

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
January 9, 2023**

The regular meeting of the Planning Commission meeting was called to order at 6:10 PM in the Board of County Commission Chambers with Devon Viehman Vice- Chair, presiding.

ROLL CALL: Sue Lurie, Karen Rockey, Devon Viehman, Alex Muromcew, Brad Nielson

STAFF: Hamilton Smith, Chandler Windom, Chris Neubecker, Keith Gingery

APPROVAL OF MINUTES: 11/28/2022

MOTION: Viehman

SECONDED: Lurie

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

ADOPTION OF AGENDA: 01/09/2023 - Add Election of Officers to the Agenda

MOTION: Sue Lurie – Nominated Alex Muromcew to the Chair. Nominated Devon Viehman as Vice-Chair.

SECONDED: Muromcew

VOTE: The vote showed 5 in favor. None opposed. The motion Passed.

PUBLIC COMMENT: (Matters not on agenda) None

NEW BUSINESS

Permit: VAR2022-0003 POSTPONED

Applicant: Declan Murphy
Presenter: Hamilton Smith
Request: A Variance pursuant to Section 8.8.2. of the LDRs to vary the dimensional limitations of the Teton Village Master Plan to allow the expansion of an existing rooftop wireless utility that will exceed the 66.5-foot height restriction in the Teton Village Commercial Core by 4 feet.
Location: 3335 Village Drive, Teton Village, WY 83025, the rooftop of Terra Condominiums in the Teton Village Commercial Core. The lot is zoned Planned Resort (PR) and is not within any zoning overlays.

Permit: VAR2022-0002
Applicant: Field House, LLC
Presenter: Hamilton Smith
Request: A Variance to the plant unit requirements as described in Division 5.5 Landscaping Standards, pursuant to Section 8.8.2. of the LDRs. The requested variance is such that the existing requirement of 13 plant units be met by the installation of 5-1/2 plant units.
Location: The subject property is located on 3580 South Park Drive and accessed

from South Highway 89, approximately 2.3 miles south of the Town of Jackson. The lot is zoned Business Park (BP-TC) and located within the Natural Resources Overlay.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application. He described the request from the applicant to reduce the Plant Unit standards. The landscaping plan was reduced previously by an Administrative Adjustment. There is a mini-storage use on the same site as the athletic facility. He described the location and zoning for the property. He showed aerial imagery of the site. The slope of the site to the east was laid back with approval of the adjacent property owner. The first round of hydroseeding of the site was unsuccessful. He described some other methods for landscaping that might be considered. Smith directed the Commission to review the required Findings for a variance. One of the topics for a variance is whether the property is unique. He showed a map with slopes in the vicinity which show this site is not unique compared to other adjacent lots. Smith reviewed the required landscaping standards and showed the original Development Plan. The Development Plan showed how the landscaping could be installed on the site. Smith reviewed the land development chronology, including a Conditional Use Permit, Sketch Plan, Development Plan, a Fee Waiver, Grading permit, and Building permits.

Smith showed photos of the site including developed areas adjacent vacant land where landscaping is expected. He reviewed the required Findings for granting a variance. Staff does not find any special conditions of this lot. The Planning Director recommendation is for denial.

Rockey – What is definition of a required Plant Unit?

Smith – Read for the Land Development Regulations on the mix of plant types and sizes that meet the definition of a Plant Unit.

APPLICANT PRESENTATION: Cornelius Kinsey introduced himself. This is a community driven building. These owners did not do this for profit and are not making a profit. He described the site, and the need for parking. By increasing the amount of parking, we had to increase the landscaping. The area above the building to the northeast was storage. Previous owners cut into the slope. We have soil nails, and we returned the grade back to its natural state. We had to re-seed the slope twice. Per the Geotech (engineer) we cannot add irrigation within five feet. The mountain slopes due south, and trees will not grow on this slope. If you add trees, you are adding fire fuels. Planting of trees to the north does not provide screening to anyone except the Land Trust property where nobody goes. If we plant trees the animals will not be able to get through the site. We don't have space to plant trees to the west side of the parking lot. The trees will not grow without irrigation, which will make the ground unstable. It's not feasible on the site.

Ted Stark, part Owner of JH Indoor. Thanked the Commissioners for considerations given in the past. It is a for profit company, but more like a B-Corp. We are not requesting this to save money. I will not skimp on my own landscaping. A lot has changed in the past six years. Our goal is to make it look like it did before, which was not trees. Sage brush is critical habitat.

Nielson – Asked about reclamation on the Land Trust property, and location of proposed landscaping.

Kinsey – We could add landscaping in the rear and screen from the deer but we can't add irrigation near retaining walls.

Nielson – Have you considered the other options to meet the regulations?

Kinsey – We already added bike racks and benches.

Lurie – Are you drip irrigating? That would reduce impact on soils. Do you have any data from Fire Department or Conservation District that planting trees is increasing a fire risk?

Kinsey – If property is in WUI then we need to have defensible space. If a high zone you can't plant close to the building.

Lurie – Do you have any written verification?

Kinsey – I don't have written verification, but having a defensible zone is Plant Wise.

Rockey – I was Chair of the Commission the year this was approved. It is a great asset to the Community. I took a drive to the facility. I was pleased to see how the building is set against the hillside. I was pleased to hear you will be landscaping in front of the field house. What do you plan to plant on the downhill side?

Kinsey – Along that road, we would like to add planting but that is not on our property. Engineering Department wanted us to keep the jersey barriers. We planted trees on the neighbor's property but don't get credit since they are on adjacent property.

Muromcew – Asked where the WUI is located.

PUBLIC COMMENT: None

PC DISCUSSION:

Viehman – Do we want to hash out if this meets the findings? Or cut to the chase.

Rockey – It would be difficult to meet all six findings. There should be some way to fit in the landscaping on some scale.

Viehman – This is one of those times where the LDRs are not doing where they are supposed to.

Nielson – Seems difficult to meet the Findings. When this was proposed, these plant units were required. I believe the owner was aware of the requirements before the development was built. These requirements were there from the onset and so this should have been addressed at the time.

Viehman – If the parking lot was a separate lot, would it adjust the parking.

Smith – No, and the parking has already been reduced.

Muromcew – If we were to deny, but the BCC has greater latitude.

Gingery – Planning Commission and BCC will use the same LDRs. Planning Commission can make a recommendation to the BCC different from the Planning Director, or the same as the Planning Director. The BCC may be able to make the findings.

Gingery – Provide some guidance to the Planning Commission on options they have, and how the Commission

may make recommendations to the Board, or how the Planning Commission may make some of the findings and not others.

Muromcew – I can make finding on #1. The others are more of a challenge.

Smith – Staff will provide a summary of the Planning Commission discussion to the Board in our staff report.

Rockey – Only special circumstance is the scale of the building, which was in the control of the applicant.

MOTION: Rockey

SECONDED: Viehman

VOTE: The vote showed none in favor. Five opposed. The motion Failed.

Permit: DEV2022-0010
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: A Development Plan pursuant to Section 8.3.2 of the Land Development Regulations for the Lower Valley Energy 17-lot workforce housing subdivision.
Location: Subject parcel, 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. The parcel is zoned Suburban and is in the Natural Resources Overlay

STAFF PRESENTATION:

Chandler Windom introduced four applications, DEV2022-0010 and DEV2022-0011, as well as ADJ2022-0011 and ADJ2022-0012. She described DEV2022-0010, which is for development of a Suburban zone parcel owned by Lower Valley Energy. The proposal is a 17-lot subdivision to build detached single-family homes. All the homes must be deed restricted for the Teton County Workforce. There is a limit of 50,000 square feet of total development, and 12,000 square feet maximum lot size. She reviewed conditions of previous approvals for this site, which included clustering requirements. Applicant has demonstrated compliance with maximum lot size.

Windom described that the north lot is zoned Business Park, and at six Accessory Residential Units are proposed, which will be deed restricted for Workforce Housing. Any qualifying member of the workforce could live in one of these units. She described an elk migration corridor that crosses the site. There is existing wildlife exclusionary fencing along parts of the state highway. WYDOT and WY Game and Fish have not yet supported the expansion of exclusionary fencing, and so that is not currently a recommendation. Windom reviewed the recommended conditions of approval.

Lurie – On condition #3, it does not protect wildlife if dogs are allowed. Dogs should be prohibited. Other developments have prohibition against dogs. This is in a critical wildlife corridor.

Rockey – Commissioner Lurie’s point is well made. We see this condition frequently, and it reads well. But it’s rarely applied in the field. We may require signage regarding restraining wildlife. Animals under “voice

control” sometimes are, and sometimes are not. Elk are forced to cross the highway, which is a critical crossing for wildlife.

Windom – We could create a condition requiring signage.

Rockey - Regarding ARUs, does language on deed restriction focus on critical service providers?

Windom – Critical Service Providers list is very specific to certain job titles, and LVE Lineman is probably on the list. But the ARU deed restriction is more general to qualified members of the workforce. Occupancy selection is up to the owner as long as the occupant is qualified.

Nielson – On housing requirement, looking for more information on the deed restriction and who is a qualified occupant. Want to understand what we are committing to.

Windom – Deed restrictions are administered by the Housing Department. Our Land Development Regulations indicate that units must be occupied by qualified members of the workforce. The Housing Department reviews and approves the deed restrictions, which are also reviewed by the Board of County Commissioners. Qualified Occupant must work full time for a business located in the community. This does not support a remote worker. Future residents will need to show documentation on where they work and how many hours they work. There is no cap on the price. There are also compliance checks to verify units are being occupied properly. There is no preference required for critical service workers. The owners can rent to who they want, as long as the occupant qualifies.

Nielson – Could the deed restriction require occupancy to critical workers?

Windom – The development is voluntarily being built by Lower Valley Energy. This is not required mitigation for development.

Windom described ADJ2022-0011 and ADJ2022-0012, which were elevated to the Planning Commission to be reviewed in conjunction with the development plans. She described the roadway exception request for ADJ2022-0011. Request is to reduce the right-of-way from 60 feet to 30 feet, plus 5 feet snow storage easements. Applicant is proposing maintain a 20 feet wide driving width. Because setbacks are measured from the edge of right-of-way, this would otherwise encroach on the buildable area of the lots. Request is supported by the County Engineer, with conditions: Roadway shall be paved; Applicant shall provide 5-foot wide pathway or sidewalk on at least one side of all roads; Speed limit shall be posted at maximum of 20 miles per hour.

Windom described the required findings for an Administrative Adjustment, and how staff was able to make the findings. She described ADJ2022-0012 for reduction to street and side setbacks. Minimum street setback is 25 feet, and is proposed to be reduce to 20 feet for many of the lots. Side setbacks are proposed to be reduced from 15 feet to 13 feet for several of the lots. Staff supports reduced setbacks for some of the lots requested, but not all. She described that in the Wildland Urban Interface (WUI) code there are limits on vegetation and outdoor storage. With setbacks of 13 feet there is not an ability to meet the combined 30 feet separation of structures. Administrative Adjustments typically expire after 18-months, so staff proposes to change the expiration condition. Staff can make all of the required findings, as conditioned.

Muromcew – Asked about the location of a gas line easement, which Windom showed along the west side of the lot.

Muromcew – Asked about the location of slopes on the two lots.

Rockey – Asked about the need for deed restrictions for the Suburban zoned property, which was not discussed along with the ARUs.

Windom – There are already deed restrictions in place for the Suburban lots. The Housing Department may want to re-record deed restrictions after subdivision of the lots. The Housing Department is comfortable waiting until the building permits are issued for new covenants.

Viehman – Asked about the plans showing a feature crossing the highway.

Windom – It is a drainage feature.

Nielson – Asked about requirements for fire sprinklers.

Windom – There is a requirement for fire sprinklers for new subdivisions, depending on home size.

Nielson – Is the wildlife corridor on the north side of the site?

Windom – Yes.

Nielson – I think the signage requirements about closed area and pets needs more discussion. It's crucial to be clear for future owners and generations.

APPLICANT PRESENTATION:

Jim Webb, CEO of Lower Valley Energy - This development is critical for our emergency response employees to respond to emergencies as quickly as possible.

Bill Collins, Planning Consultant – Expressed appreciation for staff doing a great job. It's important to step back and think about what is being proposed. A private company is proposing to build housing that we desperately need, this is what we want all businesses in the community to do. They are building this voluntarily with their own money. This project entails an extraordinary cost, they will be sold at a considerable discount. They will have a first right-of-refusal. Their intent is to keep these in perpetuity. They will be targeted to LVE employees. We have two fundamental applications for the 17-unit subdivision and the ARUs, plus the Administrative Adjustments. In desire to provide more units, there was a maximum lot size, but this is a unique condition. Setbacks are usually geared toward larger lots. LVE workers have families, and need 3-bed, 2-bath homes with garages.

Collins described the history of the rezoning and the smaller lot sizes. We are trying to get the maximum public benefit out of these lots. But we are squeezed on both sides by easements and limited to 24 feet in height, basically one-story. If we are not able to reduce the setbacks as proposed, the homes will need to get smaller. He discussed the Average Daily Trips (ADT) generated at single family homes. Over 24 hours, 202 ADTs will be generated. It's a very low volume traffic situation. This area does not call for a sidewalk, and sidewalk would need to be within 10 feet of the homes.

Collins described the access easement as an exaction, not proportionate with the demand created by this development. If the Forest Service wants access, they should approach LVE directly. Don't find a rational nexus with this application.

Muromcew – Conservation District cited high nitrate levels in the well.

Collins – We have an application to the Wyoming DEQ. I am otherwise not qualified to answer that question.

Muromcew – There will be families with children who will be walking to the school bus during the highest ADT timeframe.

Collins – I live four blocks away and I see children walking to the school bus. It's not been a problem

Lurie – Commend Mr. Webb for his vision, and Mr. Collins for his contribution.

Viehman – this is an incredible project.

Nielson – No other questions, thanks for your initiative.

PUBLIC COMMENT: Arthur Denton, 4257 and 675 Royce Lane. I support what they are trying to do. I have question about sidewalks and whether it's safe. There's not sidewalks on east side of town. Want to clarify the road width and snow storage easements. Asked if there will be water and sewer, and if this development will lead to more water and sewer being installed down to South Park Loop Road.

PC DISCUSSION:

Viehman – Are there any restrictions in Suburban zone on fencing?

Windom – LDRs require Wildlife Friendly Fencing. WY Game & Fish have discouraged approval of Special Purpose Fencing in this area. But some fencing can be beneficial, such as to exclude wildlife from food sources.

Viehman – I don't see many people without dogs. I have seen people lose out on housing due to their dogs. I don't think that a sidewalk is necessary. On the easement access to the National Forest, I agree with the Applicant's consultant; that should be a discussion with the Forest Service and Applicant.

Gingery – I am not seeing the rational nexus between the ARUs and the requested easement. You can't get to it from the ARUs. Its 1100 feet away and you can't walk to it. There's not a nexus between the ARUs and the trail access. Right way is for the Forest Service and LVE to discuss an agreement. I recommend taking #6 off your list.

Muromcew – I can go either way on the sidewalk. I am comfortable removing the requirement for the easement. It's not enforceable to require dogs on leashes. I was there today, and there are lots of wildlife tracks. I support banning dogs.

Rockey – Agree with fellow commissioners that there is no need for sidewalks. On the trail, it's between the Forest Service and LVE. I own dogs and keep them on a leash, I can't keep them under strict voice control. I support dogs on a leash. Saying "No Dogs" is certainly a concern for the subdivision.

Lurie – Signs are great, but dogs don't read, and many owners don't either. A lot of owners don't comply with dog rules where I live. How do we meet our commitment to the need for Workforce Housing while also meeting commitment to protect wildlife. If this were not adjacent to critical wildlife range, it would not be a concern. Who will enforce the regulation? We have regulations, but people regularly build fences that violate the requirement. This subdivision is certainly interfering with wildlife movement, based on map provided by staff. Fence contractors and new homeowners are not aware of fencing regulations. Homes should be allowed a small

area of grass, but should not allow full grass lawns over entire lot. Suggest that lawns be limited and a requirement for native plantings that use less water and provide more beneficial habitat for insects.

Bill Collins – There will need to be an HOA to maintain the infrastructure. Enforcement of pets and landscaping could go into the HOA regulations.

Nielson – Do we have a written agreement from the Town to connect to the sewer system?

Windom – They do not have a permit approved, but the Public Works Director indicated there was no concern. If Town service connection fell through, they would need to modify the Development Plan.

Nielson – When I looked at proposal to narrow the road, I appreciated the requirement for sidewalks for safety purposes. I hope you will continue to make housing available to the workforce we need in the County on a daily basis. Signage in neighborhood on access closures to the west is important. My wife is one of the first Dog Poop Fairies, it shows that many dog owners don't do what they are supposed to do. I will support prohibitions on dogs or at least requiring dogs on leash.

Muromcew - DEV2022-0010 -Condition #3.

Lurie – Dogs should be prohibited, and cats physical restrained when outside.

MOTION: Muromcew, with edits to Condition #3.

SECONDED: Rocky

VOTE: The vote showed 5 in favor. None opposed. The motion passed.

DEV2022-0011

MOTION: Muromcew

SECOND: Rocky

VOTE: The vote showed 5 in favor. The motion passed.

Permit: DEV2022-0011
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: A Conditional Use Permit pursuant to Section 8.4.2 of the Land Development Regulations to construct 6 Accessory Residential Units on the Lower Valley Energy site.
Location: 4000 S Highway 89 is located approximately 2.5 miles south of the Town of Jackson on the east side of the Highway. The parcel is zoned Business Park and is in the Natural Resources Overlay.

APPLICANT PRESENTATION: See discussion above for DEV2022-0010

PUBLIC COMMENT: None

PC DISCUSSION: No questions

MOTION (DEV2022-0011): Viehman, with changes to condition #3 and strike condition #6

SECOND: Nielson

VOTE: The vote showed 5 in favor. None opposed. The motion passed.

Permit: ADJ2022-0011
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: An Administrative Adjustment request pursuant to Section 8.8.1 of the Teton County Land Development Regulations for a Roadway Exception Request.
Location: Subject parcel, 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. The parcel is zoned Suburban and is in the Natural Resources Overlay.

Nielson – Asked for clarity on the location of the sidewalk, whether it's within the easement or outside.

Collins – We need to fit in the road pavement, a shoulder and drainage area. Then we need to accommodate the snow storage area. The sidewalk will be 10 feet from the houses. It does not seem ideal.

ADJ2022-0011

MOTION: Muromcew, with removal of condition #2 regarding the 5-foot pathway.

SECOND: Viehman

VOTE: The vote showed 5 in favor. None opposed. The motion passed.

ADJ2022-0012

MOTION: Nielson

SECOND: Viehman

Viehman – I am not in favor of changing the setback for these lots.

Rockey – I feel that this would have been an Administrative Adjustment, and would not be in front of us except due to these hearings before the Board. I am inclined to support staff for this.

Lurie – I agree with Commissioner Nielson and Rockey.

Muromcew – Side with majority, support staff.

VOTE: The vote showed 5 in favor. None opposed. The motion passed.

Permit: ADJ2022-0012
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: An Administrative Adjustment request pursuant to Section 8.8.1 of the

Location: Teton County Land Development Regulations for structure setback reductions.
Subject parcel, 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. The parcel is zoned Suburban and is in the Natural Resources Overlay.

Permit: DEV2022-0008 – Postponed to January 23, 2023

Applicant: Jorgensen Associates
Presenter: Hamilton Smith
Request: A Development Plan request pursuant to Section 8.3.2. of the Teton County Land Development Regulations, for a 28 lodging cabin unit subdivision.

Location: 3300 East Alta Ski Hill Road, Grand Targhee Resort, west of the Resort Center in the Residential and Accommodation Plan Area (RAPA West). The property is zoned Planned Resort (PR) and is not within any Zoning Overlays.

Permit: ADJ2022-0013- Postponed to January 23, 2023
Applicant: Jorgensen Associates
Presenter: Hamilton Smith
Request: Request for Administrative Adjustment pursuant to Section 8.8.1. of the Land Development Regulations to allow development on Steep Slopes of up to 36%.

Location: 3300 East Alta Ski Hill Road, Grand Targhee Resort, west of the Resort Center in the Residential and Accommodation Plan Area (RAPA West). The property is zoned Planned Resort (PR) and is not within any Zoning Overlays.

MATTERS FROM COMMISSION - Election of Chair and Vice Chair

AGENDA FOLLOWUP - None
MATTERS FROM STAFF - None

ADJOURNMENT

A motion for adjournment was made by Sue Lurie and Karen Rockey seconded. The meeting was adjourned at 9:29 p.m.


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Respectfully submitted:



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-

