

BACKGROUND INFORMATION

On June 12, 2008, the Board of County Commissioners approved the Willows Subdivision. The developer had five years to complete the subdivision. While the developer is not in breach of contract, he has no intention of finishing the subdivision on time. The developer would like to replat this subdivision, pulling lots off of Teton Creek and reducing the number of lots and complexity of infrastructure (i.e. remove a bridge). Because this project is in the Driggs Area of Impact, the replat ordinance is not an ordinance that can be used. For that reason, the developer must vacate the subdivision and then re-apply for a new subdivision on the same property. The developer is in the process of reapplying for a new subdivision, but before any application can be approved, the original subdivision must first be vacated. The developer has written a letter of support for this vacation application.

STAFF ANALYSIS

It is the planning staff's opinion that vacating the Willows subdivision entitlements is in the public's best interest because, while a new plat is yet to be approved, it will reduce the number of lots and be a more environmentally sensitive subdivision. The developer is in the process of applying for a new subdivision at this time.

COMPLIANCE WITH TETON COUNTY COMPREHENSIVE PLAN AND THE TETON COUNTY SUBDIVISION CODE

The application is in compliance with the Teton County Comprehensive plan and applicable sections of the Teton County Subdivision code. This is a voluntary vacation done at the initiation of the developer.

TECHNICAL COMMENTS

Taxes are paid in full (see attached email from the treasurer's office).

PUBLIC NOTICE:

1. Legal ads were made to the Teton Valley News in accordance with local and state requirements.
2. A development notification was mailed to the property owner, the landowners within 300 feet and to those who own land within subdivisions within 300 feet of the subject property, including those in Wyoming.
3. The site was posted in accordance with state statute.

COMMENTS FROM NOTIFIED NEIGHBORS AND GENERAL PUBLIC

None at the time of the writing of the staff report.

A letter of support for the vacation of the subdivision was received from the developer.

FINDINGS OF FACT:

1. This application is in compliance with state and local code.
2. The developer is in support of this application.
3. The application does not cause harm to the residents of Teton County

BOARD OF COUNTY COMMISSIONERS ACTION:

- A. APPROVE the vacation as presented.
- B. APPROVE WITH CONDITIONS the Board might add.
- C. DENY the vacation application and provide the reasons and justifications for the denial.
- D. CONTINUE consideration of the application to a future public hearing with reasons given as to the continuation or need for additional information.

RECOMMENDATION:

Action A: A motion that references the required findings in the code that this vacation application is appropriate. Here is a suggested motion that could be used to approve the vacation.

I move to APPROVE the Willows Subdivision vacation application as described and depicted in the application materials contained in the review packet. We have determined that the procedural requirements for the vacation have been satisfactorily met and that the findings of fact support this vacation application.

Report prepared by Planner Angie Rutherford

Attachments:

Application Materials: application, plat, development agreements, approval minutes
Letter of support from Dream Catcher Estates, LLC
Email from Maureen Green, Treasurer's Office