

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
January 8, 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, Nikki Gill and Glen Esnard.

STAFF: Associate Planner Kristi Malone, Planning Director Tyler Sinclair, Planning Manager Susan Johnson, Deputy County Attorney Erin Weisman

MINUTES

A motion to approve the December 11, 2017 minutes was made by Commissioner Fodor and seconded by Commissioner Hammer. There was no further discussion. Motion carried 5-0.

ADOPTION OF AGENDA

A motion to adopt the January 8, 2018 agenda was made by Commissioner Hammer and seconded by Commissioner Gill. There was no further discussion. Motion carried 5-0.

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 – **Postponed to a Date Uncertain**
Request: Variance, pursuant to Section 8.8.2., Variances, of the Teton County Land Development Regulations, for residential development within the 30' rear setback.
Location: 3850 W Holly Drive, Teton Village, WY. Lot 194, J.H.S.C. 11th Filing Subdivision, zoned Planned Resort with no overlay.

MOTION:

A motion to postpone Variance, VAR2017-0004, to a date uncertain was made by Commissioner Fodor and seconded by Commissioner Hammer. There was no further discussion. Motion carried 5-0.

Commissioner Fodor recused himself from hearing CUP2017-0007, ZCV2017-0025 and VAR2017-0002 as the attorney representing a neighboring property owner.

Commissioner Rockey discussed an ex-parte meeting, which included a site visit earlier that day to the Teton Raptor Center.

2. **Applicant:** TETON RAPTOR CENTER
Presenter: Kristi Malone

- Permit No.:** CUP2017-0007, ZCV2017-0025
Request: Conditional Use Permit, pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to amend an existing institutional use and Zoning Compliance Verification for Visual Resource Analysis, pursuant to Section 8.6.2 of the Teton County Land Development Regulations, to assess foreground scenic standards.
3. **Permit No.:** VAR2017-0002
Request: Variance, pursuant to Section 8.8.2, to vary Section 3.2.3.B.2 of the Teton County Land Development Regulations, to allow improvements to be made to an existing 36 foot tall structure that would result in a total structural height of 38 feet where 30 feet is the maximum structure height allowance for the zone.
Location: Site of Teton Raptor Center and historic Hardeman barns; generally located in Wilson on the south side of Highway 22. The property is zoned R-2 and is located within the Scenic Resources Overlay.

STAFF PRESENTATION:

Kristi Malone presented the application to the Planning Commission. Ms. Malone addressed additional material received since the packet went out, including additional public comment. Ms. Malone discussed the key issues outlined in the staff report and presented recommendations for the Commissioner's consideration.

APPLICANT PRESENTATION:

Amy McCarthy, Executive Director for the Teton Raptor Center, presented the application on behalf of the applicant, discussing the mission and the projects associated with the Teton Raptor Center. Ms. McCarthy also spoke to the history of the property and the Jackson Hole Land Trust easement. She discussed the proposed application. There was discussion between the Planning Commissioners and the applicant regarding buildings proposed to remain and to be removed, the number of large events held per year, the proposed housing on site and the location of current and future programs.

Bob Norton spoke on behalf of the Teton Raptor Center as their Civil Engineer. Mr. Norton agrees with the recommended conditions, but recommends slight wording changes to conditions 1 & 2 from "Prior to Commencement of use" to "Prior to Issuance of Certificate of Occupancy for any new Building Permit."

Arne Jorgensen from Hawtin Jorgensen Architects spoke on behalf of the Teton Raptor Center. Mr. Jorgensen discussed the findings for approval of the Variance, VAR2017-0002, for the height of the north barn, including additional information submitted January 5, 2018, the Friday before the meeting regarding the need for insulation and grading for positive drainage. He discussed the need to temporarily move the north barn, to fix the foundation. Mr. Jorgensen also talked about how the proposed office building will impact the views of the north barn.

Phelps Swift, attorney representing the Teton Raptor Center, discussed the legal issues surrounding the application, including the 2008 variances for minimum site area and floor area (FAR). He feels the variances are vested due to LDR Section 8.8.2.D., and the variance permit language. He discussed that the same variances continue today, because it is the same use and therefore both variances are vested. Mr. Swift also addressed the idea about a "requirement" to maintain the historic buildings. There was no requirement either in any of the approvals or in the Jackson Hole Land Trust easement until the 2017 amendment to the conservation easement, which included a restriction to preserve the north barn only. He also discussed the 2014 amendment to the 2008 application that was approved in reliance of the Variance from 2008.

PUBLIC COMMENT:

Public comment was provided by the following: Robbin Levy Mommsen, Attorney and neighbor; Camille Obering, neighbor; Reynolds Pomeroy, neighbor; Brian Bedrosian, Wildlife Biologist with the Teton Raptor Center; Laurie Andrews, President Jackson Hole Land Trust; Leslie Goodyear; Katherine Wonson, Teton County Historic Preservation Board; Jerry Bosch, neighbor; Ann Harvey, neighbor, conservationist and biologist.

Planning Commission recessed at 7:55pm and reconvened at 8:07pm to continue public comment.

Additional public comment was provided by Len Carlman; Megan Warren, with the Teton Raptor Center; Ben Musser, neighbor; Kathy Smith, neighbor; Patrice Kangas, neighbor; Wes Gardner; Broughton Coburn, neighbor; Becky Collier, with Raptor Center; Patty Jaquith, Wilson resident; Porgy McClellan, Teton Raptor Center Board; Abi Hardeman; Matt Kim-Miller, representing neighbors to the west of the Teton Raptor Center; Anne Dwan; Chris Mommsen, neighbor; Samantha Bovieu, Teton Raptor Center volunteer.

Commissioner Rockey allowed the applicant to respond to public comment. Amy McCarthy stated that the goal of the Teton Raptor Center is education, research and rehabilitation; not weddings. She also stated that the Teton Raptor Center cannot hold events that conflict with their 501C3 mission.

Commissioner Esnard discussed the possibility of a condition preventing large events where the facility would be rented. Ms. McCarthy spoke that weddings are not part of the program, but that fees are charged for educational programming.

Ms. McCarthy discussed why the existing buildings are not being protected. She stated that they need to preserve buildings that have good adaptability for the needs of the Teton Raptor Center. Ms. McCarthy also stated that the natural lighting is poor, and the space is inappropriate and unhealthy for birds in the south barn.

PC DISCUSSION:

Commissioner Hammer made a motion for approval of Conditional Use Permit, CUP2017-0007, as recommended by staff. Commissioner Esnard seconded the motion. Commissioner Rockey requested the Commissioners present staff with suggestions for any additional information that they would like to have prior to the next meeting, as this application was clearly going to be continued. Commissioner Hammer requested additional information from staff to respond to Hank Phibbs' comments on commercial events. Commissioner Rockey requested additional information on reliance on the 2008 variances. Commissioner Rockey also requested information as to the allowances on the property if the Teton Raptor Center left the site; what would another entity be able to do?

The Planning Commissioners discussed continuing the application with a motion on the table. County Attorney Erin Weisman recommended withdrawing the motion and picking up the application at the next meeting with more discussion.

Commissioner Esnard withdrew his second of Commissioner Hammer's motion to approve Conditional Use Permit, CUP2017-0007. Commissioner Hammer withdrew his motion to approve Conditional Use Permit, CUP2017-0007.

MOTION:

Commissioner Esnard moved to continue the Conditional Use Permit, CUP2017-0007, the Zoning Compliance Verification, ZCV2017-0025 and the Variance, VAR2017-0002 to the January 22, 2018 Planning Commission

Hearing.

The motion was seconded by Commissioner Gill. There was no further discussion. Motion carried 4-0, with Commissioner Fodor recused.

MATTERS FROM COMMISSION:

1. Selection of a Chair and Vice-Chair for 2018.

MOTION:

A motion to nominate Commissioner Rockey as the Chair for 2018 was made by Commissioner Hammer and seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0, with Commissioner Fodor absent.

MOTION:

A motion to nominate Commissioner Fodor as the Vice Chair for 2018 was made by Commissioner Rockey and seconded by Commissioner Gill. There was no further discussion. Motion carried 4-0, with Commissioner Fodor absent.

AGENDA FOLLOWUP:

Susan Johnson, Planning Manager, discussed planning items from the December 19, 2017 Board of County Commissioner's Hearing including approval of the Old West Cabins and the Pond and Berm Freeze Resolution.

MATTERS FROM STAFF:

Approval of the minutes from the November 15, 2017 and November 16, 2017 Natural Resources Update Meeting were deferred to the next Planning Commission Hearing on January 22, 2018.


ADJOURN

Commissioner Gill moved to adjourn at 9:15 PM. Commissioner Hammer seconded and the motion passed unanimously.

Respectfully submitted: kr


Karen Rockey, Chair

ATTEST:


Susan Johnson, Planning Manager

- Digital recording on file-