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February 4th, 2025

Teton County Board of County
Commissioners and Planning
Administrator
150 Courthouse Drive - Room 107
Driggs, iD 83422

RE: Dorothy Gayle Subdivisons extension application, VIA EMAIL

Dear Commissioners:

I writing to file for a reconsideration regarding a written decision that was made on December 23rd, 2024, by the Board of County commissioners of Teton County and the written decision provided to me on January 31st, 2025 from Kim Keeley the county clerk. This decision was regarding a decision to deny an extension application for the Dorothy Gayle Subdivision application.

REQUEST TO OVERTURN SUBDIVISION EXTENSION APPLICATION DECISION:

- 1) Title 9, 9-3-2-A3 outlines the “Time Limitation” where it states “If the final plat is not approved by the Board of County Commissioners by the end of the three (3) year period, 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) (amd. 2011-03-17).”
- 2) Under title 9-3-2 (D-2-J), has nothing to do with the extension of an application only reviewing “Installation of improvements”. So there is no reference that reflects any reference in the 9-3-2 A3 time limitation and the granting pursuant to 9-3-2 (D-2-J by the board of county commissioners.
- 3) The Teton County Idaho “Subdivison application extension” form recommending that the applicant review Title 9 D-7 prior to submitting the application. Well, the only reference is 9-3-1- D7 reads from section of criteria for approval “The survey be created by a licensed surveyor in the State of Idaho and shall comply with all local and state regulations. (amd. 12/12/05; Amd. 11/15/2012)”.

- 4) On January 19th, 2025, I sent an email to the commissioners, county manager, Clerk and their legal team explaining the confusion for this entire process as provided by the county. I also shared that after multiple attempts to have someone identify for me the process for an extension hearing at which I had no responses being left with the misguided instructions. I emailed multiple times to the county, checked with county staff and no one has been able to guide me to anything other than the process that I have outlined above which is broken.
- 5) The Teton County Idaho BOCC then on December 23rd, 2024, denied my clients application for an extension citing that “no other extenuating circumstances were presented” which was incorrect as my application that was submitted to the county in October of 2024 clearly referenced “these extenuating circumstances have delayed this projects progress.” Where I went on to outline and detail all of the extenuating circumstances in my application narrative.
- 6) In the written response from Teton County Idaho, the commissioners reference the many continuations for this application asking my client to prove access to their property. This access that has been requested over a 3 year time period has been provided to the county PNZ/BOCC by the title company in a full narrative from the Title company’s Chris Moss. Chris Moss also said that anyone that has a question on this access can contact him directly to get clarification. My client’s attorney Moulton Law office has sent in on September 23rd, 2023 a letter where they explained that this properties access is certain. This letter for the Dorothy Gayle Subdivision also came along with legal backing.
- 7) The County has applied standards that are not enforceable or otherwise not part of applicable Code provisions. The findings in the Written Decision are predominantly unsupported by competent evidence in the record or are otherwise not based on enforceable legal standards set forth in the applicable Code. The denial was not based on properly set forth express standards, and Applicant's due process rights have been violated. The County relied on incorrect detail to deny the extension.

8)

The Teton County Subdivision application extension process is confusing , incomplete and references sections that do not exist. I have filed a complete extension request as well as going out of my way to clarify with the county manager, the BOCC and their legal representation the absence of process with extensions where they had no response or guidance for me. The Board states as a reason for denial that “no other extenuating circumstances were presented” when I cited other extenuating circumstances in my subdivision extension application. The Board also pointed out that my application was “not presented” due to the fact that the applicant was not present at the December 23rd, 2025, meeting. Again, no mention in any of the county documentation that the applicant can present their application at a Board meeting, only what I

presented with the extension application which was a full narrative on the reason for extension as stated in the application.

I expect this extension decision to be overturned and granted immediately so myself and my client can continue the process that we have been pushing towards for over three years. I am available to speak to on this matter and look forward to hearing from you.

Curt Behle

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Dorothy Gayle Subdivision applicant

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