

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
Date May 29, 2018**

The regular meeting of the Planning Commission meeting was called to order at 6:01 in the Board of County Commission Chambers with Karen Rockey, Chair, presiding.

**ROLL CALL**

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

**STAFF:** Associate Planner Emily Cohen, Senior Planner Hamilton Smith and Planning Manager Susan Johnson.

**MINUTES**

A motion to approve the May 14, 2018 minutes was made by Commissioner Hammer and seconded by Commissioner Fodor. There was no further discussion. Motion carried 4-0.

**ADOPTION OF AGENDA**

A motion to adopt the May 29, 2018 agenda was made by Commissioner Esnard and seconded by Commissioner Hammer. There was no further discussion. Motion carried 4-0.

**MATTERS FROM THE PUBLIC:**

There were no matters from the public.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**A) Applicant:** EVANS, MONTY SCOTT

**Presenter:** Emily Cohen

**Permit No.:** VAR2018-0002

**Request:** Variance, pursuant to Section 8.8.2., Variance, of the Teton County Land Development Regulations, to vary Section 5.4.1. to allow development in natural slopes in excess of 30%.

**Location:** 130 E. Evans Road. The property is located approximately 10 miles south of Jackson off US Highway 191, west of the Snake River in Hog Island. The property is zoned Rural and is within the Natural Resources Overlay.

**STAFF PRESENTATION:**

Associate Planner Emily Cohen presented the application to the Planning Commission.

**APPLICANT PRESENTATION:**

The Applicant was not present.

**PUBLIC COMMENT:**

There was no public comment.

**PC DISCUSSION:**

Commissioner Hammer noted this was a good development plan for a sloped lot. Commissioner Rockey stated she was comfortable with granting the Variance, VAR2018-0002.

**MOTION:**

A motion to approve Variance, VAR2018-0002, was made by Commissioner Fodor with the following added to finding #6 that by not granting the Variance (VAR2018-0002) the applicant's alternative plan would create an additional burden to the community by impacting higher value habitat.

The motion was seconded by Commissioner Hammer. There was no further discussion. Motion carried 4-0.

**Commissioner Fodor recused himself from hearing VAR2017-0005 and VAR2018-0001 as an attorney representing the applicant, but remained in the Chambers.**

**B) Applicant:** STEFAN FODOR, FODOR LAW OFFICE, PC

**Presenter:** Hamilton Smith

**Permit No.:** VAR2017-0005

**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.

**Permit No.:** VAR2018-0001

**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.

**Location:** 55660 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.

**STAFF PRESENTATION:**

Senior Planner Hamilton Smith presented the application to the Planning Commission and explained the variable 50' to 150' stream setback as set forth in the LDRs. Mr. Smith also discussed potential impacts to Fish Creek due to proposed horse use on the subject property.

**APPLICANT PRESENTATION:**

Attorney John Wiley of Wiley Baker spoke on behalf of the applicant. He discussed trespass concern near the Wilson Bridge and the applicant's desire to have horses as the need for the requested fencing.

Brenda Younkin of Y2 spoke on behalf of the applicant regarding quality of wetlands and whether or not grazing will impact the wetlands. Ms. Younkin spoke about managing grazing on wetlands through methods such as additional fencing to rotate horses. Ms. Younkin acknowledged it is not ideal, but it is one way to manage livestock on the property. In her opinion 2-4 horses could be grazed in the summer without damaging the wetlands, leaving 50% of the forage available, primarily as grasses, for wildlife.

**PUBLIC COMMENT:**

Curtis Cam, owner of the property on behalf of Fish Creek Investments, spoke in support of his application.

Jennifer Overcast, friend of the Cam family, spoke in support of the application.

Bob Peters, friend of the Rossiters, the adjoining property owners to the south, spoke in opposition to the application.

Ben Bartlett, caretaker for Fish Creek Investments property, spoke about buck rail fences.

**PC DISCUSSION:**

Commissioner Esnard discussed the different perspectives between Alder Environmental's report and Y2 Consultant's report. Commissioner Rockey discussed other native species browsing wetlands such as moose or elk. Ms. Rockey also noted the existing buck and rail fence is not wildlife friendly. The Commissioners were unanimous in being able to make findings 1 & 2. They also discussed being unable to make finding #3. Commissioner Hammer discussed the trespass issue and existing house on the property. Mr. Hammer also pondered how many horses could be grazed without degradation and that the LDR's don't allow development in the stream setback and wetlands. Commissioner Rocky noted that moose are a reason why the community appreciates the Fish Creek environment. Ms. Rockey discussed a need to be sensitive to moose moving through the environment. She also spoke to the fact that Fish Creek has become degraded over many years. Commissioner Esnard feels there may be a solution that could fit finding #4, better than the proposal before them.

**MOTION**

A motion to approve Variance, VAR2017-0005, was made by Commissioner Hammer and seconded by Commissioner Esnard. There was no further discussion. Motion failed 0-3, with Commissioner Fodor recused and Commissioner Gill absent.

**MOTION**

A motion to approve Variance, VAR2018-0001, was made by Commissioner Hammer and seconded by Commissioner Esnard. There was no further discussion. Motion failed 0-3, with Commissioner Fodor recused and Commissioner Gill absent.

**Commissioner Fodor rejoined the Planning Commission for the remainder for the meeting.**

**MATTERS FROM COMMISSION:**

Timing of next phase for Housing Regulations.

**AGENDA FOLLOWUP:**

There were no planning items on the May 15<sup>th</sup> BCC agenda.

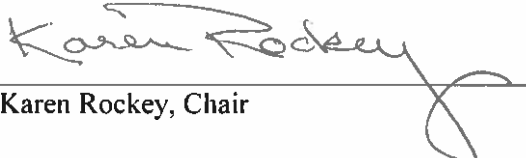
**MATTERS FROM STAFF:**

None.

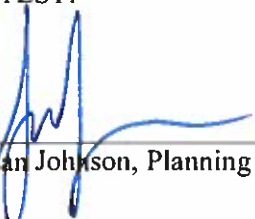
**ADJOURN**

Commissioner Hammer moved to adjourn at 7:53 PM. Commissioner Esnard seconded and the motion passed unanimously.

Respectfully submitted: kr

  
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Karen Rockey, Chair

ATTEST:

  
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Susan Johnson, Planning Manager

- Digital recording on file