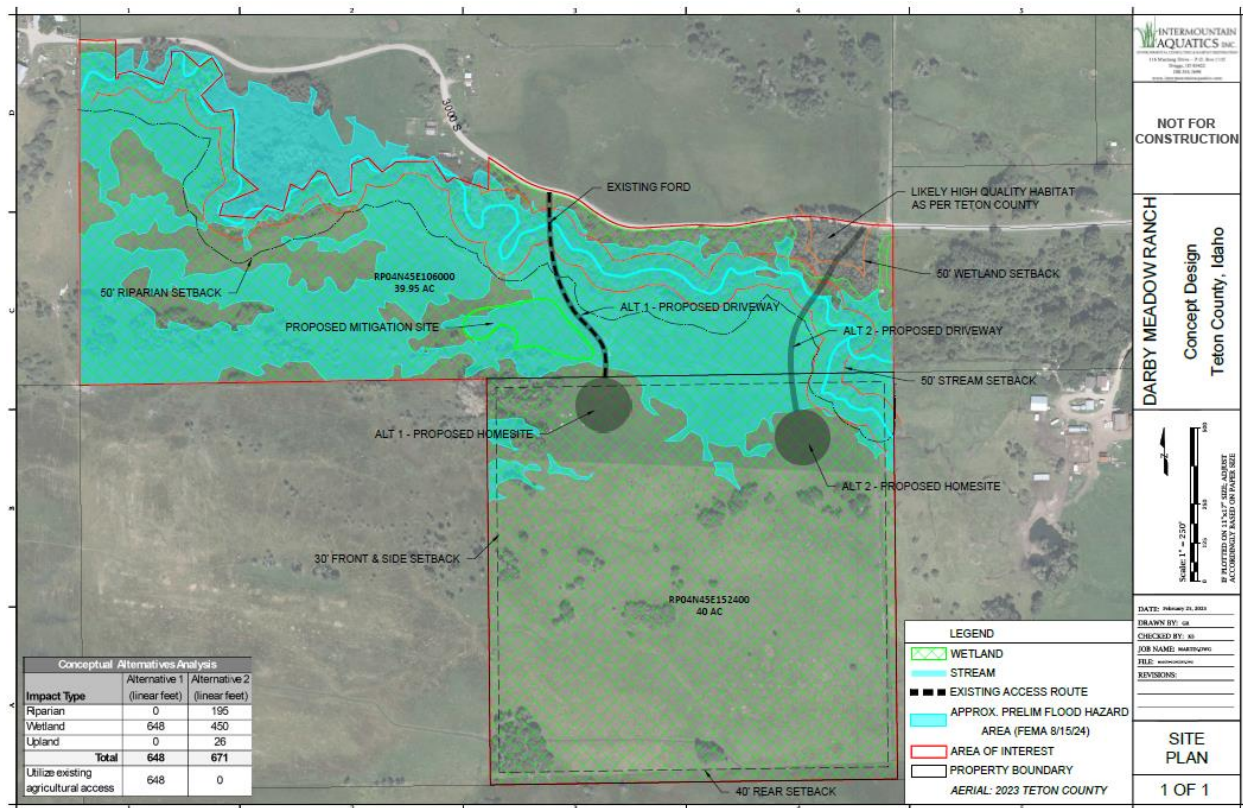


The property owner is proposing to construct a driveway across RP04N45E10600 to access a homesite on RP04N45E152400 (Figure 4). The proposed driveway and homesite are entirely within wetlands and the 50' wetland setback. There are few options to develop RP04N45E152400, this concept attempts to reduce impacts to wetlands, floodplains and priority wildlife habitat. The owner would like to request a variance to develop in wetlands and the riparian buffer.

In this instance, the prohibition of development in riparian buffers causes undue hardship due to the extent of wetlands and lack of uplands on the parcels. The subject parcel is entirely wetlands, and the parcel that will be crossed for access is almost entirely wetlands. The only non-wetlands on the properties are in the northeast corner of parcel RP04N45E106000, and we anticipate that Teton County would not look favorably upon developing this area because it meets the criteria for protected big game migration and songbird/raptor breeding and winter habitat.

A conceptual alternative analysis was completed to compare these two options (Figure 5). Alternative 1 utilizes an existing ag access route and would replace an old ford crossing Darby Creek with a box culvert. Alternative 2 would impact an aspen forest and riparian area that provide songbird/raptor winter and breeding habitat and cover for migrating big game along the Darby Creek corridor.

Figure 5. Revised conceptual development plan and alternatives analysis



This request meets the following review criteria:

If the variance application relates to a public-school facility, pursuant to Idaho Code section 67-6519(3), documentation and studies sufficient for County considerations of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the application;
This application does not relate to a public school facility.

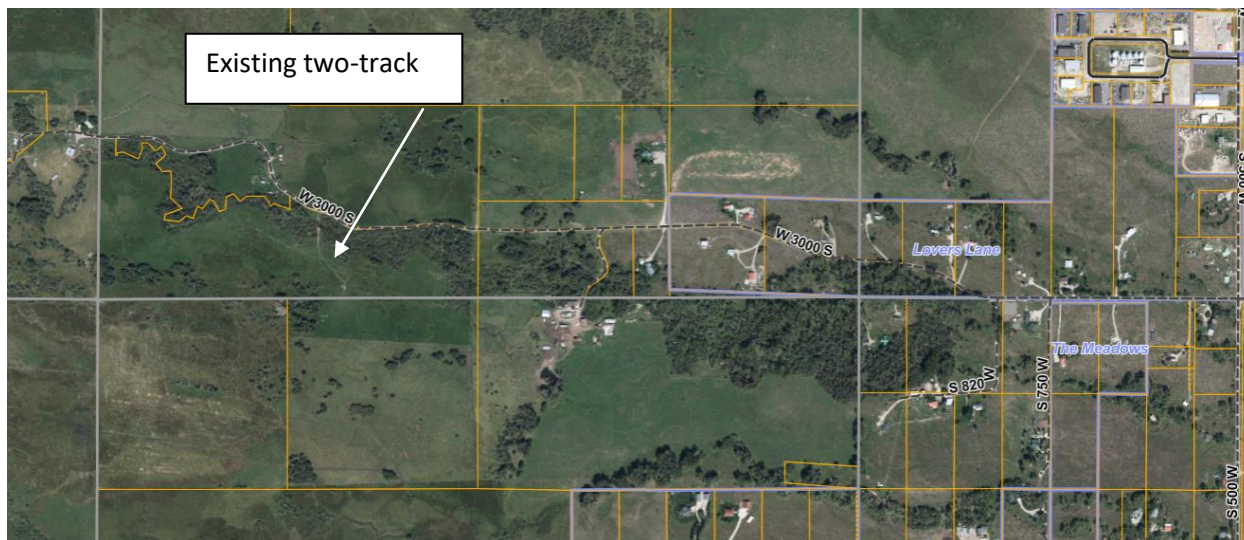
A literal interpretation of the provisions of the LDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located;
A literal interpretation of the provisions of the LDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located. Countless properties in the valley ‘wetland bottoms’ have development within and/or crossing wetlands, developed in accordance with permits and guidelines administered by the U.S. Army Corps of Engineers regarding the protection of wetlands.

Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the Zoning District in which the property is located;
Granting this variance is necessary to allow access and development of the property, and will not confer any special privileges beyond what would reasonably be expected, that are denied to other properties located within the Zoning District.

The requested variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the general welfare;

The proposed driveway and development on private land will not impede public health, safety, and general welfare, and is in harmony with the purpose and intent of the LDC. The requested variance is consistent with neighboring driveways and development, and will not be injurious to the neighborhood or to the general welfare of the public. It also utilizes an existing two track on the property previously used for agricultural activities.

Figure 5. Existing two-track



The special circumstances are not the result of the actions of the applicant;

The applicant has made no changes to the parcel extent or location/extent of wetlands or uplands. The special circumstances are not the result of the actions of the applicant; they are the result of a change in the LDC to add setbacks/buffers to sensitive lands.

The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure;

A driveway must be constructed to access the site and a ~1/2 acre homesite (U.S. Army Corps of Engineers – Nationwide Permit 29 threshold) is proposed just past the 30 ft lot-line setback. The proposed driveway utilizes an existing ford and access route, minimizes impacts to wetlands, Darby Creek and riparian areas, and will mitigate for those impacts through the U.S. Army Corps of Engineers.

The variance does not permit a use of land, buildings or structures, which are not permitted by right in the Zoning District or the LDC, including Chapter 5;

The requested variance is for a driveway and residence. It will not result in a use which is not permitted by right in the Zoning District or the LDC, including Chapter 5. The underlying zoning is LA-35 – Lowland Agriculture.

Granting of the variance is not in conflict with the public interest;

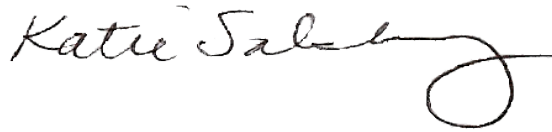
Wetlands will continue to be protected by utilizing existing access routes and low-quality wetlands to the greatest extent possible, and mitigating for impacts as required by a US ACOE permit.

The variance does not reduce the lot size below the minimum lot size allowed in the Zoning District, except as provided in section 1-8.

The variance request does not propose changing the lot size, and will not reduce the lot size below the minimum lot size already allowed in the Zoning District.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Salisbury". The signature is fluid and cursive, with a large loop at the end.

Katie Salisbury

Planning & Zoning Department



VARIANCE PERMIT

Variances can only be approved for the modification of the bulk and placement requirements of the LDC as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other LDC provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots, as outlined in Idaho State Code 67-6516. Variances are considered through a quasi-judicial process. A variance is not a right or special privilege and may be granted only upon a showing of: a. Undue hardship because of characteristics of the site; and b. That granting of the variance is not in conflict with the public interest. All variance applications shall follow the noticing procedures set out in Section 4-1-2 of the LDC.

For Office Use Only

Fees Paid

☐ Check # _____ ☐ Credit Card ☐ Cash _____

Fees are non-refundable.

Requirement for Submittal: Ensure all requirements are included. *Incomplete applications will not be put on hold.* Incomplete and partial applications will be returned to applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner Info

Owner Name: John Martin
PO Box 10846
Address: Jackson, WY Zip code: 83002

Project Location

Name of Applicant (if different than owner): Katie Salsbury Phone: (208) 354-3690
Intermountain Aquatics
Project Address (if different than owner address): TBD W 3000 S Zip code: 83455
NE4NW4 SEC 15 T4N R45E
Email: katie@intermountainaquatics.com Zoning District: LA-35

Primary Contact (if not applicant): _____
Email: _____ Phone: () _____

Designated Primary Contact

☐ Owner ☒ Agent/Representative

Project Info

RP#: RP04N45E106000 & RP04N45E152400



I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete and reviewed by the Planning Administrator and scheduled for public hearing.

Applicant Signature: Katie Salas Date: 2/27/2025

I, the undersigned, am the owner of the referenced property and do hereby give my permission to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property to find it to be correct.

Owner Signature: [Signature] Date: 2/27/25

Checklist

All items need digital copies as well as paper copies.

- ☒ Complete application and fee.
- ☒ Site Plan
- ☒ Vicinity Map
- ☒ A written statement demonstrating the requested variance meets the review criteria below and other requirements of law.

N/A ☐ If the application relates to a public school facility, pursuant to Idaho Code section 67- 6519(3), documentation and studies sufficient for County consideration of impacts related to transportation, the use and zoning of surrounding properties, and other impacts relevant and appropriate to the application.

SECTION II: CONSIDERATION FOR APPROVAL

- ☒ A literal interpretation of the provisions of the LDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the Zoning District in which the property is located.
- ☒ Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the Zoning District in which the property is located.
- ☒ The requested variance will be in harmony with the purpose and intent of the LDC and will not be injurious to the neighborhood or to the general welfare.
- ☒ The special circumstances are not the result of the actions of the applicant.
- ☒ The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure.
- ☒ The variance does not permit a use of land, buildings or structures, which are not permitted by right in the Zoning District or the LDC, including Chapter 5.
- ☒ Granting of the variance is not in conflict with the public interest.
- ☒ The variance does not reduce the lot size below the minimum lot size allowed in the Zoning District, except as provided in section 1-8.

SECTION III: PLANNING ADMINISTRATOR/DESIGNEE REVIEW/ACTION

Application is submitted on the ____ day of ____, 20__.

Application is deemed complete and accepted on the ____ day of ____, 20__.

