

BEFORE THE BOARD OF COUNTY COMMISSIONERS

TETON COUNTY, WYOMING

IN THE MATTER OF: Sketch Plan (SKC2022-0001)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING APPROVAL
OF A SKETCH PLAN**

THIS MATTER came before the Teton County Board of County Commissioners (hereafter “Board” or “Board of Commissioners”) for public hearing on May 17, 2022, upon the application of Collins Planning Associates on behalf of Lower Valley Energy, Inc. for a Sketch Plan, pursuant to Section 8.3.1., Sketch Plan, of the Teton County Land Development Regulations (LDRs), for a 17-lot workforce housing subdivision. The Board considered a presentation from staff. The Board of Commissioners, being fully advised herein, finds, concludes and orders as follows:

FINDINGS OF FACT

1. The property, PIDN 22-40-16-21-2-00-005, has no street address but is located directly south of 4000 S Hwy 89, on the east side of the Highway, owned by Lower Valley Energy, Inc. The parcel is zoned Suburban, is 7.14 acres, and is in the Natural Resources Overlay.
2. The applicant has requested approval of a Sketch Plan SKC2022-0001 for a 17-lot residential subdivision.
3. This application was brought before the Teton County Planning Commission on April 11, 2022 with a recommendation from the Planning Director for approval of SKC2022-0001 with two recommended conditions.
 - a. A minimum setback of 120 feet shall apply to the southern property line for all future structures to maintain a corridor for wildlife movement.
 - b. The maximum size of developable lots is 12,000 sf.
4. On April 11, 2022, the Planning Commission voted 3-1 (Commissioner Viehman absent) resulting in a recommendation of approval of SKC2022-0001 with two conditions to the Board of Commissioners.

- a. Condition 1: A minimum setback of 120 feet shall apply to the southern property line for all future structures to maintain a corridor for wildlife movement.
 - b. Condition 2: The maximum size of developable lots is 12,000 sf.
5. The public hearings of the Planning Commission, April 11, 2022, and the Board of Commissioners, May 17, 2022, were properly noticed pursuant to the Section 8.2.14.C. of the LDRs.
6. The application was brought before the Board of Commissioners on May 17, 2022.
7. A staff report was submitted to the Board of County Commissioners for review prior to the May 17, 2022 meeting regarding the Sketch Plan (SKC2022-0001) pursuant to Section 8.3.1., of the LDRs, to review the 17-lot subdivision.
8. As set forth in the May 17, 2022 staff report and as presented by Planning staff at the May 17, 2022, meeting, the recommendation from the Planning Director to the Board of County Commissioners was for approval of the Sketch Plan (SKC2022-0001) with the following two recommended conditions.
 - a. Condition 1: A minimum setback of 120 feet shall apply to the southern property line for all future structures to maintain a corridor for wildlife movement.
 - b. Condition 2: The maximum size of developable lots is 12,000 sf.
9. The Board heard a presentation from staff.
10. The Board heard a presentation from the President/CEO of Lower Valley Energy, Jim Webb, and the applicant, Bill Collins.
11. The Board heard public comment.
12. The Chair closed public comment, and the Board discussed the application. The Board discussed the subdivision options provided in the application and the recommended conditions.
13. The Board of County Commissioners reviewed the five findings for a Sketch Plan pursuant to Section 8.3.1. of the LDRs which are:

- a. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;
 - b. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;
 - c. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities;
 - d. Complies with all relevant standards of these LDRs and other County Resolutions as can be determined by the level of detail of a sketch plan; and;
 - e. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.
14. On May 17, 2022, the Board voted on the matter, which vote was 4 to 0 with all Commissioners in favor (Chairwoman Macker absent), resulting in the motion passing and the Board's approval of the Sketch Plan application (SKC2022-0001) as illustrated in Option 1 with the following condition of approval:
- a. The maximum size of developable lots is 12,000 sf.

CONCLUSIONS OF LAW

- I. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, the application from Collins Planning Associates on behalf of Lower Valley Energy, Inc., for a Sketch Plan does comply with all applicable provisions of the Teton County Comprehensive Plan.
- II. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, the application from Collins Planning Associates on behalf of Lower Valley Energy, Inc., for a Sketch Plan does comply with all applicable provisions of the Teton County Land Development Regulations.
- III. The Board concludes and hereby finds that the application dated January 20, 2022 for a Sketch Plan (SKC2022-0001) does comply with and meet all five (5) findings required pursuant to Section 8.3.1. of the LDRs for the proposed 17-lot subdivision, as recommended by the Planning Commission and Planning Director for approval of the Sketch Plan, and specifically finds as follows:

1. *Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan;*

Can be made. This proposed use complies with the desired future character of the South Park Business Park Subarea. It supports an existing utility provider operation and those critical service providers who are employed there. The primary use of the property is limited to residential.

2. *Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable;*

Can be made. This proposed use complies with the standards for the Natural Resource Overlay with the recommendations from EVA2022-0001. Maintaining wildlife permeability is of the utmost importance. The site is not within the Scenic Resources Overlay nor is it included in the South Highway 89 Scenic Area.

3. *Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities;*

Can be made. The proposed subdivision is not anticipated to have a significant impact on public facilities and services. It is proposed that the future residential units will connect to the Town of Jackson sewer and have a domestic potable water system. As a 100% deed restricted subdivision there are no park or school exaction requirements. Through inter-agency review there are no significant impacts foreseen to emergency services. The Fire Marshal recommends that future residential units be sprinklered.

4. *Complies with all relevant standards of these LDRs and other County Resolutions; and*

Can be made. The proposal demonstrates compliance with the relevant LDRs and County Resolutions as is possible by the level of detail provided in a Sketch Plan. See the Relationship to Applicable Land Development Regulation section of this staff report for more details.

5. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Can be made. The required deed restrictions per the conditions of ZMA2020-0001 were recorded against the property. In concept form, and as conditioned, the application complies with those conditions. No other permit or approvals are applicable to this application.

IV. These conclusions are based upon the analysis of the findings as detailed in the May 17, 2022 staff report, as well as the Board's analysis of the required

findings for the Sketch Plan, that occurred at the May 17, 2022 public hearing on the matter.

IT IS HEREBY ORDERED:

The Board **APPROVES** the application for a Sketch Plan dated January 20, 2022, SKC2022-0001, for the 17-lot subdivision as illustrated in Option 1, with one condition listed below, being able to make all five (5) findings of approval for a Sketch Plan pursuant to Section 8.3.1. of the Teton County Land Development Regulations as recommended by the Planning Director and the Planning Commission:

Condition:

1. The maximum size of developable lots is 12,000 sf.

DATED this ____ day of June, 2022.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

BY:

Luther Propst, Vice-Chair

ATTEST:

Maureen E. Murphy, County Clerk

CERTIFICATE OF SERVICE

I, Maureen E. Murphy, Teton County Clerk, do hereby certify that I sent a true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING APPROVAL OF SKETCH PLAN, postage prepaid by U.S. Mail or other delivery as indicated below on this ____ day of June 2022, to the following addresses:

Lower Valley Energy, Inc.
Attn: Jim Webb
PO Box 188
Afton, WY 83110

Keith Gingery, Deputy County Attorney
Teton County Attorney's Office
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Via Email Only or Hand Delivery Only

Chandler Windom, Senior Planner
Teton County Planning and Development
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Maureen E. Murphy, County Clerk