

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
May 23, 2022**

The regular meeting of the Planning Commission meeting was called to order at 6:00 PM in the Board of County Commission Chambers with Alex Muromcew, Chair, presiding.

**ROLL CALL:** Alex Muromcew, Devon Viehman, Kasey Mateosky, Karen Rockey (Absent: Sue Lurie)

**STAFF:** Chandler Windom, Hamilton Smith, Chris Neubecker

**APPROVAL OF MINUTES:** 4/25/22

**MOTION:** Mateosky                    **SECONDED:** Viehman

**VOTE:** The vote showed 3 in favor. None opposed. The motion Passed

**ADOPTION OF AGENDA:** 5/23/22

**MOTION:** Mateosky                    **SECONDED:** Viehman

**VOTE:** The vote showed 3 in favor. None opposed. The motion Passed

**MATTERS FROM THE PUBLIC:** None

**OLD BUSINESS / NEW BUSINESS**

**NEW BUSINESS**

**Permit:** [VAR2022-0001 – Staff Report](#)  
**Applicant:** MEAD FAMILY, LLC  
**Presenter:** Hamilton Smith  
**Request:** Variance request pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 5.4.1 Steep Slopes.  
**Location:** 1175 N East Butte Road, Jackson, WY 83001. The property is zoned Rural-1 and is within the Natural Resources Overlay (NRO) and Scenic Resources Overlay (SRO).

**STAFF PRESENTATION:**

Hamilton Smith, Principal Planner, introduced the application. He announced that hard copies of public comment received today are available for review. He described the location of the property and existing conditions. He described the existing road easement created in 2015. Applicant is requesting a variance for a roadway access on steep slopes within the recorded easement, on slopes in excess of 36%. The only opportunity for relief is through the variance process.

Smith showed a map of the property and described the slopes in the easement area. He described the history of exempt land divisions of this area. There was one original easement, which has since been modified two times. Planning Director is not able to make the required findings for a variance. The property has been

subdivided several times that led to this issue. Prior to subdivision, the owner had an opportunity to create easements that meet the required access and slope standards. For the Commission to grant a variance they will need to review the conditions and make the required findings listed in the Land Development Regulations. He described the required findings and why staff could not recommend approval of the variance. Some natural hazard challenges of the site that could worsen with this road alignment include rockfall, snow hazards, and the Wildland Urban Interface. Applicant has not performed a thorough analysis of the site. Staff believe that there is opportunity to take access to the lot from Spring Gulch Road.

Muromcew – It's not clear that if the variance was not granted, how is access taken from Spring Gulch Road.

Smith – Access from Spring Gulch Road could provide access to a lower part of the lot that is developable. An EA (Environmental Analysis) would likely not allow access from the lower point of the lot near Spring Gulch Road to get to the upper part of the lot.

Muromcew – It looks like the area over 36% slope is a very small portion of the site.

Smith – Displayed the GIS showing the three lots and the slopes on each lot. He described the location of the subject property and the parent property size and shape, prior to the exempt land division.

Muromcew – Sounds like staff's opinion is that the majority of the site is not developable

Smith – We don't have enough information; we would need more information and more analysis.

Mateosky – Asked to show where the developable areas of the site are, and where development could be allowed.

#### **APPLICANT PRESENTATION:**

Brad Mead, Applicant – Would like to correct some statements made about creation of the parcel. It was created in May 2015. Prior to that it belonged to the Hansen Family Descendants. May 2015 the family and the Land Trust sold Vogel Hill, I ended up with this lot with my sister. On May 6, I recorded an easement at the last minute, I did not talk to the County and did not study if it was developable. I was not a developer, I wasn't trying to subvert the County regulations, but with an expectation that it could be modified at some time in the future. I still think it's the logical way to get there. It was 5 years before we listed the property for sale. Only adjustment before that was when the owner of Panga 2 asked to not come through their yard, and to minimize retaining walls. That's why the easement now looks funky. It's not a piece of ground that belonged to me for a long time, but I needed to create legal access to the site. It did not belong to me until May 2015. The easement I have is far less impact than access from Spring Gulch Road. I have not seen the Engineering Report. I don't care if it's moved one way or another, as long as my neighbors have access.

Mateosky – As I sit here today, I want to approve. I am having a challenge with findings. Help me find a way to yes, how to make these Findings.

Mead – Staff is concerned with sanctity of the process.

Dave Dufault - Nelson Engineering – We are confident that we can engineer a route that is safe and will not cause adverse issues or erosion. It is very feasible. For the Mead's access to the parcel, I struggle to find

routes that are less of an issue than the route proposed today. I don't expect retaining walls over 10 feet in height. On Fire Department grade, its 15% grade. The only area in excess of what is allowed is about 400 feet in area, road is 1600 linear feet.

Muromcew – What is cost to build the road?

Dufault – About ¼ million dollars.

Rockey – Have there been any geotechnical studies to date along this roadway?

Dufault – Along this road easement, no. Nelson Engineering has been informed about the studies in the parcels that the road passes through. The road we propose is similar to the road that reaches the Panga 2 parcel.

Rockey – Seems like most of the northernmost parcel has excessively steep grades. Would it be appropriate to do geotech studies before performing development?

Dufault – Geotech investigation is warranted. It's a county requirement to have this information. Access from Spring Gulch Road to the west, in that location we have had to get a grading permit to grade a road to get to the site.

Rockey – Is a variance needed to do the Geotech study?

Smith – Variance is needed to perform the site disturbance on steep slopes.

Mateosky – Read from the staff report about site access that has less impact. Are there other areas?

Dufault – Not to my knowledge, no.

Mateosky – Not sure I have buy-in that there was willful modification by the applicant. What would you consider excessively tall retaining walls?

Dufault – We would bench the wall to each be 10 feet.

Mateosky – I hear that there is no opportunity to take access from Spring Gulch Rd. Is that the swamp area?

Dufault – As you heard from the applicant, they would need to cross similar slopes.

Mateosky – Have you pursued other options from the south?

Dufault – No.

Mateosky – Would the road create a risk to downslope residents?

Viehman – We are talking about 1600 linear feet that do not comply? Is that right?

Dufault – No, its about 40 feet out of 1600.

Smith – Asked David Dufault if he has access to a model that shows slopes in excess of 36% on the portion of the Mead Family LLC parcel that is adjacent to Spring Gulch Road.

Dufault – No. Only from Teton County GIS, and from Lidar.

**PUBLIC COMMENT:**

Kate Mead – I am not part of the Mead Family, LLC. In 2021, the owners of Panga 2 asked us to move the easement, which we did. Panga's driveway, like this, has some areas in excess of 36%. It's perfectly legitimate to change the boundaries of the property, any time we want. There is a swamp on the lower part of the hill. It's perfectly legal and not willful modification. Panga and Scion lots were owned by Peter Hansen. This access is critical to our ability to sell. There is no development below this that would be impacted. If you look at the steepness of the slopes, there is no way to access a building envelope from below.

Tom Taylor – I live at Spring Creek Ranch above this property. I walk this area frequently. The existing road to Panga already exists. This is just going access one of the lots, and the exception is to a section only 40 feet. I am on the AC committee for Amangani and Spring Creek. All of us would see the road if it's developed from below. And nobody will see if access from above. It's much better to access from above, which no one would see.

**PC DISCUSSION:**

Mateosky – I can make the findings for #1 through #6. There does not appear to be an alternative route that is less obtrusive. I can see that a variance would be in order. On willful modification, I don't think they modified the hill at all. I don't know if the applicant had time to prepare an evaluation. It does not appear that there is another way to get to the property. I am familiar with Spring Gulch and this property; I would much rather see a road up high than down low. There is no guarantee that access from below is possible. Applicant stated that there is swamp and wetland from their other property to north. Don't see this is injurious to other landowners. I can meet all six requirements.

Rockey – I am quite certain that the situation that the Mead Family faces was not deliberate. Planning Commission has an obligation to the public on safety. We don't have good data. I am aware of two incidents of sliding or rockfall. One was the hillside behind the Rite-Aid. That was an economic tragedy. In Washington state a hillside slide led to significant loss of life. We have a responsibility to ask for good data. Without further data, I am not sure how we can decide that this road should be built.

Muromcew – I am always hesitant to build on steep slopes. But this does appear to be the right location, considering that the slopes over 36% are in a section of 40 feet.

Rockey – If the request for the variance is because it is essential access, it could be allowed. Until access from Spring Gulch Road is studied and ruled out, this cannot be considered essential access.

Viehman – At first, when I read the staff report the staff could not make the findings, then I read the engineer report. It seems harder to take access from Spring Gulch Road than to take access from the existing easement. Agree with Mateosky, I can support the findings

Smith – In a motion, you could simply state that the Planning Commission can make all of the required findings as indicated in the Variance application. With approval of the variance, all future applications and

permits would need to follow county standards.

Rockey – Asked about the next steps that would be required to perform geotechnical studies if the variance is approved.

Smith – They do not need to build a complete road to do Geotech studies.

**MOTION: Mateosky (for approval)**

**SECONDED: Viehman**

**VOTE:** The vote showed 3 in favor. One opposed (Rockey opposed) . The motion Passed

**Permit:** [CUP2022-0001 – Staff Report](#)  
**Applicant:** DIAMOND CROSS RANCH LLC  
**Presenter:** Chandler Windom  
**Request:** A Conditional Use Permit request pursuant to Land Development Regulation Section 8.4.2 to expand an existing Outdoor Reception Site at the Diamond Cross Ranch.  
**Location:** 24340 & 24560 N Diamond Cross Road are located in Moran approximately 5.5 east of the Moran post office on the north side of Hwy 26/287. The parcels are zoned Rural-1 and are in the Natural & Scenic Resources Overlays.

**STAFF PRESENTATION:**

Chandler Windom, Senior Planner, introduced the application. Proposal is to amend and expand the Conditional Use Permit at Diamond Cross Ranch. She described the location of the property and the existing zoning. She described the previously approved use permit. Original 2004 CUP was focused on the barn, including horse demonstrations, horse roping, and community events. This is a nonconforming use, because the current allowance on number of events exceeds what is allowed today. Also, the site does not meet the required 140 acres lot area. Proposal is to add to the site area dedicated to use for events. Applicant will not increase number of events but ask to move some of the events to summer.

Windom described the allowance in the LDRs for expanding a nonconforming use. Expansion is limited to 20% increase in site area for the events. The expansion cannot create a nonconforming situation in other areas of the LDRs. No additional parking is required. Guests will be shuttled to the event site. Recommendation is for approval. Staff recommends a few conditions. No negative impacts are expected to neighbors, wildlife, traffic, or scenic vistas.

Windom described the hours of operations recommended, which are 9:00 am – 9:00 pm. Potable water and wastewater will need to be sufficient for the number of people expected at the site, as determined by County engineer. For the expanded site, temporary restrooms are proposed. Caterers will need to provide potable water at the site. Applicant will need to prepare a checklist for each event to consider fire hazard and safety. Compliance certificates may still be required for special events. She described how staff could make the required findings for the Conditional Use Permit.

Muromcew – Are there no maximum occupancy limits?

Windom – No, there are no limits

Muromcew – Are simultaneous events prohibited?

Windom – Yes, that is right. The two combined event areas are considered one site, and restrooms are at the main site.

Muromcew – Are there any needs for Bear Proof trash cans?

Windom – They are currently required.

Mateosky – Where did 104 events come from?

Neubecker – Probably two events per week over the course of one year.

Windom – Yes, it was two events per week originally discussed but they then said there are more events certain times of year, and fewer at other times. That's how they arrived at 104 total.

#### **APPLICANT PRESENTATION:**

Peter Long, Diamond Cross Ranch – We hold weddings and other events at the barn. We would like to move some events to the summer. Property has more wildlife value in the winter than in the summer. We disagree with limit on events until 9:00 pm. Surrounding properties include a family property on one side and a horse pasture on the other side. There have been no complaints than I know about.

Lauren Long – I run the events at the site. The events are tented, and there is no trace left behind. Everything is taken off site. Caterers bring in water and food and haul out all trash. We request that the events can happen until 10:00 pm. We take noise issues seriously, and we must approve all entertainment at the site.

Bree Burton, Y2 Consultants – Applicants want to keep this a primitive site.

#### **PUBLIC COMMENT: None**

#### **PC DISCUSSION:**

Muromcew – On 9:00 p.m. vs 10:00 p.m., what is staff's rationale for that recommendation?

Windom – Standards come from the Rural -1 zone. Outdoor uses set back less than 300 feet shall be limited to hours of operation 9:00 a.m. to 9:00 pm. The expanded event site is less than 300 feet from the property boundary to the east.

Long - Eastern property is the Hatchet Ranch. There is no residential use. It is horse pasture. We know the property owner well.

Rockey – Comfortable adhering to the standards as recommended by staff. The event may end by 10:00 pm.

But cleanup and staff could be on-site. Could be impactful to nocturnal animals. The 9:00 pm cutoff is only for the new expanded site, not for the existing site.

Mateosky – How often would you use the new site?

Long – No more than 20 events

Rockey – They could have 68 events in the summer, how many events is that per week?

Long – Site is high and dry hay pasture. During summer months, there are no ungulates. It is not a high value wildlife area. There is higher value for habitat in the winter months.

Viehman – Ready to move forward with a motion, with 10:00 pm cutoff time

**MOTION:** Viehman (for Approval), with conditions as recommended by staff, with exception that the hours of operation shall be 9:00 am to 10:00 pm.

**SECONDED:** Muromcew

**VOTE:** The vote showed 4 in favor. None opposed. The motion Passed

**MATTERS FROM COMMISSION  
AGENDA FOLLOWUP  
MATTERS FROM STAFF**

**ADJOURNMENT**

A motion for adjournment was made by Muromcew and Mateosky seconded. The meeting was adjourned at 8:17 p.m.

Respectfully submitted:

  
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Alex Muromcew, Chair

ATTEST:

  
\_\_\_\_\_  
Chris Neubecker, Planning Director

- Digital recording on file-