



Svenskaland

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

SUBDIVISION EXTENSION

APPLICATION

The Planning Administrator or his or her designee will review this application. It will then be scheduled for review by the Board of County Commissioners. The planning staff is available to discuss this application and answer questions. The burden of proof is on the applicant to demonstrate that the application meets the criteria for approval. It is recommended that the applicant review Title 9, Section D-7 of the Teton County Code prior to submittal. This Title and application are available on the County website at www.tetoncountyidaho.gov.

To expedite the review of your application, please be sure to address each of the following items.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Owner: Lars T and Eva E. Marmisater Family Trust
Applicant: A-W Engineering E-mail: aweng@ida.net
Phone: (208) 787-2952 Mailing Address: P.O. Box 139
City: Victor State: ID Zip Code: 83455
Engineering Firm: A-W Engineering Contact Person: Sharan Woodstehulme Phone: (208) 787-2952
Address: P.O. Box 139, Victor, ID 83455 E-mail: aweng@ida.net

SECTION II: CONSIDERATIONS FOR EXTENSION APPROVAL

The burden is on the applicant to provide a detailed narrative explaining their reason(s) for consideration.

- 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

- 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.

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 for it to be scheduled on the agenda for the Planning and Zoning Commission public hearing.

• Applicant Signature: Stamm Wood Industries Date: 06/20/2024

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

• Owner Signature: James Mcenaney Date: 06/20/2024

Date Received: Even H. [unclear]

Application fee paid in accordance to current fee schedule

Subdivision / PUD Fees paid through Preliminary application (60% of total)

SECTION III: BOARD OF COUNTY COMMISSION ACTION

APPROVED

DENIED

• Chairman Signature: _____ Date: _____

Fees are non-refundable.

NARRATIVE TO ACCOMPANY:
SUBDIVISION EXTENSION APPLICATION FOR –
THE SVENSKALAND SUBDIVISION

The Lars T. and Eva E. Marmsater Family Trust, owns a five acre parcel of land in a part of Section 24, Township 4 North, Range 45 E., B.M. in the Fox Creek area of Teton County, Idaho.

A concept subdivision application with all required documents, was submitted to Teton County, Idaho for a 2 lot subdivision with the goal of having two 2.5 acre lots, one for each of the Marmsaters' sons.

Upon receiving county approval of the concept application for the Svenskaland Subdivision, the preliminary subdivision application including the preliminary master plan/ preliminary plat; infrastructure plans for the upgrading of the access road; soils test holes and preliminary letter of approval from E.I.P.H., CC&R's and Development Agreement, signed application and preliminary application fee were submitted to the Teton County Planning and Zoning Department.

A preliminary plat public hearing was held by the Teton County Planning & Zoning Commission on December 14, 2021 at which time the Svenskaland Subdivision preliminary plat application received approval. One neighbor submitted a letter requesting the identification of setbacks for the southern lot.

A preliminary plat public hearing was held by the Teton County Board of County Commissioners on March 28, 2022 at which time the Svenskaland Subdivision received conditional preliminary plat approval. The two conditions were:

1. The applicant will confirm the access easement for **the adjacent parcel to the south of the proposed Svenskaland Subdivision.**
2. The CC&R's will require adequate septic tank maintenance in accord with current DEQ recommendations.

Both Mr. & Mrs. Marmsater were in attendance at the Planning and Zoning Commission's preliminary plat hearing and the Board of County Commissioners' preliminary plat hearing.

Up until this point, Mrs. Marmsater had visited A-W Engineering's office on more than one occasion to review the application requirements as well as telephone conversations.

I e-mailed Mrs. Marmsater after the last preliminary plat hearing with the two conditions of approval in writing as well as a suggestion to decide which side of the southern lot would be considered the front of the property in order to have the appropriate setbacks on the final plat. I considered it a gesture of good will in regard to the neighbor's request.

Since our firm is neither a title company nor a law firm, it was up to the Marmsater's to engage someone who could research the access to the neighbor's property south of the subject parcel of land.

Marmsaters had also written the CC&R's and had the document for adding the language in Condition # 2.

I have not had a response from the Marmsaters since then. It wasn't until their son Frederick contacted us that A-W Engineering became aware of Mrs. Marmsater's health condition. Since I, Sharon Woolstenhulme, have a mutual friend with the Marmsaters, I did contact her, since I have never met nor had a conversation with Frederick Marmsater. The purpose of the phone call was for clarification of Mrs. Marmsater's situation because this mutual friend is very close to the Marmsaters. It was a brief conversation in which she only informed me that Mrs. Marmsater has contracted a very rare condition known as Multiple Symptoms Atrophy which explains why there hasn't been any communication from her. It also is having a very significant impact on her family.

With 2 conditions of preliminary plat approval, those had to be satisfied before the final plat application could be submitted. The second condition would not cause a time delay but condition # 1 could, depending on the availability of someone to do the research.

We are requesting a subdivision extension based on the following circumstances:

#1. Condition # 1 is not a requirement in the Teton County Title 9 subdivision code under which this application was started. The owners are willing to comply with this condition, but it cannot be met as quickly as Condition # 2. The family of the Marmsaters want to finalize this application which is at the third and last step and are willing to have this research done to meet this condition for the property that is not part of the Svenskaland Subdivision.

2. Mrs. Marmsater's contraction of a very rare disease was an unexpected and heart-breaking setback to the continued processing of this application.

All concerned parties are anxious and willing to bring this to completion. As soon as the Marmsaters are able to obtain the required confirmation of the access easement to the Farley property, the final plat application will be ready to submit to the Planning and Zoning Dept. for the final plat hearing by the Board of County Commissioners.

We are requesting a 3-4 month extension, from the time this application is approved by the Board of County Commissioners to comply with Condition of Approval # 1. The time frame of the extension is for the time to be scheduled for the final plat hearing by the Board of County Commissioners if a final plat hearing can be scheduled within that time frame. If an agenda time is not available, then the first available month for the final BOCC final plat hearing.

ATTACHMENT: MOTION OF APPROVAL FROM MARCH 2, 2022 B.O.C.C. PRELIMINARY PLAT HEARING

Public comment was closed at 10:31 AM.

Board deliberation.

MOTION: APPROVAL

Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to APPROVE the Preliminary Plat for Svenskaland subdivision as described in the application materials submitted October 19th, 2021, and additional information attached to the staff report, with the following conditions of approval:

- 1) THE APPLICANT WILL CONFIRM AN ACCESS EASEMENT FOR THE ADJACENT PARCEL TO THE SOUTH OF THE PROPOSED SUBDIVISION, AND
- 2) THE CC&R'S WILL REQUIRE ADEQUATE SEPTIC TANK MAINTENANCE IN ACCORD WITH CURRENT DEQ RECOMMENDATIONS.

RESULT: APPROVED [Unanimous]
MOVER: Michael Whitfield **SECONDER:** Bob Heneage
AYES: Cindy Riegel, Bob Heneage, Michael Whitfield

3. AGENDA ACTION ITEM - Public Hearing: 10:40 AM - Applebee Acres Subdivision Final Plat Hearing

Mr. Chase presented the staff report for Applebee Acres Final Plat hearing.

Lisa Applebee, representing the applicant, was present to answer questions. The Board asked if the engineer's estimate needs to be updated due to the recent inflation

Public comment was opened at 10:45 AM.

One letter from Jeff White, was entered in to the record and attached to the packet.

Public comment was closed at 10:45 AM.

Board deliberation.

MOTION: APPROVAL

Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Title 9-3-2(D) can be satisfied,

I move to APPROVE the Final Plat Application for Applebee Acres Subdivision as described in the application materials submitted October 13, 2021 and as supplemented with additional applicant information attached to this staff report, with the following conditions:

- 1) THE CC&R'S WILL REQUIRE ADEQUATE SEPTIC TANK MAINTENANCE IN ACCORD WITH CURRENT DEQ RECOMMENDATIONS.
- 2) The engineer's estimate be updated to have been prepared within the last twelve months.

RESULT: APPROVED [Unanimous]
MOVER: Bob Heneage **SECONDER:** Michael Whitfield
AYES: Cindy Riegel, Bob Heneage, Michael Whitfield

4. Public Hearing: 1:00 PM Leo's Landing Subdivision Final Plat Hearing

The applicant requested that this be continued to the April 11th Meeting at 1:00 PM so that they can be present to answer questions.