

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
Date June 25, 2018**

The regular meeting of the Planning Commission meeting was called to order at 6:00 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: Principal Planner Roby Hurley, Planning Manager Susan Johnson, Engineering Manager Amy Ramage and Engineering Technician Ted Van Holland.

MINUTES

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

ADOPTION OF AGENDA

A motion to adopt the June 25, 2018 agenda was made by Commissioner Hammer and seconded by Commissioner Esnard. 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:

- A) Applicant:** Teton County
Presenter: Roby Hurley
Permit No.: AMD2018-0001
Request: Amend Sections 5.2.1, 5.3.2, 6.1.12, and 8.2.2, and add Section 5.1.6 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to update the requirements for manmade ponds and berms. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.
Location: Countywide

STAFF PRESENTATION:

Roby Hurley presented the proposed amendments to manmade ponds and berms to the Planning Commission.

PUBLIC COMMENT:

Amy Ramage, with Teton County Engineering, discussed the public works exemption and how it was intended to assist when neighbors request construction of a berm within the right of way, when a pathway or a roadway is constructed in a small linear environment. Under the proposed regulations the minimum width of a 4-foot

berm is 30-feet and a 4 ft berm in the SRO would span 90 feet.

Commissioner Esnard asked if there were any other situations where a berm would be required in right of way. Amy Ramage stated there were no other situations.

PC DISCUSSION:

The Planning Commissioners discussed the need for the amendment, berms in the foreground of the Scenic Resources Overlay, making consistent setback standards for ponds and berms, and the need to address the non-conforming ponds and structures that will be created due to the man-made pond setbacks changing from 15-foot to 50-feet, and eliminating the Natural Resources Overlay and Environmental Analysis exemptions for areas previously zoned Neighborhood Conservation. Most of the discussion focused on proposed Section 5.6.1.D.2.g.ii, and why different standards are being proposed for public and private roads. There was discussion about whether a variance should be required if the County wanted to build berms in the road easement; removing the word “public” so the standards are the same for both public and private roads. Commissioner Fodor stated that public and private roads should be treated the same. Questions were raised regarding legal advice about the County granting itself a variance. No County Attorney was present at the hearing. The Planning Commissioners suggested to staff that they bring language to the Board of County Commissioners, regarding this issue, after the County Attorney weighs in regarding the County granting itself a variance, as the Commissioners were concerned with legal issues.

The Planning Commission suggested the following edits:

5.6.1.A: remove language in A.3: about obstructing protected viewsheds (use language from Scenic Resources Overlay) Commissioners agree to put period after “features” and delete the rest of the sentence.

5.6.1.C.2: Waterbody Purpose: No change.

5.6.1.C.3.b: remove that section re: water rights (OK with removal)

5.6.1.C.3.c. mitigation shouldn’t be bare minimum “shall mitigate impacts to the area of expansion” change to 2:1 mitigation; also, Structures made nonconforming by this section... “Structures made nonconforming by this section may be expanded but shall not encroach...”

5.6.1.C.5.h.i: Keep

5.6.1.D.1: remove “and do not obstruct protected viewsheds”

5.6.1.D.2: remove “The toe” and just make “the berm shall meet setbacks”

5.6.1.D.2: change 4’ to 6’ for berm height. Keep it at 4-feet

5.6.1.D.2.f: Keep.

5.2.1.D.2: write out full section reference for Sec. G.4 & G.6 and leave in the exemption for habitat ponds and berms

5.6.1.D.2.g.ii: Public works exemption—Recommend we rework for better language after legal weighs in.

The Setbacks for ponds and berms should be consistent

MOTION:

Commissioner Fodor moved to approve the Amendment, AMD2018-0001, as presented by staff, including the changes dated June 24, 2018, as well as with the changes discussed in the meeting.

The motion was seconded by Commissioner Esnard. There was no further discussion. Motion passed 4-0.

MATTERS FROM COMMISSION:

None.

AGENDA FOLLOWUP:

None.

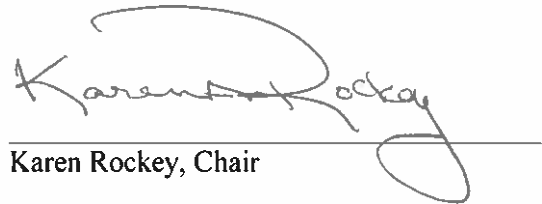
MATTERS FROM STAFF:

None.

ADJOURN

Commissioner Fodor moved to adjourn at 8:42 PM. Commissioner Esnard seconded and the motion passed unanimously.

Respectfully submitted: kr



Karen Rockey, Chair

ATTEST:



Susan Johnson, Planning Manager

- Digital recording on file-