

Second Written Decision for an Extension Request for La Duranzo Subdivision

This is a written decision on the findings for the Second Extension Request for La Duranzo Subdivision under Teton County Code ("TCC") Title 9, Chapter 3 Teton County Subdivision Ordinance (revised 5/16/2013):

APPLICATION DATE:	March 10 th 2025
APPLICANT:	Blakely Barnes
PROJECT NAME:	La Duranzo Subdivision
PURPOSE OF APPLICATION:	A Second Extension Request for La Duranzo Subdivision for a subdivision application nearing the expiration date

Applicable Standards and Criteria for Application Evaluation:

Title 9 Teton County Subdivision Ordinance (revised 5/16/2013)

Teton County Code 9-3-2 (D-2-L):

I. Time Limitation:

- I. Limitation for Approval: The Master Plan, Improvement Plans, Development Agreement and Final Plat shall be approved by the Board of County Commissioners within three (3) years of the date of acceptance of the subdivision/PUD concept application by the Planning Administrator or the entire application is deemed null and void (amd. 2011- 03-17).
- II. Subdivision 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. This 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.
- III. Per Teton County Code, the application for the La Duranzo Subdivision would expire on March 8, 2025. The Subdivision Extension Application was submitted before this date, on November 18, 2024.

Procedural Background

The applicants submitted a concept application for a subdivision on December 16, 2021. However, it was not signed nor formally deemed complete by the Planning Administrator. Therefore, the application timeline under Title 9 of Teton County Code began March 8, 2022, when the application was reviewed and approved by the Planning and Zoning Commission (PZC). The three-year time-frame for approvals began on this date, and would expire March 8, 2025.

SUBMISSION AND SCHEDULING: An application for a subdivision extension request was submitted on November 18, 2024, which was before the deadline of March 8, 2025. Extension requests are reviewed by the Board of County Commissioners ("Board") at a Public Meeting. This request was deemed to not properly have been submitted as the LLC ownership documents for the owner had not been renewed. The Board did substantively review the request but, particularly since the applicant was not present, the Board found that application did not meet the criteria for a subdivision extension request and therefore was denied. On February 5, 2025, the board signed a Written Decision Extension Request and it was emailed to the applicant.

On March 10, 2025, the applicant completed a second application for the extension. The expiration date (March 8, 2025) fell on a weekend and the applicant had communicated with County staff to verify that the application would be accepted on the next business day following the expiration during the weekend. The ordinance in effect at the time of the request for extension has a policy addressing application deadlines which expire on a weekend or holiday, but does not include provisions for reviewing and granting time extensions. The Board considered the request in a regular meeting on June 9, 2025, and continued the Board's deliberation and consideration to June 23, 2025, to allow for legal review.



Staff presented a staff report, outlining the request, application dates, and hearing dates. The applicant did attend the Board meeting on June 23, 2025, and was able to make comments on the request.

The Board then entered into deliberation.

Reasoning and Analysis

The Commissioners determined that, given the status of the applicant LLC at the time the first extension application for this project was made (i.e., the LLC was administratively dissolved), that application was a legal nullity and was never effective. Therefore, there is no issue with subsequently applying for another extension, because the prior application was null and void.

Decision

Upon reaching that conclusion, the Board began discussing the substantive considerations required to approve an extension request.

Commissioner James believed it was within the public interest to extend the application given the affordable housing component.

Commissioner Wolfe believed that the request met most of the criteria for granting the extension. There was some discussion regarding how much time would reasonably be needed to complete the application. It was determined that 12 months would be granted. No further request can be made.

Commissioner James moved 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 June 23, 2026 (i.e., one year from extension approval date). Commissioner Powers seconded the motion. The motion was approved unanimously.

Conclusion

Having given due consideration to the application and materials presented, and to the applicable review criteria, the Teton County Board of County Commissioners, for the reasons described above, hereby makes the following conclusions:

The application for an EXTENSION REQUEST for the La Duranzo Subdivision meets or can meet the requirements of the Teton County Code § 9-3-2(D)(2)(I), and is therefore APPROVED; and the time period for approval of the Master Plan, Improvement Plans, Development Agreement, and Final Plat of the La Duranzo Subdivision is hereby extended to June 23, 2026. Motion:

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 June 23, (one year from extension approval date).

Commissioner James made the motion. Commissioner Powers seconded the motion.

The motion was approved unanimously.

Teton County Board of County Commissioners, Chair

Date

NOTICE OF APPLICABLE RIGHTS

Applicants have a right to request a regulatory taking analysis of this decision pursuant to Idaho Code § 67-8003. Further, per Idaho Code § 67-6535, and in accordance with Idaho Rule of Civil Procedure 84, an applicant or an affected person has the right to seek review of this decision.

CERTIFICATE OF SERVICE

I hereby certify that on this day of July 15, I served a true and correct copy of the foregoing document upon the following:

Blakely Weston Barnes	<input type="checkbox"/> Mailing <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-Mail <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Courthouse Box
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