



TETON COUNTY, IDAHO | Planning Department

Subdivision Extension Request

Summary of application:

The Osprey Landing Subdivision is a 12-lot subdivision proposal on the 30 acre parcel RP04N45E118401 (at S Hwy 33 and E 3000 S).

The concept application was submitted on 6/30/2021. However, the application was not signed nor deemed complete by the Planning Administrator. Therefore, the application timeline begins with the PZC hearing which was held September 28, 2021. The PZC reviewed and approved the concept plan on that day (9/28/21). The three year timeframe to receive final plat approval per Title 9 would have expired on September 28, 2024.

The applicants submitted an extension request on August 29, 2024.

The BoCC has not yet reviewed and approved the preliminary plat. The applicant requested to be scheduled for Preliminary Plat review with the BoCC on August 29, 2024. If the extension request is granted, the application is following this item on the October 7, 2024 agenda.

The applicants submitted preliminary plat materials on February 23, 2024. PZC reviewed Osprey Landing's Preliminary Plat on May 14, 2024:

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 Osprey Landing Subdivision as described in the application materials submitted on February 23, 2024, and additional information attached to the staff report with the conditions of approval listed in the staff report as well as a change to Item 7 under section 4 of CCRS additional landscaping to match NRA; and Item 6 to address the public works comments regarding the proportionate share along with a legal review.*

RESULT:	ADOPTED [Unanimous]
MOVER:	Tyler Wertenbruch SECONDER: Wyatt Penfold
AYES	Lindsey Love, Tim Watters, Wyatt Penfold, Wade Kaufman, James Weber, Tyler Wertenbruch
NAYES	None
ABSTAIN	None





Figure 1. Vicinity Map



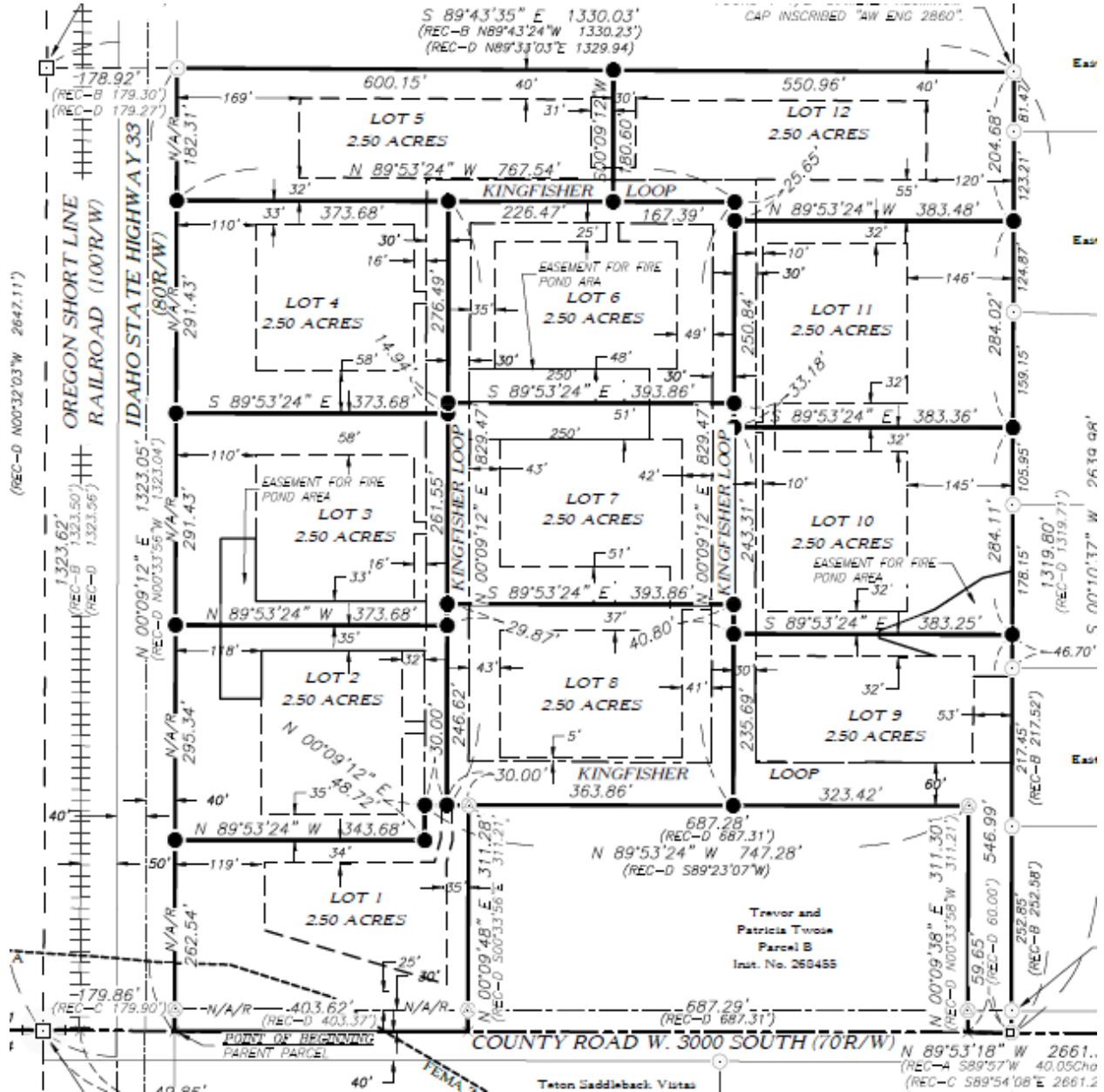


Figure 2. Proposed Preliminary Plat

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. Teton County, Idaho Subdivision Extension Application 5.5.2011 2 of 2
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 4-5 months to complete the process. The applicant still needs to obtain preliminary plat approvals from the BoCC, and following, final plat approvals from the BoCC.

The applicant's narrative states there was uncertainty about required analysis related to the Floodplain and BFE reports required under Title 12 as well as the updated NROs and whether or not this project would need to comply. The concept staff report (attached as item C) identified the need for the NRA because of the Scenic Corridor and Floodplain regardless of an updated overlay. Applicant submitted preliminary plat materials February 23, 2024 and was displeased that they were scheduled May 14, 2024.

Staff comments that once an application is received, it is reviewed for material completion. Then it is scheduled on the next available agenda. An application submitted February 23, and hypothetically reviewed and deemed complete that day, could at the very earliest be scheduled for the April agenda given the legal requirements for noticing. The application was by no means, overly delayed from scheduling of the preliminary plat materials.

The applicant did supply additional analysis on turn lane proportionate costs for Hwy 33 & W 3000 S which indicated failure per the TIS provided. This was a recommended condition from PZC at the May 14, 2024 hearing.

The BoCC can determine if an extension request may be appropriate for Osprey Landing Subdivision. This request would allow the applicants to receive preliminary and final plat approval. Applicants requested 4-5 months, but staff





would suggest a longer period of time if approved given that the expiration date was September 28, 2024, and the preliminary plat has yet to be reviewed and approved by the BoCC.

Board of County Commissioners Action:

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

Motions:

Approval:

I move to approve the Recording Extension Request for Osprey Landing Subdivision for (insert time) months for the reasons listed in the materials submitted on August 29, 2024 which would allow the applicant to receive final plat approval on or before (insert date here).

Denial:

I move to deny the Recording Extension Request for Osprey Landing as requested in the application submitted on August 29, 2024.

Attachments:

- A. Application (2 pages)
- B. Narrative (2 pages)
- C. Concept Staff Report (8 pages)

