

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
February 13, 2023**

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

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

STAFF: Hamilton Smith, Chris Neubecker, Keith Gingery

APPROVAL OF MINUTES: 01/23/2023

MOTION: Rockey

SECONDED: Lurie

VOTE: 5-0

ADOPTION OF AGENDA

MOTION: Rockey

SECONDED: Lurie

VOTE: 5-0

PUBLIC COMMENT: (Matters not on agenda) None

NEW BUSINESS

Devon Viehman announced that she was absent for the last meeting, but that she had reviewed all three hours of the video of the last meeting and read all of the staff reports and public comment and that she will participate in the hearings tonight.

Permit:

Permit: ADJ2022-0013

Applicant: Jorgensen Associates, PC

Presenter: Hamilton Smith

Request: Request for Administrative Adjustment pursuant to Section 8.8.1. of the Land Development Regulations to allow developer 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.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced two applications, ADJ2022-0013 and DEV2022-0008, which were presented and discussed together. He discussed material that was handed out to the Planning Commission that outlines the timing for many of the requirements and timing for specific elements of the master plan.

Motion: 10 minutes recess was granted to allow the Commission time to read a handout from the applicant concerning the timing specific elements of the Master Plan.

Smith showed a revised site plan to explain revisions that reduce the impact the of the development, which included reducing the number of cabins and the impact to steep slopes. He also showed a plan that displayed the existing trees relative to the proposed cabins and where they are in relation to an area where there was tree blown down event.

APPLICANT PRESENTATION: None

PUBLIC COMMENT: None taken since Public Comment was closed at last meeting.

PC DISCUSSION:

Muromcew – It is not our mandate to review some of these questions.

Viehman – I appreciate all the time that went into this. There are some bigger issues that are outside of the scope of what we are asked to do. It meets the requirements of what they are asking for. There are some people that would like to revise the master plan.

Nielson – I reviewed this in detail. There are several findings that I can not make. First has to do with the adjustment 8.8.1.C2, “better protects resources and scenic view”. They will use the existing loop road. I can’t make the Finding that it better protects resources and views through this plan and by using the existing road. On slope adjustments, do we have a written statement from a professional on this topic?

Smith – It is in progress, but not yet provided.

Nielson – Site should not be subject to a series of incremental adjustments. On two of the points, I can not make the Findings. Our LDRs are written for a purpose and applicants must demonstrate their case.

Smith read from the LDRs on required Findings for Administrative Adjustments. There are other Findings that could be made, there are three equally valid rationale, its an “or” not “and”.

Nielson – Asked about the LDR checklist which was previously mentioned in staff report as being provided.

Smith – We did not use the LDR checklist, but we rather review against the Master Plan.

Nielson – The master plan appears to be clear that “prior to approval of the Development Plan” a system must be in place to administer affordable housing program. It appears to be an amendment to the master plan to allow a two-year period to come up with a new system. On transit, it appears that the applicant should have ridership at 33%. Also, Section 3.9 C4 in the Master Plan “Grand Targhee will cooperate with Forest Service to development management plan”. This must be prior to construction, but I don’t see that in the conditions. Lastly, the Housing Mitigation should be for each Development Plan and not just prior to building permit.

Smith – Teton County, WY staff attempted to contact the Teton County, ID staff regarding oversight of the affordable housing program., which has not yet been fully established at the time of application. Teton County, WY staff have offered to continue to oversee the affordable housing program for the next two years. The application was found to be sufficient. County staff have been in contact with staff from Driggs regarding the construction of 96 units of affordable housing and were considered as mitigation for

development at Grand Targhee. County staff will inspect to ensure that the units are acceptable prior to the C.O. of the cabins.

Nielson – I don't consider a statement from Teton County, ID that a system will be in place within two years to mean that a system is in place now. One of plats indicates that the reduction from 28 to 22 units, some are connected units. We still have same number of structures but fewer addresses.

Brendan Schulte – Yes that is right. Also, Administrative Adjustments are typically reviewed and approved by the Director, it is very common.

Rockey – There were originally seven units in the steeper section, is that right.

Schulte – We went from seven to three.

Lurie – Feel the same way as Commissioner Neilson. Choice to build on steep slopes is voluntary. It should be possible to keep cabins on flatter area and portions of the spur road. On fire issues, it would be far safer if cabins were down there. I can't make the Finding that this will not make impact to public health and safety, with fire running up the ravine. The fire management plan needs to be advanced to be earlier.

Rockey – I share Commissioner Lurie and Nielson's concerns, but I think there are ways to address this outside of this hearing. I encourage Idaho staff to negotiate on important issues. I recognize limitations of Planning Commission in its advisory role.

Muromcew – We have a master plan and there were some missteps in approval of the master plan. We should cooperate more with neighboring county.

Rockey – Asked procedural question on conditions of approval.

MOTION: Muromcew, for approval of ADJ2022-0013

SECONDED: Viehman

VOTE: 3-2 (Lurie and Nielson opposed)

Permit:	DEV2022-0008
Applicant:	Jorgensen Associates, PC
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.

STAFF PRESENTATION: See comments above.

APPLICANT PRESENTATION: See comments above.

PUBLIC COMMENT: None taken since Public Comment was closed at last meeting.

PC DISCUSSION: See comments above.

MOTION: Viehman for approval of DEV2022-0008 with eight Conditions of Approval

SECONDED: Muromcew

VOTE: 3-2 (Nielson and Lurie opposed)

Permit:

Permit: CUP2022-0005

Applicant: SRS CLUB, LLC

Presenter: Hamilton Smith

Request: Conditional Use Permit (CUP) pursuant to Section 8.4.2. of the Teton County Land Development Regulations (LDRS) for an amendment of a CUP (CUP2015-0003) to relocate the Snake River Sporting Club golf course maintenance facilities from the current location on Snake River Bend Ranch Parcel 11 to the Golf Course Lot 116.

Location: Lot 116, Snake River Sporting Club Fourth Filing, Plat No 1373. The property is zoned Rural-1 and is within the Natural Resources Overlay and the Scenic Resources Overlay.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application and the applicant’s representatives. He described the location and zoning of the Snake River Sporting Club. He described the location of the proposed golf course maintenance facility. Location will be about 900 feet from the Snake River. He described the location of the floodplain, and the proposed elevation of the structure. This is important due to storage on site of a fuel tank and other chemicals.

Smith described Scenic Resources Overlay (SRO) and how the project does not meet need for SRO foreground impacts. As a CUP amendment, this required a County hired Environmental consultant review. The recommendation was in favor of the proposed location. The site abuts wetland setbacks, it is a tight fit. He showed a rendering of the proposed structure.

APPLICANT PRESENTATION:

PUBLIC COMMENTS:

PC DISCUSSION:

MOTION:

SECONDED:

VOTE:

Permit: DEV2022-0004 - Staff Report

Applicant: Jorgensen Associates, PC

Presenter: Hamilton Smith

Request: A Development Plan pursuant to Section 8.3.2. of the Teton County Land Development Regulations to construct a golf course maintenance facility.

Location: Lot 116, Snake River Sporting Club Fourth Filing, Plat No 1373. The property is zoned Rural-1 and is within the Natural Resources Overlay and the Scenic Resources Overlay.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application. Development Plan in 2016 addressed primarily the residential development. Application was elevated to run concurrent with the Conditional Use Permit. The Golf Course CUP has vested the right for the 18-hole golf course. It is thriving. The desired future character is conservation subarea, which has goal to reduce impacts to scenic and wildlife resources while protecting private property rights.

Smith described some ongoing code violations. The applicant responded quickly and met with staff to understand process to correct violations, they are moving forward on a timely basis with good faith. The Director allowed the application to move forward. Smith reviewed the required Findings and how staff can make the required Findings.

Lurie – Asked about the designation of the pond east of the building as wetlands.

Smith – Described the influence of groundwater and spring influence. Going back about 30 years it looks like a relic side channel that then became the Billy Wells Ditch. We do consider them wetlands that require a 30-foot setback. The redline on the site plan is the required setback.

Nielson – Is that road not there now?

Smith – Yes, it is there today.

Nielson - Will the road be within the wetlands setback and used? How do we mitigate the wetlands? Is there any mitigation required?

Smith – The blue hatching is the reclamation of the road. There is an existing road in a wetland setback to the northwest of the proposed development.

Nielson – Who makes designation of the pond? Does staff make that determination?

Smith – There is a definition of a pond in the LDRs. I made that determination. Also, Intermountain Aquatics prepared an EA in 2014. It's a relic side channel. Per the State, it's a permitted reservoir.

Nielson – There was a statement that there were no active eagle nests. Who made the determination that there was no active nest?

Smith - I did a survey. It was confirmed by Nyssa Whiteford of the Wyoming Game & Fish Department.

APPLICANT PRESENTATION:

Ron Levy, Jorgenson Associates – Use was approved in 2002, and original plan designated a location for a maintenance area, relatively close to this site. Current owners bought the development rights in 2013. In 2015 there was a density transfer of 63 units from northern part of this zone to the PRD area. That density transfer allowed Astoria Hot Springs to come back to life but required a temporary landing zone for the maintenance facility. Use of the facility has increased and demand on the facility is more than it can handle. New location is back on the golf course. This is the only realistic place that we can land the maintenance facility. The existing road in the wetlands, shown in blue shading, Applicant will need to relocate the tee box, and will terminate the road and reclaim it, from roughly the entrance to maintenance facility and south. New facility will accommodate more uses that are needed, including locker rooms.

Lurie – Is the property located in the flood plain?

Lurie – I don't see any facilities, like bioswale, to ensure that chemicals and fuel will not get into the water to the east. How can it be designed to catch the chemicals?

Levy – Wash Bay will capture and recycle water. Wyoming DEQ has requirements for the design of the container for fuel storage.

Nielson – What will the vacated land be used for? Also, wastewater from this operation, what type of treatment will be used?

Levy – Waste will go to Snake River Sport Club ISD, leach field. There will be a sand/oil separator.

Gregg Ornowski – Director of Operations and Grounds – We are borrowing land from the ranch; the old location will be put back into ranch use.

PUBLIC COMMENTS: None

PC DISCUSSION:

Muromcew – Asked County Attorney about current code violations. How do we factor that not decision making?

Gingery – LDRs allow the Planning Director to withhold permits. The Planning Commission can make a recommendation to the BCC.

Smith – Some of the violations are on Snake River Bend Ranch, a different property. Smith described the violations on the adjacent property. He also described the two entities that own these two parcels, with the same address and manager. He described the historic context of the site which included 3 acres of allowed wetlands impacts and 6 acres of wetlands mitigation to construct the golf course. He explained where clearing of vegetation occurred. Staff requested that the Applicant: hire a qualified wetland specialist, create a mapping of the wetlands to establish a place from which staff can identify future changes.

Nielson – The letter from the Planning Director indicated that some of the violations are on Lot 116.

5 minute Break

MOTION: Viehman

SECONDED: Rocky

Muromcew -Suggest we add a condition concerning the rectifying the code violations prior to beginning work under this permit.

Nielson – Applicant should clean up the site and correct the violations before beginning new projects.

Neubecker – Applicant is working with staff in good faith. I did not feel it was necessary to delay this application.

Rockey – The Director is comfortable moving forward. I would like to have a clean vote on the motion, don't think we need to go further into it.

VOTE: 4-1 (Muromcew opposed)

DEV2022-0008 - Staff Report
Jorgensen Associates, PC
Hamilton Smith

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.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application.

APPLICANT PRESENTATION: *See comments above for ADJ2022-0013*

PUBLIC COMMENTS: *See comments above for ADJ2022-0013*

PC DISCUSSION: *See comments above for ADJ2022-0013*

MOTION: Viehman

SECONDED: Rockey

VOTE: 4-1 (Muromcew opposed)

MATTERS FROM COMMISSION

Muromcew – Motion to highlight concerns to the BCC regarding current violations, and a record of repeated violations of the environmental and other regulations on the properties.

SECOND – Nielson

VOTE – 3- 2 (Rockey and Viehman opposed)

AGENDA FOLLOWUP – None

MATTERS FROM STAFF – None

ADJOURNMENT


A motion for adjournment was made by Rockey and Lurie seconded. The meeting was adjourned at 9:40 p.m.

Respectfully submitted:



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-