



TETON COUNTY, IDAHO | Planning Department

Subdivision 2nd Extension Request

Summary of application:

The La Duranzo Subdivision is a 15-lot subdivision proposal on ~40 acres at S 1750 E and E 1500 S, on RP04N46E061800. The Concept application was submitted on November 18, 2021. A pre-application conference occurred after submission on December 13, 2021.

The PZC reviewed the Concept plan on March 8, 2022. Because the application was not signed nor deemed complete by the Planning Administrator, the three-year time frame for approvals began on this date, and would expire *March 8, 2025. The PZC approved the Concept Plan.*

Application Background

The applicants submitted an Extension request on November 18, 2024, before the March 8, 2025 expiration.

The BoCC reviewed the subdivision Extension application at a regular BoCC meeting on December 23, 2024.

Staff presented a staff report, outlining the request, application dates, and hearing dates. The applicant did attend the BoCC meeting on December 23, 2024, and was able to make comments on the request.

The BoCC then entered into deliberation.

The BoCC found that none of the Extension request considerations were applicable or met by the applicant's Narrative:

The motion was made to deny the Subdivision Extension Request for the La Duranzo Subdivision as requested in the application submitted on November 18, 2024.

Commissioner Riegel made the motion. Commissioner Heneage seconded the motion.

The motion was approved unanimously.

February 5, 2025 the board signed the Written Decision Extension Request and it was emailed to the applicant.

On March 9, 2025, a Time Limitation Expiration Letter was emailed to the applicant

On March 10, 2025 a second extension request was received from the applicant. The PZC Preliminary Plat materials were also submitted, 3 years after approval of the Concept Plan.





On March 13, 2025 a memo was sent to legal requesting guidance as to whether the applicant was entitled to apply for a second extension request. As of 5.30.25, that hasn't been answered.

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). Staff is unsure if the applicant is allowed, under Teton County Code Title 9, to make a second extension request.

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. This 2nd Application was received AFTER the expiration date. The expiration date fell on a weekend and the application and payment was received the Monday following the weekend when the application expired. Although the application is reviewed under Title 9, that title indicates that extension requests will be considered under the ordinance in effect at the time the extension request is made. The current Land Development Code provides guidance on receipt materials when the deadline falls on a weekend, however it does not include any provisions for reviewing 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. Preliminary Plat was received March 10, 2025, the same time the 2nd Extension request was received. This represents over 39 months from the initial Concept application on November 18, 2021.
2. The application was continued by the Commission for special studies, i.e.: Traffic, NP, Wetland, Wildlife etc. No studies were required at Concept.
3. The denial of the extension would cause undue hardship to a neighboring property. Staff does not believe that a denial would cause undue hardship to a neighboring property.
4. It is in the public interest. Per the Narrative, the project is meant to meet a pressing need for the County and surrounding area by creating beautiful rural yet affordable housing for local workers. The Preliminary Plat materials include a letter from the Bart Birch Law Office which states: " I also intend to offer assistance with crafting framework to provide for affordable housing within the community. My client has expressly requested assistance with insuring that affordable housing criteria is reviewed and incorporated into this project. I am ready, willing, and able to assist the County to ensure these criteria are satisfied." However, no details of deed restriction or other means of affordable housing were submitted. Board should deliberate.





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. **No 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 were required.**
6. Application of Title 9 regulations (as amended November 14, 2008) would not significantly alter the extended subdivision's design or dedications. **No, Title 9 regulations (as amended November 14, 2008) did not significantly alter the extended subdivision's design or dedications.**
7. County negotiations for non-required public benefit delayed progress in the project. **There were no County negotiations for non-required public benefit delayed progress in the project.**
8. Other extenuating circumstance. Per the narrative: *Incapacitation due to medical issues*. **Board should deliberate.**

Staff Recommendation:

The applicant is requesting an extension of an additional 12 months to complete the Preliminary Plat and Final Plat process.

The BoCC can determine if an extension request may be appropriate for the La Duranzo Subdivision given the 8 listed extension request approval criteria above. This request would allow the applicants an additional 12 months to receive Final Plat approval.

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 La Duranzo Subdivision for 12 months for the reasons listed in the materials submitted on March 10, 2025, which would allow the applicant to receive Final Plat approval on or before **March 8, 2026** (one year from original expiration date).

Final Plat approval on or before **June 9, 2026** (one year from extension approval date).

Denial:

I move to deny the Subdivision Extension Request for La Duranzo Subdivision as requested in the application submitted on March 10, 2025.

Attachments:





- A. Application
- B. Narrative
- C. Bart Birch letter
- D. December 23, 2024 BoCC minutes

