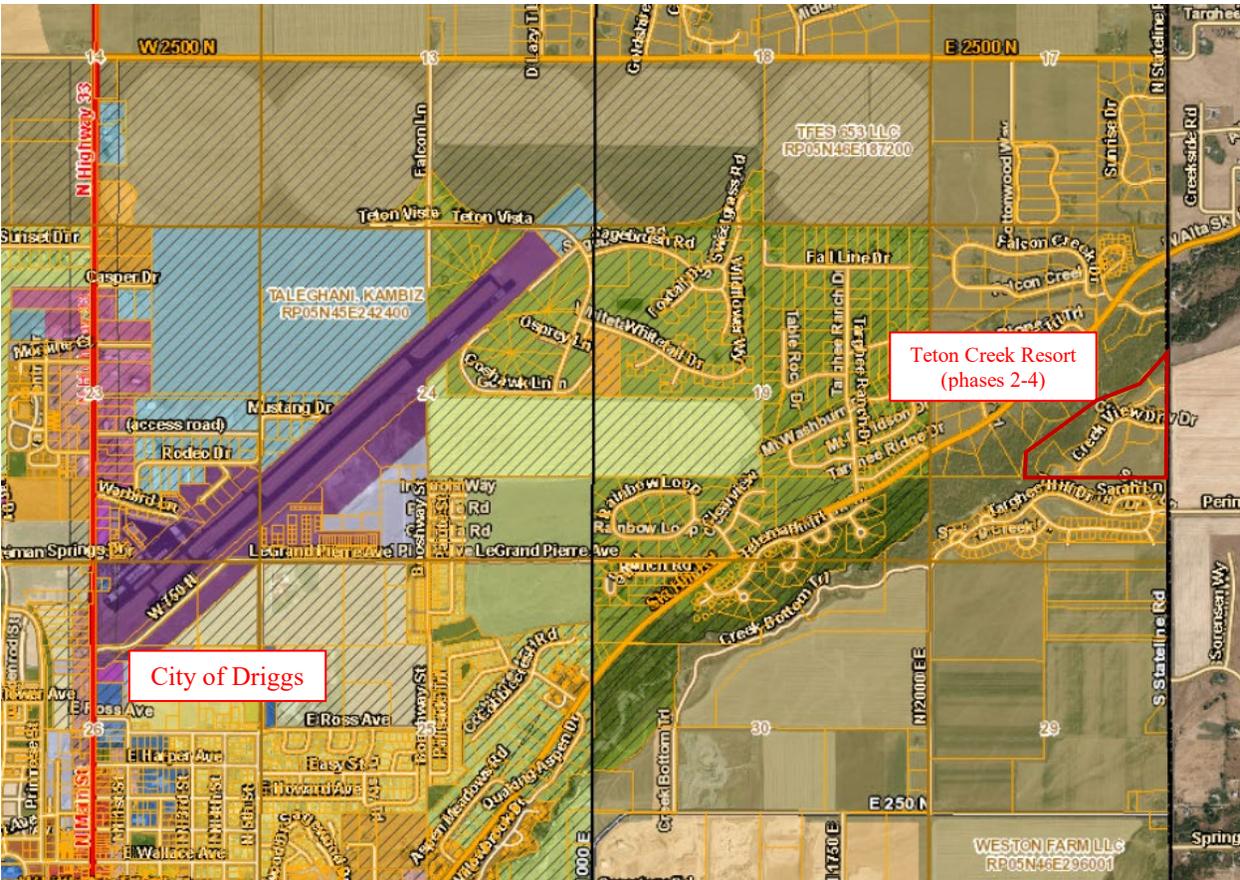


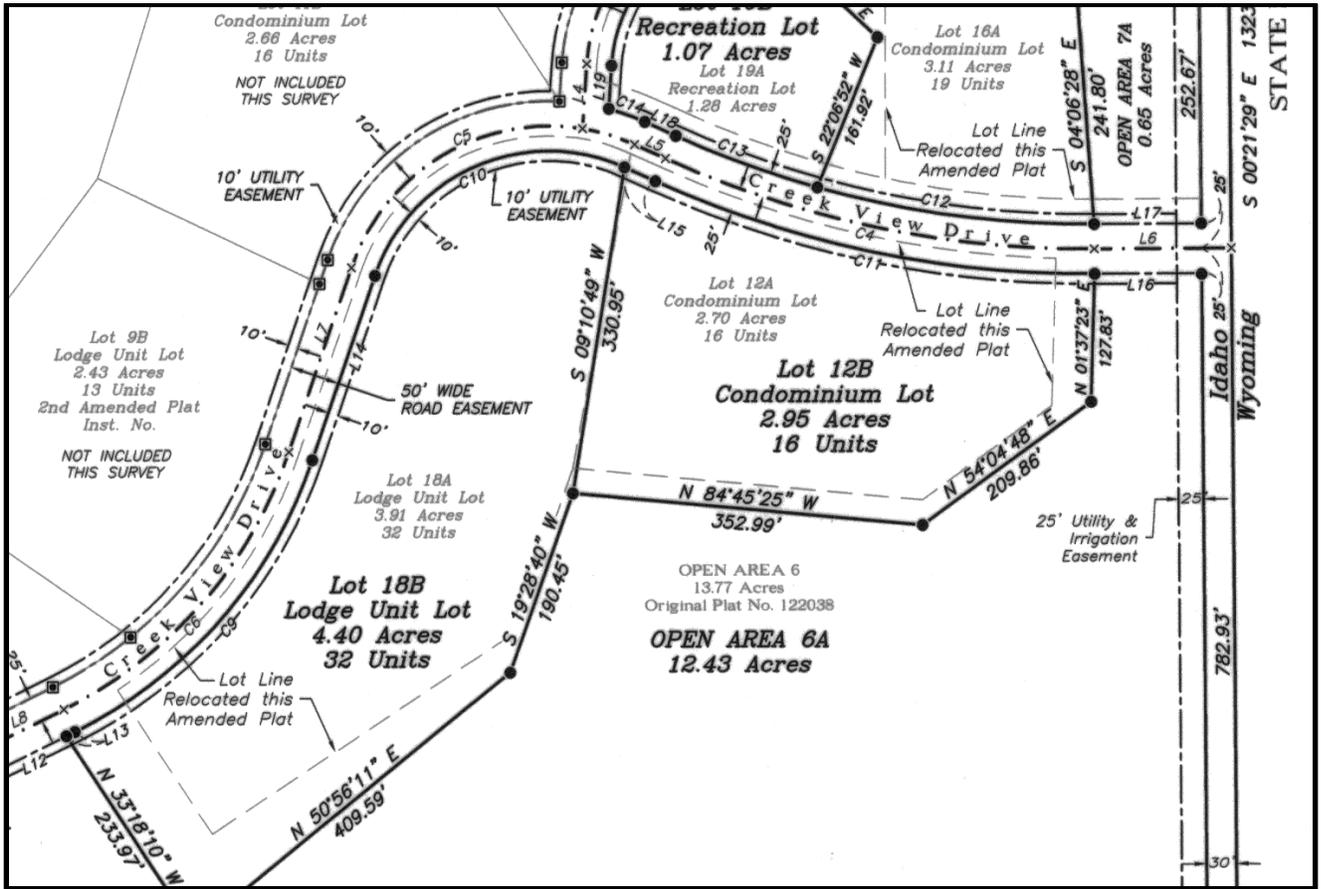


Subdivision Plat Amendment
CONDOMINIUM PLAT for Lot 12B of Teton Creek Resort PUD
SUBMITTED BY Heimerl Beard St. Clair **FOR: TCR LLC**
PREPARED FOR: October 13, 2020 Board of County Commissioners Public Meeting

Background: Teton Creek Resort Planned Unit Development, located west of Stateline Road, from which the property is accessed, and south of Ski Hill road (this portion of the plat), was platted in 1995, (Inst. # 122038). Several plat amendments followed which relocated a road, adjusted utility lots, and converted northernmost townhome lots to single detached units. The most recent plat amendment that impacts the lot for this condominium plat is Amendment 3, which was approved in June 2019.

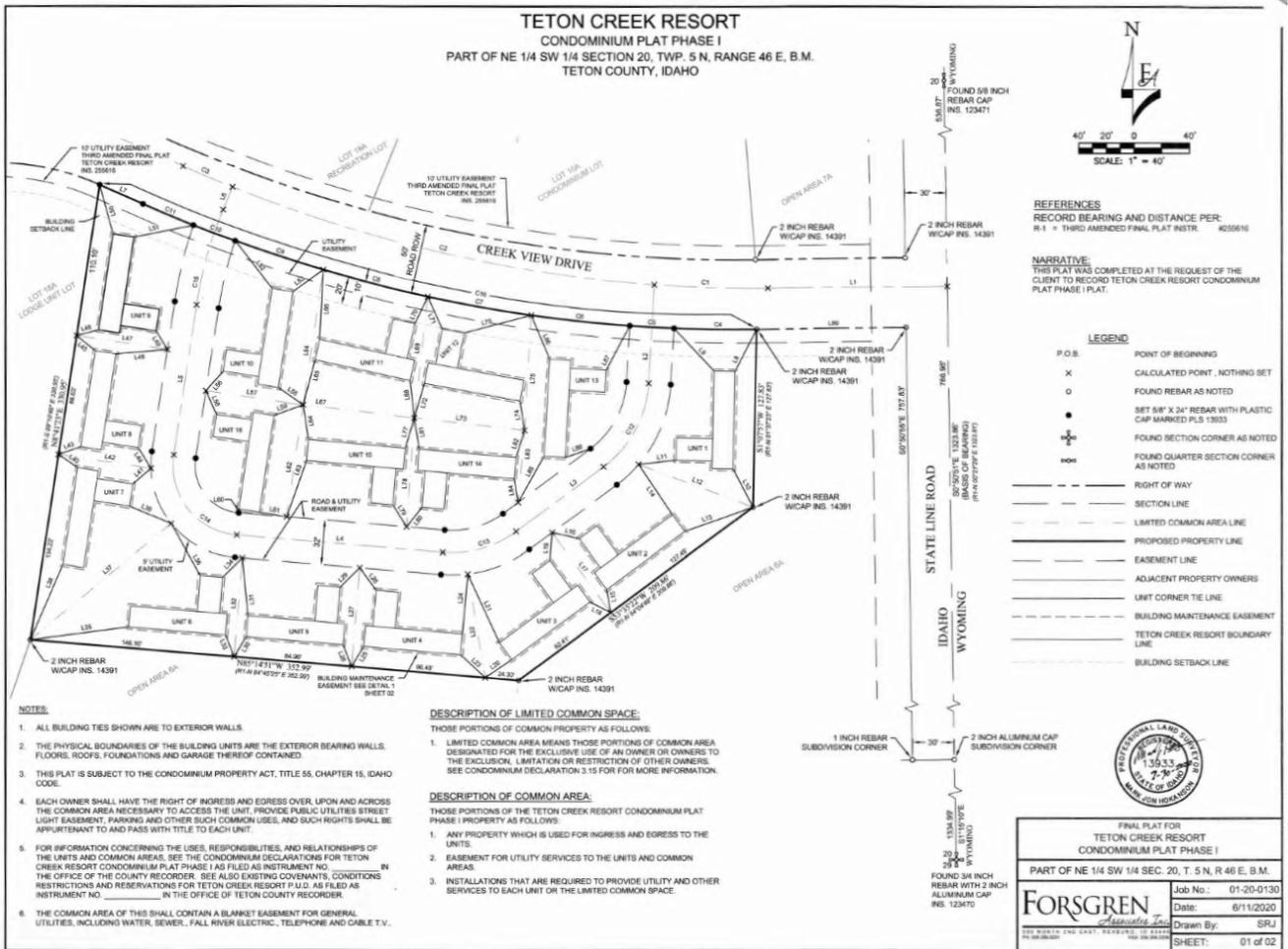
The Teton Creek Resort PUD includes several lots for condominium development. This application is to amend the Teton Creek Resort Final Plat, specifically Lot 12B, to identify the site plan and establish legal descriptions for 16 units, the number of units is specified in the plat previously approved for that lot. Specific units are identified on the Condominium Plat that has been submitted for approval as part of this Plat Amendment Application. It is important to note that **only one lot** within the Teton Creek Resort is addressed in this Plat Amendment Application.





This shows a zoomed in view of Lot 12B, from Amendment 3, approved in June 2019. A copy of the amended plat as represented on Amendment 3 is included in the attachments to this staff report.





This is the submitted Condominium Plat. The full plat is also attached in larger format.

The above noted drawing depicts the site plan of the 16 previously approved units, and where they are to be located on lot 12B.

Determination of Type of Plat Amendment and Subsequent Process As Defined in Teton County Code 9-7-1 (B-2)

Teton County Code 9-7-1 guides how plat amendments are processed. Criteria is outlined in the definitions section to determine if the proposed plat amendment qualifies as: “Insignificant changes,” “Substantial Changes – Increase Scale, Impact,” and “Substantial Changes/Vacations – Decrease Scale, Impact.” Depending on how the proposed amendment is characterized determines the process that is to be followed for review and eventual approval/denial of the application. This determination is made by the Planning Administrator. (Teton County Code 9-7-1 (B4))

“Insignificant Plat Amendment Determination”

If the Planning Administrator determines the plat amendment application meets the criteria as “Insignificant” as defined in Teton County Code, then “The Planning Administrator shall recommend to the Board of County Commissioners approval, approval with conditions, or denial the application pursuant to the criteria and standards in the county regulations. The Board may review insignificant changes at a regularly scheduled public meeting.

“Substantial Changes – Increase in Scale, Impact

“Upon the Planning Administrator determining the application is complete, and that the proposed changes are substantial, the application shall be reviewed as a revised Preliminary Plat and revised Final Plat pursuant to the procedures established for such applications. The Planning Administrator shall schedule the application for review by the Planning and Zoning Commission and Board of County Commissioners pursuant to the procedures established in this regulation for Preliminary and Final Plat.”

“Substantial Changes – Decrease Scale, Impact”

“Upon the Planning Administrator determining the application complete, and that the proposed changes will decrease the scale or impacts of the development, the application shall be reviewed by the following procedure.

- i. Concept Review by Planning Administrator. The application for proposed changes shall be reviewed by the Planning Administrator as a Concept Plan. The Administrator shall recommend approval, approval with conditions, or denial to the Board.
- ii. Preliminary/Final Plat by Planning and Zoning Commission. Upon receiving a recommendation from the Planning Administrator, the Commission shall review the application at a public hearing. A Final Plat application shall be submitted pursuant to Title 50 of the Idaho Code and Title 9, and shall be accompanied with revised Development Agreement and/or Conditions, Covenants and Restrictions (CC&R) as such revisions may be necessary to implement the Final Plat. The Commission shall recommend approval, approval with conditions or denial of the proposed Master Plan, Final Plat and/or Development Agreement pursuant to the criteria set forth in B-3-c of this section.

Review of Application

Criteria	Application	Analysis
Insignificant Changes		
i. Vacation of portions of a plat, except where platted open space acreage would be reduced in acreage or the value of the protected resource may be diminished	The application does not propose any changes to open space within the PUD	The application does not impact open space within the approved PUD. Therefore, this application is in conformance with this criteria.
ii. Minor amendments to the recorded Master Plan	This application provides for a site plan for the 16 approved units on Lot 12B within the PUD. No other changes are proposed.	The Recorded Master Plan (as previously amended) includes 16 condominium units on Lot 12B. The application does not adjust this. The application is in conformance with this criteria.
iii. Lot line adjustments between lots within a subdivision	This application does not propose any changes in any lot lines.	There is no proposed lot line adjustment.
iv. Lot consolidations of two or more platted lots into few lots	This application does not propose consolidations of any lots.	There is no proposed consolidation of lots
v. The re-arrangement or relocation of five(5) or fewer lots, parcels or buildings that does not encroach further into natural resource areas or	The application is to provide a site plan for Lot 12B. There is no change proposed to encroach further into natural resources areas or Overlay Areas.	The application is for only one lot, and therefore meets this criteria for five or fewer lots. While this application does identify specific site plan for location of the condo units, all

Overlay Areas as defined in Title 8 or Title 9 or move closer to neighboring property		units are contained within Lot 12B as previously approved. This does not result in any increased encroachment into natural resource areas or overlay areas.
vi. A minor boundary adjustment between a lot in a platted subdivision and an adjacent non-platted property	The application is only for a site plan for Lot 12B in the PUD.	The application does not consider any lots or parcels outside of the PUD.
vii. Minor changes to the layout of roads, utilities, or other facilities	The application specifies internal roads/driveways that will provide access to the condo units on Lot 12B.	Minor changes to the layout of roads, utilities and facilities will occur, as a road and driveways will be constructed that will provide access to the units on Lot 12B. Proposed roads are wholly contained within Lot 12B and are considered a minor change to the layout of roads, utilities, or other facilities within the PUD. The application is in conformance with this criteria.
viii. Other changes of similar magnitude and minimal direct impacts.	The application is for a site plan that identifies the location of the 16 previously approved condo units for Lot 12B.	The application does not change the magnitude of any impacts associated with the previously approved PUD. Lot 12B was approved for 16 units. This amendment maintains 16 units as previously approved. Therefore, there is no change in magnitude or direct impacts. The application is in conformance with this criteria.

Determination

Based on a review of this application, with the definition criteria found in Teton County Code 9-7-1 (B-2a), the Planning Administrator has determined that this application will be considered as an Insignificant Plat Amendment. The application meets all criteria as outlined for an Insignificant Plat Amendment. As such, “the Planning Administrator shall recommend to the Board of County Commissioners approval, approval with conditions, or denial of the application pursuant to the criteria and standards in county regulations. The Board may review insignificant changes at a regularly scheduled public meeting.” (Teton County Code 9-7-1 (B4a))

Criteria for Approval – Insignificant Plat Amendment

Teton County Code directs the following “Criteria For Approval” for Insignificant Changes (Teton County Code 9-7-1 (B3a)):

- i. Any proposed change to an easement, public right-of-way, or Planned Unit Development, 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.

Analysis: The previous approval for Lot 12B includes 16 condominium units. This application conforms to standards of the county regulations and conditions of approval established in previous approval, and the development agreement approved as part of the previous approval. County records indicate that all conditions of approval for the PUD were met prior to approval of the Final Plat (Planning and Zoning Commission Minutes October 2, 1995). All written conditions of approval have been met as indicated in the PZC meeting minutes. These conditions were met as a condition of approval of the Final Plat for the PUD. Since the Final Plat was approved and recorded, November 13, 1995 (Instrument #122038) and amended July 30, 2019 (Instrument #255616), the 17 conditions of approval have been met.

- ii. Insignificant changes to a recorded plat or master plan shall not reduce the area of designated open space or increase the number of lots or the overall amount of area of development.

Analysis: The application makes no change to the area of designated open space, nor does it increase the number of lots or the overall amount of area of development. The application provides a site plan for the location of 16 condominium units on Lot 12B of the PUD.

- iii. Insignificant changes to a recorded plat, master plan, easement, or right-of-way shall not increase or create new or potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.

Analysis: The application provides a site plan for the location of 16 condominium units, as previously approved for Lot 12B of the PUD. This represents no change, increase or decrease in direct or indirect impacts on the neighborhood or vicinity of the subdivision or overall community that have not already been considered in the approval of the PUD as amended.

Planning Administrator Recommendation: The application meets all the criteria outlined in Teton County Code for consideration of an insignificant plat amendment. Therefore, the planning administrator recommends approval of the insignificant plat amendment as presented by the applicant as a condominium plat for Lot 12B of Teton Creek Resort PUD.

Board Action/Decision:

The Board of County Commissioners, shall act on the information presented whether to:

- 1) Approve the Plat Amendment
- 2) Deny the Plat Amendment with specific reasons for denial
- 3) Table action to future date

Specific reasons for the decision shall be stated in writing for the record.

Findings of Fact:

- Heimerl Beard St. Clair, on behalf of TCR, LLC, submitted an application for a plat amendment on September 21, 2020.
- The application includes the condominium plat for Lot 12B of Teton Creek Resort that was submitted to the planning department on July 30, 2020.
- Teton Creek Resort was originally platted in November, 1995 and has been amended three times, the most recent in June 2019.
- The earlier plats designate 16 condominium units on Lot 12B.

Possible Motions;

- I move to approve the Plat Amendment for lot 12B of Teton Creek Resort PUD as filed under Teton County Code 9-7- and Idaho Title 55 Chapter 15, as represented in the application submitted on September 21, 2020
- I move to deny the plat amendment for Lot 12B of Teton Creek Resort PUD as filed Teton County Code 9-7-and Idaho Title 55 Chapter 15, as represented in the application submitted on September 21, 2020 for the following reasons.....
- I move to table this action to a future meeting with the following requests.....

Attachments:

1. Application from Heimerl Beard St. Clair submitted on September 21, 2020 on behalf of TRC, LLC – 2 pages
2. Narrative for Teton Creek Resort Plat Amendment – 2 pages
3. Teton Creek Resort Final Plat – Amendment 3 – 1 page
4. Submitted condominium plat – 1 pages
5. Development agreement – 6 pages
6. Idaho Statute Title 55 Chapter 15 of Condominium Property Act – 1 page