



TETON COUNTY, IDAHO | Planning Department

Subdivision Extension Request

Summary of application:

The JC Ranches Subdivision is a 17-lot subdivision proposal on ~80 acres at RP05N45E101000 near W 4000 N. The applicant submitted a concept application on February 2, 2022. A pre-application conference occurred after submission of the application on February 22, 2022. The concept application was signed and deemed complete on March 1, 2022. The application start date is therefore March 1, 2022. The three-year timeframe to receive final plat approvals would then end at March 1, 2025.

The applicant submitted a complete subdivision extension request application on February 5, 2025 before the subdivision expiration date.

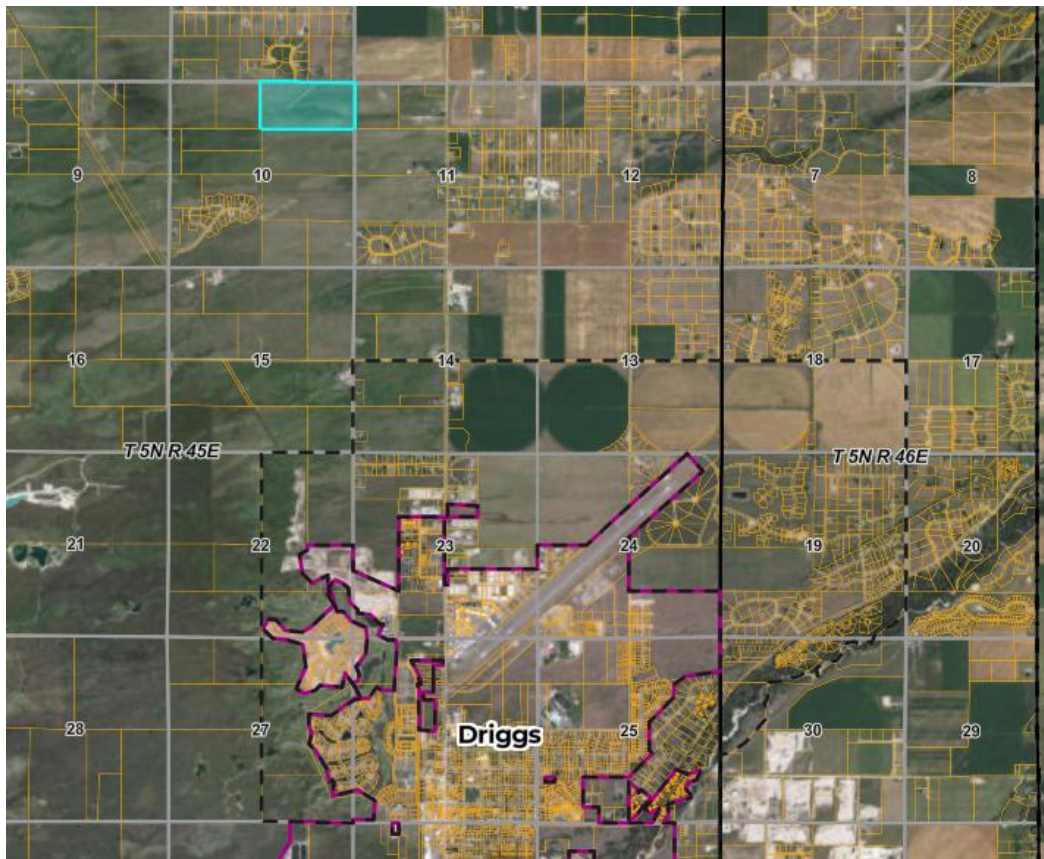


Figure 1. Vicinity Map (parcel in light blue)

Application Background:

Concept application: The concept application was reviewed on April 12, 2022 by the Planning and Zoning Commission. The PZC continued the item:





MOTION: I move to continue the public hearing for the JC Ranches Subdivision Concept Plan in order to obtain additional information from the applicant or other agencies to the May 10, 2022 hearing to address the following: 1) Canal identification on the plat; 2) 2nd access be identified; and 3) Property line location resolution.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	J.A. Michelbacher, Chairman
SECONDER:	Wyatt Penfold, Commissioner
AYES:	J.A. Michelbacher, Chairman, Erica Tremblay, Commissioner, Timothy Watters, Commissioner, Wyatt Penfold, Commissioner, Rebeca Nolan, Commissioner

Concept Review: On May 10, 2022 the PZC reviewed the continued item and made the following motion of approval on the concept plan:

MOTION: Having concluded that the Criteria for Approval of a Subdivision Concept Plan found in Title 9-3-2(B-4) can be satisfied I move to APPROVE the Concept Plan for the JC Ranches Subdivision as described in the application materials submitted February 8, 2022, and as updated with additional applicant information attached to this staff report with the following conditions:

- 1) Wetland delineation
- 2) Cul- de-sacs included in road design;
- 3) Property line concern be addressed
- 4) Both road accesses be connected by some form over the Leigh Creek canal.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rebeca Nolan, Commissioner
SECONDER:	Timothy Watters, Commissioner
AYES:	Erica Tremblay, Commissioner, Timothy Watters, Commissioner, Wyatt Penfold, Commissioner, Rebeca Nolan, Commissioner, Lindsey Love, Commissioner, Wade Kaufman, Commissioner
ABSENT:	J.A. Michelbacher, Chairman

Preliminary Plat: The preliminary plat materials were submitted on April 4, 2024. The PZC reviewed the preliminary plat materials on July 9, 2024 and continued the item with the following motion:

"I move to continue the public hearing for the JC Ranches Subdivision Preliminary Plat to September 10th in order to obtain additional information from the applicant or other agencies pertaining to the questions discussed during deliberation including supplying proof of Army Corps approval, addressing the double access issue with the County, also the NP study addressed and revised, incorporating in the CC&Rs the need for advanced systems for septic, and addressing TIS review comments."

The proposal shifted in this stage to reduce the number of lots and connected one of the proposed interior road to accommodate any access issues.

Continued Preliminary Plat Review: The continued Preliminary Plat Application was reviewed and approved on September 10, 2024 with the following motion:





“Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to recommend APPROVAL of the Preliminary Plat for the JC Ranches Subdivision as described in the application materials submitted on April 4, 2024 and additional information attached to the staff report with the conditions of approval listed in the staff report.”

Conditions of Approval from the Staff Report:

1. The development agreement is incomplete and missing exhibits relevant to the development (legal description, plat, cost estimate, etc.).
2. Address Public Works comments:
 - a. Applicant will need to obtain an Access Permit from Road & Bridge prior to final plat application. Minimum 300 feet separation between access points is required. Separation requirement applies to access points on both sides of the County Road. Applicant is encouraged to consider aligning an access with Los Pinos Drive.
 - b. Confirm Cul-de-sac width. The minimum cul-de-sac width is 60' radius. It is not clear what radius is shown.
3. Financial Surety of 125% of the engineer-stamped and dated cost estimate must be provided to Teton County before the final plat hearing. The cost estimate is currently not stamped.
4. The Nutrient Pathogen Technical Review required edits which the applicant has submitted. A formal memo is still forthcoming. Applicant will adjust according to the review comments, if any.

Board of County Commissioners: The BoCC reviewed and conditionally approved the Preliminary Plat on November 12, 2024.

The following were conditions of approval from the staff report:

1. The development agreement is incomplete and missing exhibits relevant to the development (legal description, plat, cost estimate, etc).
2. Address Public Works comments:
 - a. Applicant will need to obtain an Access Permit from Road & Bridge prior to final plat application. Minimum 300 feet separation between access points is required. Separation requirement applies to access points on both sides of the County Road. Applicant is encouraged to consider aligning an access with Los Pinos Drive.
 - b. Confirm Cul-de-sac width. The minimum cul-de-sac width is 60' radius. It is not clear what radius is shown.
3. Financial Surety of 125% of the engineer-stamped and dated cost estimate must be provided to Teton County with the final plat application. The cost estimate must be stamped.
4. The following plat notes will be required:
 - a. Any development within the subdivision will need to take place outside of the 50' setback from delineated wetlands and outside of the canal setbacks.
 - b. All lots are to be accessed from interior subdivision roads.
 - c. Only attached ADUs will be permitted.



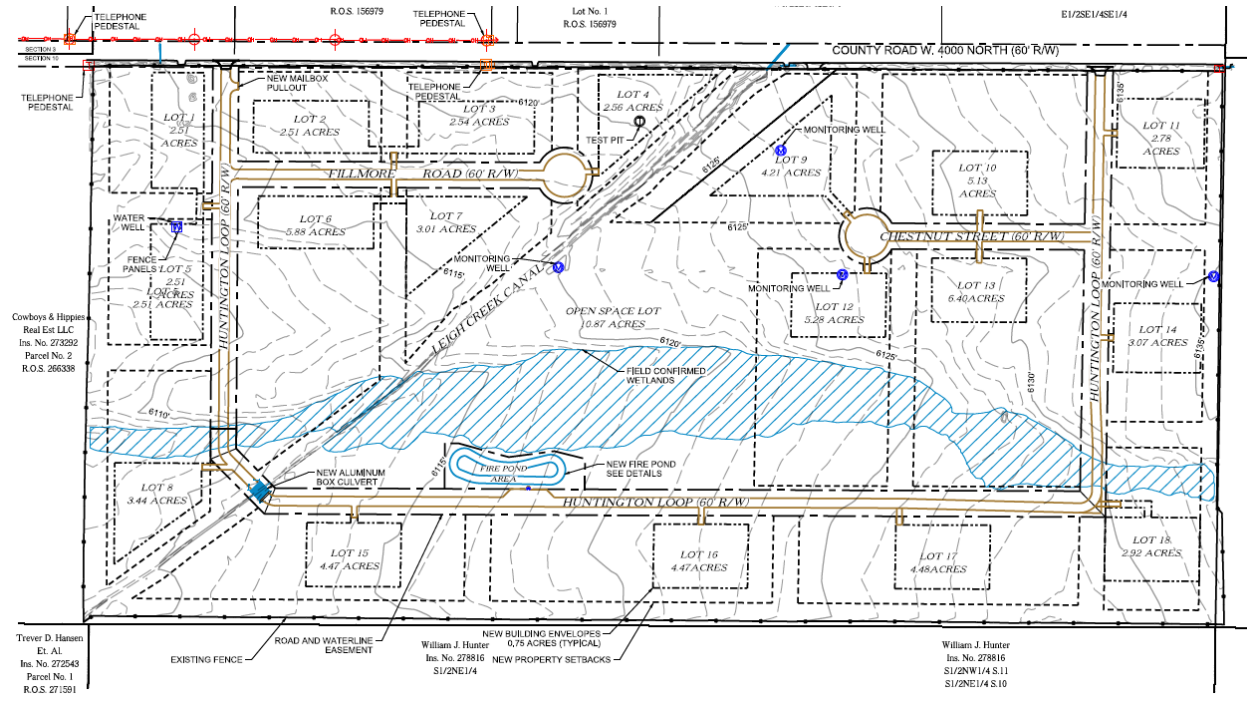


Figure 2. Approved Preliminary Plat (full image from improvement plans)

Findings:

Under Teton County Code §9-3-2 (A-3), one extension of up to twelve (12) months may be granted by the Board of County Commissioners pursuant to 9-3-2 (D-2-J).

The applicant may request in writing prior to the expiration date an extension of time for final approval of up to twelve (12) months from the Board of County Commissioners. The narrative must include specific reasons why an extension is requested, address the criteria in the Subdivision Extension Application, and the extension fee. The fee is non-refundable. No further requests for this time extension shall be deemed accepted or granted. An extension request shall be adjudicated under the ordinance in effect at the time of the request for extension.

The considerations for extension approval, per the Extension Request Application:

1. The developer has diligently pursued the completion of final plat approval and the preliminary plat has been approved.
2. The application was continued by the commission for special studies, i.e.: Traffic, NP, Wetland, Wildlife etc.
3. The denial of the extension would cause undue hardship to a neighboring property.
4. It is in the public interest.
5. Delays have been the result of federal, state or local agency demands, lengthy/unusual review agency timeframes, or required studies that can only occur during a limited time(s) of the year.
6. Application of Title 9 regulations (as amended November 14, 2008) would not significantly alter the extended subdivision's design or dedications.
7. County negotiations for non-required public benefit delayed progress in the project.





8. Other extenuating circumstance.

Staff Recommendation:

The applicant is requesting an extension of an additional 2 months to complete the process of receiving final plat approvals. The applicant’s narrative states the following:

The last “big ticket” item for the subdivision was obtaining a Nationwide Permit (NWP) from the United States Army Corp of Engineers (USACE). We waited to apply for the NWP until the preliminary plat was approved by the BOCC to ensure we didn’t have any changes to the plat or amount of wetland disturbance. This was in effort to prevent delays in obtaining the NWP by having to amend the permit application if there happened to be a change made to the plat based on comments received at a preliminary plat public hearing.

To be proactive and anticipate any delays that could be caused by the NWP, a culture resources survey was completed for the property between the preliminary plat approval and submittal of the NWP application. The NWP application was submitted to the USACE on December 10, 2024. Upon receipt of the application, the USACE notified us that their review time would be a full 60-day period, and that they anticipated issuing the permit in mid-February.

To ensure the final plat for JC Ranches receives approval prior to the subdivision expiration date of March 1, 2025, we are requesting a 60-day approval extension period. The Final Plat and all required materials will be submitted immediately upon receipt of the Nationwide Permit, however, we understand the need for staff review time and the Board of Commissioners busy meeting agendas and know it is possible that the Final Plat may not make it onto an agenda prior to March 1.

The applicant has pursued proper permitting through the ACOE, which may constitute review criteria 1 and 5 in the extension request application. The BoCC can determine if an extension request may be appropriate for the JC Ranches Subdivision given the 8 listed extension request approval criteria above. This request would allow the applicants an additional 2 months to receive final plat approval.

Staff may suggest a longer extension, if approved, in case the ACOE permit is further delayed. 6 months may give the applicant and staff appropriate time for submission and review. Staff incorporated this into the draft motion below.

Board of County Commissioners Action:

1. Approve the Recording Extension Request
2. Deny the Recording Extension Request

Motions:

Approval:

I move to approve the Subdivision Extension Request for the JC Ranches Subdivision for 6 months for the reasons listed in the materials submitted on February 5, 2025, which would allow the applicant to receive final plat approval on or before September 1, 2025.

Denial:





I move to deny the Subdivision Extension Request for the JC Ranches Subdivision as requested in the application submitted on February 5, 2025.

Attachments:

- A. Application and narrative (4 pages)

