



TETON COUNTY, IDAHO | Planning Department

MEMORANDUM

TO: BoCC
FROM: Jade Krueger, Planning Administrator
DATE: February 21, 2024
SUBJECT: Alpine Acres Subdivision – Lots 1-5; Scenic Corridor Review Appeal

Summary:

Harley Wilcox (Teton Mountain Investments LLC) applied for a single Scenic Corridor Design Review permit for Lots 1-5 of Alpine Acre Subdivision located on W 5000 S and S Hwy 33. Scenic Corridor reviews occur before building permits are issued for areas that are within the Scenic Corridor.



Figure 1. Alpine Acres Subdivision on Hwy 33 & W 5000 S



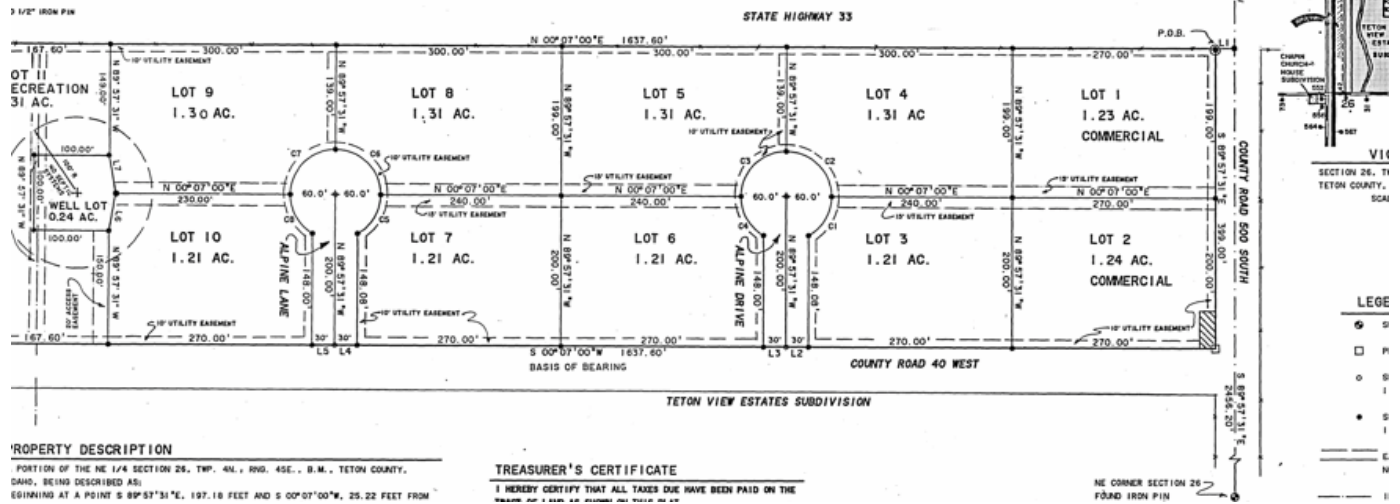


Figure 2. Lots 1-5 on the plat (HWY 33 is oriented to the north in the image)

The application went to the Planning and Zoning Commission on October 10, 2023 (*full application packet included as Attachment B*). Scenic Corridor reviews are completed by the PZC, but there is no public hearing requirement. The meeting minutes for October 10, 2023 PZC meeting were posted after the January 2024 meeting. No formal written decision was issued on the Scenic Corridor review.

PZC reviewed and approved the Scenic Corridor review (*meeting minutes are also attached as Attachment C*):

MOTION: *Having found that the proposed development for Alpine Acres Subdivision is consistent with the LDC Chapter 5-5, I move to approve the Scenic Corridor Permit with the conditions of approval listed in the staff report.*

RESULADOPTED [Unanimous]
MOVER: Lindsey Love **SECONDER:** Tyler Wertenbruch
AYES: Lindsey Love, Tim Watters, Rebecca Nolan, Wade Kaufman, James NAYES
ABSTAIN: Weber, Tyler Wertenbruch
None





The conditions of approval listed in the staff report mentioned by PZC in their motion of approval:

CONDITIONS OF APPROVAL:

1. All structures require a Teton County Building Permit and must comply with the Teton County Building Code.
2. A landscaping plan be provided along with building permit submittal that buffers construction from Hwy 33. This will be reviewed by planning staff during building review. A CO will not be provided until the landscaping plan has been planted.

These conditions did not delay or postpone the issuance of building permits for Lots 1-5. Certificates of Occupancy were conditioned on item 2, the submission of a landscaping plan.

The application form for a Scenic Corridor review lists a landscaping plan as part of the application. Applicant submitted a re-seeding plan that PZC found inadequate given the location along HWY 33.

Staff notes that page 6 of the staff report provided to PZC referenced Title 8 review criteria which are not utilized in the LDC.

Per the LDC, appeals of a decision can be filed (LDC 4-15). An appeal shall be filed within 14 days of a written decision. Meeting minutes in this instance were posted in January after the January 9, 2024 meeting where the minutes were approved.

Applicant submitted an appeal application on January 25, 2024.

Appeal Request:

Application states: Incorrect data, PZC did not give applicant a chance to speak.

Noticing Requirements:

Because the Scenic Corridor design review application did not require public hearing or legal noticing, an appeal of an application of this nature does require noticing (LDC 4-15-c). Noticing requirements for this appeal have been met. The appeal application was noticed in Teton Valley News February 7 and February 14, 2024 and the application was available on the County's website.

Procedures for Appeals and Requests for Consideration:

1. Following notice and a hearing, as required by law, the reviewing official or body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural and LDC standards.
2. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the completed appeal or request for reconsideration. Chapter 4 – Application Procedures 4-87
3. Where no written decision on a request for reconsideration is issued to the applicant within sixty (60) days of receipt of the completed application, the request for reconsideration is deemed denied, without further action by the applicant or the County.





BoCC Action:

1. Affirm the PZC decision with the conditions listed
2. Modify the original PZC decision
3. Reverse the PZC decision of approval with conditions.

Potential Motions:

1. *I move to affirm the PZC decision with the conditions listed in staff report for the Scenic Corridor Review of Alpine Acres Subdivision Lots 1-5 as presented in the attached materials.*
2. *I move to modify the PZC decision to [include or exclude one or both conditions listed in the staff report] for the Scenic Corridor Review of Alpine Acres Subdivision Lots 1-5 as presented in the attached materials.*
3. *I move to reverse the PZC decision that approved the Scenic Corridor Review of Alpine Acres Subdivision Lots 1-5 with two conditions of approval as presented in the attached materials*

Attachments:

- A. Appeal application (2 pages)
- B. Scenic Corridor Review Packet (73 pages)
- C. Meeting Minutes from PZC 10-10-2023 (14 pages)
- D. LDC Section 5-5 on Scenic Corridor (4 pages)

