

BEFORE THE BOARD OF COUNTY COMMISSIONERS

TETON COUNTY, WYOMING

IN THE MATTER OF: Commercial Building Permit (BDC2022-0004)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER GRANTING APPROVAL
OF A BUILDING PERMIT (PLANNING REVIEW)**

THIS MATTER came before the Teton County Board of County Commissioners (hereafter “Board” or “Board of Commissioners”) for public hearing on July 19, 2022, upon the application of Prospect Studios on behalf of Aspens Properties I, LLC. for a Building Permit, pursuant to Section 8.3.3., Building Permit, of the Teton County Land Development Regulations (LDRs), for a commercial remodel and addition. 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, 4030 W Lake Creek Drive, is located in the Aspens Commercial District, on the west side of Highway 390, owned by Aspens Properties I, LLC. The parcel is zoned Auto-Urban Commercial, is 0.66 acres, and is in the Natural Resources Overlay.
2. The applicant has requested approval of a Building Permit BDC2022-0004 for a commercial remodel and addition.
3. This application was elevated to the Board of County Commissioners by the Planning Director in accordance with LDR Section 8.2.9.C.
4. The application was brought before the Board of Commissioners on July 19, 2022.
5. The public hearing of the Board of Commissioners on July 19, 2022 was properly noticed pursuant to the Section 8.2.14.C. of the LDRs.
6. A staff report was submitted to the Board of County Commissioners for review prior to the July 19, 2022 meeting regarding the Building Permit

(BDC2022-0004) pursuant to Section 8.3.3., of the LDRs, to review the commercial remodel and addition.

7. As set forth in the July 19, 2022 staff report and as presented by Planning staff at the July 19, 2022, meeting, the recommendation from the Planning Director to the Board of County Commissioners was for denial of the Building Permit (BDC2022-0004) being unable to make the findings.
8. The Board heard a presentation from staff.
9. The Board heard a presentation from the applicant, John Carney of Prospect Studios.
10. The Board heard public comment.
11. The Chair closed public comment, and the Board discussed the application.
12. The Board discussed the consistency of the application with the Aspens Commercial District Master Plan, including the applicability of a Floor Area Ratio (FAR) for non-residential floor area.
13. The Board of County Commissioners reviewed the three findings for a Building Permit pursuant to Section 8.3.3. of the LDRs which are:
 - (1) Complies with all relevant standards of these LDRs and all other County Resolutions.
 - (2) Complies with the County Building Code Resolution; and
 - (3) Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.
14. On July 19, 2022, the Board voted on the matter, which vote was 5 to 0 with all Commissioners in favor, resulting in the motion passing and the Board's approval of the Planning Review of the Building Permit application (BDC2022-0004) with no conditions.

CONCLUSIONS OF LAW

- I. Based on the presentation and staff report of the Planning Department, the information presented by the applicant, the application from Prospect Studios on behalf of Aspens Properties I, LLC., for a Building Permit 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 Prospect Studios on behalf of Aspens Properties I, LLC., for a Building Permit does comply with all applicable provisions of the Teton County Land Development Regulations.
- III. The Board concludes and hereby finds that the application dated April 1, 2022 for a Building Permit (BDC2022-0004) does comply with and meet all three (3) findings required pursuant to Section 8.3.3. of the LDRs for the proposed commercial remodel and addition, for approval of the Building Permit, and specifically finds as follows:
1. *Complies with all relevant standards of these LDRs and all other County Resolutions.*
Can be made. The building permit application complies with the applicable standards of these LDRs.
 2. *Complies with the County Building Code Resolution; and*
Can be made. The proposal shall comply with the Building Code as determined by the Teton County Building Official. This review does not include an analysis of technical compliance with Building Code. Corrections may be required during the Building Official's review of the application.
 3. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*
Can be made. The proposal is consistent with the Aspens Commercial District specially recognized project. In addition, the Aspens Commercial District does not have an applicable Floor Area Ratio or maximum scale of an individual non-residential structure.
- IV. These conclusions are based upon the analysis of the findings as detailed in the July 19, 2022 staff report, as well as the Board's analysis of the required findings for the Building Permit, that occurred at the July 19, 2022 public hearing on the matter.

IT IS HEREBY ORDERED:

The Board **APPROVES** the Planning Review of the Building Permit application dated April 1, 2022, BDC2022-0004, for the commercial remodel and addition being able to make all three (3) findings of approval for a Building Permit pursuant to Section 8.3.3. of the Teton County Land Development Regulations.

DATED this ____ day of August, 2022.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

BY: _____
Natalia D. Macker, Chairwoman

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 BUILDING PERMIT, postage prepaid by U.S. Mail or other delivery as indicated below on this ____ day of August 2022, to the following addresses:

Aspens Properties I, LLC
Attn: Stewart Johnson
PO Box 1816
Wilson, WY 83014

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

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Maureen E. Murphy, County Clerk