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~~Cell #12-201-550~~  
Canyon Creek Ranch

NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

**SUBDIVISION/PLANNED UNIT DEVELOPMENT AMENDMENT APPLICATION**

Upon receipt of the required materials the planning staff shall stamp the application received and prepare a staff report. It is recommended that the Applicant review Title 9 of the Teton County Code prior to submittal. This Title along with application materials are located on the County website at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov). The planning staff is also available to discuss applications and answer questions prior to receiving an application.

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

**SECTION I: PERSONAL AND PROPERTY RELATED DATA**

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Owner: Idaho Ranch Subdivision, LLC

Applicant: Herb Heimerl E-mail: herb@tetonlawfirm.com

Phone: (208) 787-0337 Mailing Address: BOX 499

City: Victor State: ID Zip Code: 83455

Engineering Firm: Harmony Contact Person: Aandy Blough Phone: (208) 354-1331

Address: 60 E. Little Driggs E-mail: aandy.blough@harmonydesigninc.com

**Location and Zoning District:**

Address: See attached Parcel Number: see attached

Section: 21, 28, 29, 32, 33, 434 Township: 5N Range: 43E Total Acreage: 2,609

Proposed Units/Lots: 270 ± Current Units/Lots: 350

Code Approved Under: Sept. '07

**FEES (pursuant to current fee schedule)**

- |  |  |
|--|--|
| <input type="checkbox"/> Insignificant                                 | <input type="checkbox"/> Affidavit of Legal Interest   |
| <input type="checkbox"/> Substantial Increase Scale/Impacts            | <input type="checkbox"/> Engineer/Surveyor review cost |
| <input checked="" type="checkbox"/> Substantial Decrease Scale/Impacts | <input checked="" type="checkbox"/> Taxes Current      |

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 Board of County Commissioners public hearing.

Applicant Signature: [Signature] Date: 6-13-11

Fees are non-refundable.

I, the undersigned, am the owner of the referenced property and do hereby give my permission to Hersert Heimerl 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: *[Signature]* <sup>Idaho Ranch Subdivision, LLC</sup> Date: 6-13-11

**SECTION II: ADMINISTRATOR DETERMINATION**

The Planning Administrator has reviewed the amended plat and proposals in accordance with Teton County Subdivision Ordinances 9-3-2. The Planning Administrator has determined the changes are:

( ) Insignificant: The application will be reviewed administratively and approved, approved with conditions or denied. The plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the county regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.

( ) Substantial Changes – Increase Scale, Impact: The application will be reviewed under any applicable current ordinances and a staff report prepared and sent to the Planning and Zoning Commission for preliminary review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement and may or may not require additional studies or application materials. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat. A public hearing before the Board of County Commissioner for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat.

( ) Substantial Changes – Decrease Scale, Impact: The application will be reviewed under the code of original approval and a staff report prepared and sent to the Planning and Zoning Commission for concept review and noticed as a public hearing at their next available regularly scheduled meeting. Substantial changes will require amended CCR's and Development Agreement. No additional studies or application fees will be required. After a hearing before the Planning and Zoning Commission, the Commission shall recommend to the Board of County Commissioners approval, approval with conditions or denial of the amended plat. A public hearing before the Board of County Commissioner for the final review will then be scheduled and the Board will approve, approve with conditions, or deny the amended plat.

**SECTION III: ITEMS REQUIRED ON THE AMENDED PLAT**

1. Narrative explaining the changes that are being proposed.
2. Plat is labeled correctly as "Amended Final Plat".
3. Itemize briefly the amendments on the original plat and the amended plat.
4. The following items may also be required, as applicable:
  - Letter of Credit or Bond for financial guarantee of public improvements
  - Engineers cost of public improvements
  - Three (3) Sets of "Final Stamped" construction drawings for public improvements
  - Final approval letter from Eastern Idaho Public Health
  - Final approval letter from Teton County Fire District
  - Acceptance letter from city for sewer hookup from the providing community, if applicable

## Canyon Creek Ranch P.U.D. Development Agreement Extension Application Narrative

The Canyon Creek Ranch Development Agreement should be extended for five years because it is in the public interest to do so. Canyon Creek Ranch is a large scale development project on the north end of the Big Hole Mountains. There is a Master Plan on file with Teton County calling for the construction of up to 350 units in a wide variety of sizes and configurations. The Master Plan calls for the project to be built out in 26 phases over 15 years. The first phase calls for 6 lots to be constructed by July of 2013. The owner is ready, willing, and able to commence construction of these 6 lots in order to maintain compliance with their Development Agreement, however, they feel it is in the best interests of the public, as well as their best interests, to delay construction. The real estate market in our region has changed dramatically since the inception of this project. The owners believe that the market needs to be watched closely for some time before a project of this magnitude should be undertaken. Rather than apply for the one year band aid extension that has been used by many developers and keep the Master Plan unchanged, we are proposing a material decrease in density, developable acreage, and a smaller overall development footprint in return for a five year extension. We sincerely believe this serves the best interests of the public as construction of the first phase may prove to leave an unnecessary blemish in the landscape.

The owner is proposing to amend the Master Plan in such a fashion so as to reduce the overall developable lot area by over 46 acres. Replat Area A represents Phases 12, 13, and 14 of the Master Plan which occupy the west rim of the eastern most draw on the property. The replat of this area is very significant. The replat take the number of lots on this draw from 58 down to 8, a decrease of 86%. The developable acreage on this draw goes from 61 acres to 16 acres, a decrease of 74%. Although less significant Replat Areas A and B give up 20 additional lots. The overall decrease in density this replat accommodates is 20%, which equates to a loss of 70 lots.

As you can see from the Master Plan this project already has significant and meaningful open space and the developer went to great lengths to preserve certain biological and ecological features of the property. This reduction in density will further accommodate those goals in a significant fashion. Further, this amendment will materially reduce the cost of government necessary to service this project. The developer feels this is a large concession as these are some of the most valuable lots in the plan, however, the developer recognizes that this process is about creating significant public benefit.

Given the current state of the real estate market in our region the owner has committed to marketing the property as a ranch and recreation property at a price commensurate with such use. This marketing strategy has gained some traction and if sold as a ranch and recreation property the possibility exists that this project may never be built. However, the owner feels strongly that the entitlements must be maintained in the near term to provide flexibility and to that end is willing to move the project forward. The owner strongly believes that the tradeoff between a significant decrease in density and an extension is a win-win for everyone. This will also allow the owner an opportunity to see what happens with the current strategy of marketing the project as a ranch and recreation property.

Access to the subject parcel is off of Pony Creek Road and Canyon Creek Road, located south of Highway 33 which is a two lane paved State Highway.

Parcel Numbers: 06N43E282400, 06N43E280011, 06N43E286000, 06N43E331201, 06N43E330010, 06N43E340601, 06N43E218400, 06N43E211202, 06N43E215400, 06N43E216000, 06N43E207201, 06N43E290001, 06N43E333600, 06N43E292401, 06N43E322401, 06N43E327201