

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
May 14, 2018**

The regular meeting of the Planning Commission meeting was called to order at 6:00 p.m. in the Board of County Commission Chambers with Karen Rockey, Chair, presiding.

**ROLL CALL:**

Planning Commission: Karen Rockey, Stefan Fodor, Mike Hammer, and Glen Esnard. Nikki Gill was absent.

**STAFF:** Planning Manager Susan Johnson and Senior Planner Hamilton Smith

**APPROVAL OF MINUTES:** A motion to approve the March 12, 2018 minutes was made by Commissioner Esnard and seconded by Commissioner Fodor. There was no further discussion. Motion carried 4-0.

**ADOPTION OF AGENDA:** Commissioner Hammer moved to adopt the 5.14.18 agenda, seconded by Commissioner Fodor who added a friendly amendment to the motion to include the postponement of item #2 to the 5/29/18 Planning Commission meeting. Commissioner Hammer accepted the friendly amendment. There was no further discussion. Motion carried 4-0.

**MATTERS FROM THE PUBLIC:**

There were no matters from public.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**1. Applicant:** MAHIN, THOMAS P.

**Presenter:** Hamilton Smith

**Permit No.:** VAR2017-0004

**Request:** Variance, pursuant to Teton Village Area 1 Master Plan Section IV.D.6.d, to deviate from the Dimensional Limitations Schedule as outlined in Table Three of the Teton Village Master Plan, to allow reduction of a rear setback from the 30 feet required, to 15 feet.

**Location:** 3850 W Holly Drive, Teton Village, WY. Lot 194, J.H.S.C. 11th Filing Subdivision. The property is zoned Planned Resort with no overlay.

**STAFF PRESENTATION**

Hamilton Smith presented the application, first discussing the process for deviating from the dimensional limitations as outlined in the Teton Village Master Plan, how that is different from a Variance, and presenting the findings the Planning Director was able to make to recommend approval of VAR2017-0004.

**APPLICANT PRESENTATION**

John David Korhonen with Farmer Payne Architects stood for questions. Commissioner Esnard asked about reclamation of area within National Forest. Mr. Korhonen stated it was the applicant's intent to reclaim the USFS area.

## **PUBLIC COMMENT**

Kevin Gregory, Lubing Law Group, representing the Cannons who live in Moose Creek Townhomes, struggles with making the finding that the special circumstances have not resulted from actions of the applicant, and noted staff's previous position with regard to making this finding. Argues that this finding cannot be made. Also has difficulty making findings 3 & 4 regarding the design guidelines.

## **PC DISCUSSION**

Commissioner Fodor discussed existing site development in the findings, and if they should be considered when discussing the first two findings. Commissioner Hammer stated Teton Village is characterized by development along ski runs all over. Many of which have homes visible along them. He noted there is no variance requesting additional intrusion to the south, closer to Moose Creek, who seem to be the neighbors who are mostly opposed. Commissioner Esnard wants the USFS situation addressed by this Variance. Commissioner Rockey stated she is sympathetic to neighbor's expectations with regard to impacts to the neighbors. Feels that the triangular shape and shallowness of the property is a special circumstance. Applicant built on the site prior to setback requirements, so there was no intent to create any special circumstances. Commissioner Rockey is comfortable with the findings, going through them each, one at a time. Would like to address the USFS condition as part of this application. Commissioner Esnard commented regarding finding #2, it was the application of LDRs and covenants after development occurred that created the circumstances due to the built environment. Commissioner Hammer commented regarding finding #2, all encroachments were approved by TVAC over the course of several years. Commissioner Fodor discussed concerns about approval of the Variance because he feels site development and existing conditions should be taken into account, and finds it difficult to make finding #2. Has concerns about condition #3 because he does not feel Teton County can enforce what occurs on USFS property.

**MOTION:** Commissioner Hammer moved to approve the Variance, VAR2017-0004, with the following conditions. Keeping conditions #1 and #2 as recommended by the Planning Director, with the following change to condition #3:

3. Prior to issuance of Certificate of Occupancy the applicant shall provide documentation that the adjacent landscape area on USFS property to the west has been revegetated in accordance with the plans submitted by the applicant.

The motion was seconded by Commissioner Esnard. The vote showed 3 in favor, with Commissioner Fodor opposed. The motion passed.

### **2. Applicant:** FISH CREEK INVESTMENTS, LLC C/O TEX-ISLE

**Presenter:** Hamilton Smith

**Permit No.:** VAR2018-0001 **POSTPONED TO 5/29**

**Request:** Variance, pursuant to Section 8.8.2., Variances, of the Teton County Land Development Regulations, to vary Section 5.1.1.D.2. to allow a fence within the Fish Creek variable 50'-150' stream setback.

**Permit No.:** VAR2017-0005 **POSTPONED TO 5/29**

**Request:** Variance, pursuant to Section 8.8.2., Variances, of the Teton County Land Development Regulations, to vary Section 5.1.1.D.1. to allow a fence within a wetland.

**Location:** 5660 W Ward Lane, Wilson, WY. Generally located south of Highway 22, directly west of the Hardeman Barn property, along Fish Creek. The property is zoned Neighborhood Conservation with no overlay.

**MATTERS FROM COMMISSION:**

None

**AGENDA FOLLOWUP:**

Susan Johnson discussed the items that have been heard by the Board of County Commissioners since the last Planning Commission meeting, as follows: Robinson Setback Variance above Hoback Market – Approved 3/20/18; Wheeldon Variance re: fencing on Horse Creek – Approved 3/20/18.


**MATTERS FROM STAFF:**

Susan Johnson discussed training with the commissioners, asking for any feedback regarding the training on rules and procedures provided by Deputy County Attorney Keith Gingery, the training Commissioner Esnard attended at the Rocky Mountain Land Use Institute, and upcoming training opportunities in the next fiscal year. Staff reminded the commissioners that their next regular meeting is 5/29, which is a Tuesday. Commissioner Fodor noted that while there is an agenda for the next few joint Planning Commission meetings regarding the housing regulations, there is no agenda for the next releases of revised regulations.

**ADJOURN:**

Commissioner Hammer moved to adjourn at 7:24 PM. Commissioner Fodor seconded, and the motion passed unanimously.

Respectfully submitted: jw

  
Karen Rockey, Chair

**ATTEST:**

  
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Susan Johnson, Planning Manager

- Digital recording on file-

