

**HOBACK RIVER SUBDIVISION 2ND FILING
FINAL PLAT (S/D2009-0017)**

**STAFF REPORT: HILLARY TAYLOR
FEBRUARY 22, 2010**

APPLICANT: John and Elizabeth Vallee
AGENT: Nelson Engineering
REQUEST: Final Plat approval, pursuant to Section 6100, Final Plat of the Teton County Land Development Regulations, to replat Lots 16, 17, and 18 of the Hoback River Subdivision, Plat No. 166.

STAFF RECOMMENDATION FOR S/D2009-0017

Staff recommends **APPROVAL** of Final Plat S/D2009-0017 based upon finding that the application meets all applicable standards in the Teton County Land Development Regulations with no conditions.

BACKGROUND

SITE DESCRIPTION:

Zoning: Neighborhood Conservation Single Family (NC-SF) in the Natural Resources Overlay (NRO)

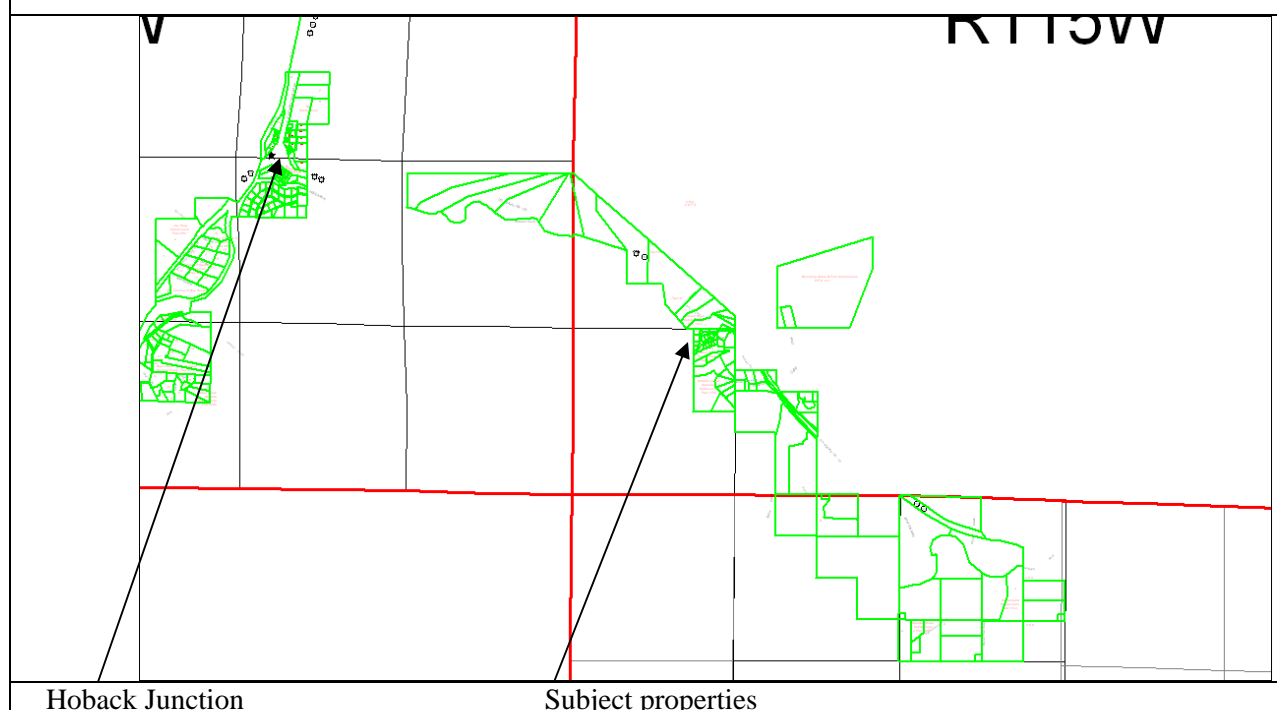
Legal Description: Lot 16, and 17, Hoback River Subdivision, and Lot 18, Hoback River Subdivision

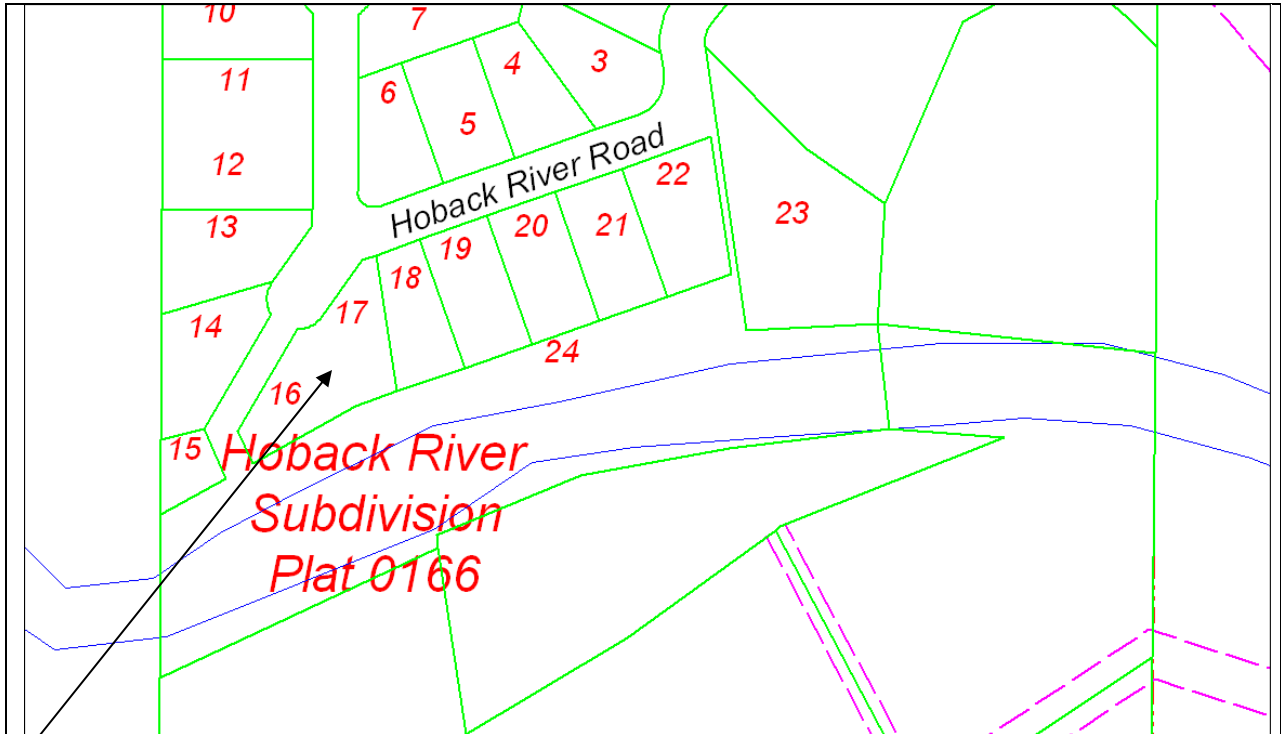
History: The original Hoback River Subdivision was created in 1966 as Plat No. 166. The applicant met with staff on November 12, 2009 to discuss the plat and the proposed process (PAP2009-0085).

Property Location: 4330 E. Hoback River Road located south of Hoback Junction on the Hoback River just north of the Upsher camp ground and south of the Gilcrease properties.

Existing conditions and project proposal: Currently Lot 16 is 0.287 acres, Lot 17 is 0.333 acres and Lot 18 is 0.322 acres. A house sits in the middle of lots 16 and 17. The Vallees propose to combine lots 16 and 17 into a 0.565 acre lot. This new lot, Lot 25 will be in greater compliance with the minimum lot size standard in the NC-SF district. The lot line between what is now lot 17 and lot 18 will be adjusted. Lot 18 will become Lot 26 and will increase slightly in size to 0.377 acres, also improving the situation by increasing the lot size in the NC-SF district.

VICINITY MAP:





Subject properties



Lots 16 and 17 will be joined to become Lot 25. Lot 18 will increase in size and will become Lot 26.

KEY ISSUES

ISSUE 1:

No FDP required

Why is a Final Development Plan not associated with this Final Plat application?

Pursuant to Section 6200.A3.i if the Planning Director determines that the proposed amended plat has no significant impacts on road, water, sewer, or utility design, and changes only minimally the layout and configuration of lots, and building locations, then the amended plat shall be reviewed and approved as a Final Plat, subject to review and approval by the County Staff and the Board of County Commissioners. The lots were created in 1966. This plat eliminates a lot and only slightly increases the size of another lot. This plat does not represent any new significant impacts to roads, sewer, or utilities. This plat only minimally changes the layout and configurations of the lots.

ISSUE 2: The main concern staff had regarding the application was the naming of the amended subdivision. Technically, and in accordance with the Land Development Regulations the new plat should be named the Hoback River Second Filing. However, a Hoback River Second Filing already exists. This naming may cause some confusion. Staff and the applicant both spoke with the Clerk and it was determined that the name Hoback River Second Filing should be used again as that is the correct name for this proposed plat.

Plat name:

RELATIONSHIP TO THE COMPREHENSIVE PLAN

Chapters 4, 5, 6, 7, 8, and 10 of the Comprehensive Plan are not applicable to this application as this is a minor lot line adjustment of an existing platted subdivision.

Chapter 1: Community Vision

Goals:

To guide and manage change and development to:

- ✓ *support and promote a diverse social and economic population that includes a resident work force;*
- ✓ *preserve the traditions and character of the Rocky Mountain West and Wyoming, including ranching and through architectural design;*
- ✓ *promote economic sustenance that does not depend on population growth;*
- ✓ *set aside, for generations to come, scenic vistas and wildlife habitat;*
- ✓ *maintain and enhance environmental quality, including air and water quality; and*
- ✓ *maintain outdoor recreation and adventure opportunities.*

The guiding principles shown below have been articulated to reconcile the benefits of growth with the benefits of growth management.

1. *Teton County's wildlife and scenic resources are a local and national treasure, and, therefore, the community recognizes a stewardship responsibility for their protection. Future development in Teton County will take place in this context.*
2. *The intent of this Plan is to create conditions for a sustainable visitor-based economy not dependent upon growth, and an economy that reflects the unique small-town, Western commercial character of Jackson, and the outdoor recreational opportunities of Teton County as key components of the visitor experience.*
3. *As a community grounded in values of individualism, fairness and hospitality, the intent of this Plan is to provide property owners and local businesses with as much flexibility as possible in the use and development of their property. Local elected officials will be entrusted with discretionary decision-making power to protect public health, safety and welfare.*

Complies. The proposal would provide the property owner with flexibility in the development of his property.

Chapter 2: Population, Economy, and Growth

Goals:

1. *To manage growth based on the community character vision, so that growth achieves beneficial outcomes throughout the community.*
2. *To support a balance of growth among residential, commercial, and resort development to preserve and enhance community character.*
3. *To encourage enhancement of the types of visitor services that emphasize the area's unique outdoor attributes.*
4. *To define the future boundaries of growth necessary to preserve community character.*
5. *To manage the rate of growth in the residential, resort and commercial sectors in a way that allows the community to change while preserving community character.*

Complies. The proposal has no effect on population, economy, and growth.

Chapter 3: Community Character

Goals:

1. *To maintain a sense of place and of community, and a way of life based upon Teton County's western heritage.*
2. *To protect Teton County's natural and scenic resources, including wildlife, as a primary element of community character.*
3. *To maintain social and economic diversity.*
4. *To maintain a balance between visitation and community life.*
5. *To preserve the character of some existing neighborhoods and commercial centers and to enhance others through redevelopment.*

6. *To guide the development of “mixed-use villages.”*

Complies. The proposal would not adversely impact the character of the existing neighborhood.

Chapter 9: Intergovernmental Coordination

Goals:

1. *To achieve a high level of cooperation and coordination among the various state, federal, and local agencies operating in Teton County.*

Complies. The review of this proposal has been coordinated with the Teton County Surveyor, Jackson Hole Title and Escrow and the Teton County Clerk.

RELATIONSHIP TO THE APPLICABLE LDRs
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Pursuant to Division 6200 if the Planning Director determines that the proposed amended plat has no significant impacts on road, water, sewer, or utility design, and changes only minimally the layout and configuration of lots, and building locations, then the amended plat shall be reviewed and approved as a Final Plat, subject to review and approval by the County Staff and the Board of County Commissioners. Therefore this application is reviewed against the LDRs in place of a Final Development Plan application.

Table 2400 – Schedule of Dimensional Limitations

Complies. Adjustment of the lot lines would not adversely impact compliance with required setbacks.

Division 4700 – Transportation Facilities

Complies. The transportation facilities are existing.

Division 4800 – Utility Standards

Complies. Water supply is available to each lot from an existing well.

Division 6200, Vacations/Modifications to Recorded Plats

Partial vacation of a recorded Final Plat is permitted for the purpose of changing the lot configuration and/or roadway location in a limited part of the subdivision, adjusting the boundary lines between platted lots, adjusting the boundary lines between platted lots and adjacent unplatted parcels, or revising building envelopes or notes shown on the plat.

Complies. The partial vacation shall be accomplished in accordance with Section 34-12-108, Wyoming Statutes, 1977, as amended, and with the following:

- a. **New plat recorded.** The area to be altered shall be vacated and a new plat made of record.

Complies. The area to be altered shall be vacated and a new plat will be recorded.

- b. **Vacation.** The Certificate of Owners on the new plat shall have a clause vacating the area to be redesigned, signed by all owners of record of the lots involved.

Complies. This plat includes a provision under the Certificate of Owners on the proposed new plat vacating the area proposed to be redesigned.

- c. **More than one (1) owner.** If there is more than one (1) owner of the vacated portion of the plat, instruments shall be recorded conveying ownership of individual parcels resulting from the replat.

Not applicable. There is only one owner of the three lots involved in this partial vacation and replat..

- d. **Name.** If only one (1) subdivision is involved, the name shall be the name of the original subdivision, followed by a numerical designation. The resulting (new) lots shall be numbered consecutively with numbers different from the original subdivision. If two (2) or more neighboring subdivisions are involved, then the new plat shall have a name materially different than any of the original plats.

Complies. This subdivision will be named the Hoback River Second Filing Subdivision.

- e. **Adjusting boundary with an unplatted parcel.** The boundary between a platted lot and an unplatted parcel may be adjusted, provided no additional lot or parcel is created. The adjusted unplatted parcel is not required to become a part of the subdivision, however the new configuration of the unplatted parcel shall be shown on the plat, to the satisfaction of the County Surveyor, and an instrument acceptable to the County Attorney and the County Surveyor shall be recorded to establish the newly adjusted parcel.

Not applicable.

- f. **Conformance with zoning district.** Each of the resulting lots or parcels shall conform to the zoning district in which it is located.

Complies. Each of the resulting lots will conform to the Final Plat approved in 1966, which are smaller than what is allowed under current regulations. However, the resulting NC-SF lots will be larger more in compliance with the minimum lot size requirements in the NC-SF district. Lot 16, 0.287 acres, and 17, 0.333 acres, will be combined into lot 25, 0.565 acres. Lot 18 will increase in size slightly from 0.322 acres to 0.377 acres.

- g. **No significant impacts, minimal change.** The application for a partial vacation and a new Final Plat shall not create impacts on utilities that are significantly different from the original plat and only minimally change the layout and configuration of lots.

Complies. This application proposes to minimally change the layout and configuration of lots.

- h. **Review of applications.** The submission of an application for a partial vacation and new Final Plat, the determination of its sufficiency, staff review of, and notice and scheduling and procedure of a public hearing on an application shall comply with the procedures of general applicability established in Section 5120, Provisions of General Applicability.

Complies. This application is based on the approval of the previous plat, Plat No. 166

- i. **Significant impacts, more than minimal change.** If the Planning Director determines there are significant new impacts on infrastructure, neighboring lots, or nearby properties, or if the number of resulting lots is greater than the number of lots currently recorded in the area vacated, then the applicant shall submit an application for a Final Development Plan pursuant to Section 51200, Residential and Nonresidential Development Plans.

Complies. The Planning Director has determined that there are no significant impacts due to the proposed final plat.

REQUIRED REVIEWS

Compliance with Technical Review Comments and Conditions

Teton County Surveyor: please see the attached review letter.

Jackson Hole Title and Escrow: please see the attached review letter.

Teton County Clerk: no changes required. Please see the attached review letter.

Survey in Digital Format: Required before recording of the Final Plat.

Fees

- County Surveyor: \$ 350.00 Paid
- Title Company review: \$ 50.00 Paid
- Final Plat Application: \$ 450.00 Paid
- Neighbor Notice Mailing: \$ 000.00 Only twenty three (23) neighbor notices mailed, no fees.
- Document Recording: Calculated per page. Due when recording subdivision documents.

NEIGHBORHOOD NOTIFICATIONS – PUBLIC COMMENT

Neighbor notices were mailed regarding this application February 2, 2010. No public comment has been received as of the writing of this staff report.

ATTACHMENTS

1. Plan Review Committee comments
2. Application materials