

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
February 28, 2022**

The regular meeting of the Planning Commission meeting was called to order at 6:02 PM in the Board of County Commission Chambers with Alex Muromcew, Chair, presiding.

ROLL CALL: Alex Muromcew, Devon Viehman, Kasey Mateosky, Karen Rockey, Sue Lurie.

STAFF: Chandler Windom, Ryan Hostetter, Chris Neubecker, Keith Gingery.

APPROVAL OF MINUTES: 2/14/22

MOTION: Viehman SECONDED: Mateosky

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

ADOPTION OF AGENDA: 2/28/22

MOTION: Mateosky SECONDED: Viehman

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

MATTERS FROM THE PUBLIC: None

OLD BUSINESS

Permit: [AMD2021-0006 – Staff Report](#)
Applicant: Teton County Department of Planning and Building Services
Presenter: Ryan Hostetter
Request: Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) and (c) that Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) to update the wildlife feeding and bear conflict area standards. This amendment proposal is made by the Teton County Planning Division at the direction of the Teton County Board of County Commissioners to update the Natural Resource Land Development Regulations in phases. The proposed amendments would update and clarify certain standards related to wildlife feeding requirements in 5.1.3 of the LDRs, bear conflict areas in 5.2.2 of the LDRs, and requirement for bear resistant trash containers county-wide.
Location: Countywide

STAFF PRESENTATION:

Ryan Hostetter, Principal Long-Range Planner, provided an introduction. She reviewed language that changed from the last hearing on this topic, including changing the location of the exemptions. Added new language on fruit bearing trees, new language on bird feeders, and catchall language requiring securing of other attractants. Date for implementation was changed to July 1, 2022. New language requiring self-locking trash cans is also proposed. Food waste at construction sites will need to be in a bear resistant can, which can be separate from

construction waste. Hostetter asked for clarity on commercial dumpsters, which don't need to be bear resistant if they are enclosed in a building or other structure.

Mateosky – How are beehives addressed?

Hostetter – Apiaries could be fenced with electric fencing. Most beekeepers use electric fences.

Mateosky – What cherries are you talking about? Is there a difference between ornamental and food?

Hostetter – Yes, this addresses ornamental trees.

Mateosky – Will we not allow manual latches, only self-locking?

Hostetter – Yes, that is the recommendation that came out of the workshop.

Rockey – Thanked staff for diligence and thoroughness on this process.

Lurie – Also thanked staff for their work on this topic. Would like to inset word “properly” in front of “stored” in “a.”

Viehman – Do we discuss policy and program recommendations now?

Hostetter – Recommendations can be provided now.

Lurie – Can we make additional recommendations to the BCC?

Muromcew – Let's wait until after public comment. On commercial dumpsters, is there any language in existing LDRs on commercial dumpsters?

Gingery – There appears to be a conflict in language on commercial dumpsters that are enclosed that would also need to be self-locking. The intent is to require either one or the other. Add under “F” “if not certified self-locking”.

Hostetter – Intent is an exemption if the dumpster is in an enclosure. Would also satisfy the requirement if the dumpster is bear resistant but not enclosed.

PUBLIC COMMENT:

Sadek Darwich – We may have difficulty getting enough self-locking cans by July 1, 2022.

PC DISCUSSION:

Lurie – Suggest we create some indicators for the Annual Report; there is an indicator on the health of native species. We should collect data on number of violations identified and resolved to see if these updates are effective.

Mateosky – Thanked the commission and staff, in particular Ryan Hostetter, for all their work on this topic.

MOTION: Mateosky

SECONDED: Viehman

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

Policy and Program Recommendations:

Lurie – Add indicators for compliance with new Wildlife Feeding LDRs under the Ecosystem Stewardship indicators in Annual Indicator Report. Would also like to see the criteria for achieving Bear Smart designation by IGBC. I would support adopting these criteria.

Rockey – Support recommendations we have.

Viehman – Should we set a goal date by which to seek and achieve the IGBC designation?

Muromcew – I would like to ultimately achieve the gold standard.

Motion to recommend adoption of these policy and program recommendations.

Motion: Mateosky

Second: Viehman

NEW BUSINESS

Permit: [PUD2021-0001 – Staff Report](#)
Applicant: STAGE STOP INC.
Presenter: Chandler Windom
Request: Planned Unit Development (PUD) Amendment pursuant to Section 8.7.3 of the Teton County Land Development Regulations to amend the Rafter J Ranch PUD, specifically those uses allowed on Lot 333 of the Rafter J Ranch.
Location: 3000 W Big Trail Drive, or Lot 333, is situated in the northeast corner of the Rafter J Ranch Subdivision. The property is zoned Planned Unit Development Rural-3 and is not within any Overlays.

STAFF PRESENTATION:

Chandler Windom, Senior Planner, introduced both PUD2021-0001 and CUP2021-0005 for Legacy Lodge. She provided background on when the PUD was approved in 1977, before the Land Development Regulations were adopted. PUDs are intended to provide flexibility and more creativity than zoning would allow. There are nine nonresidential lots of various uses in Rafter J. She showed a copy of the original plat which identified this site as Ranch Headquarters and Local Commercial uses. She described what was meant by Local Commercial, which were uses intended to serve the day to day needs of local Rafter J residents. She described also the existing structure, which is laid out like an apartment building, previously used for an assisted living facility.

There are dormitory style units including 18 studio, 33 one-bedroom, and 6 two-bedroom units. The PUD application is an amendment to the Rafter J PUD to add the allowance of apartment style units to the list of allowed uses on Lot 333. The PUD change alone does not authorize the proposed use. A Conditional Use Permit is also required. The proposed PUD amendment does not change any uses elsewhere in the Rafter J subdivision. A separate application is proposed for the Conditional Use. CUPs may include conditions carefully crafted to address impacts of the use. A Transportation Demand Management Plan is proposed. No change is proposed to the size of the structure. Limits are proposed on the number of unrelated persons. Specific parking standards are also proposed, and Workforce Occupancy is proposed as a condition of approval. Staff believes that as conditioned, the application can meet the required findings per the LDRs.

Windom described the site location relative to the Comprehensive Plan, including this specific character area. An important character of the subdistrict includes residential workforce character that should be preserved. Comp Plan goal is for at least 65% of local workforce to live in Teton County; we are currently at about 59% living locally.

Windom described the LDRs as they relate to the CCRs in Rafter J. County does not enforce requirements or processes of the Rafter J HOA. Also, plat should not contain additional notes per existing language in the current LDRs.

Windom described the intended occupants of the proposed apartment use. The units are intended to be master leased by local employers. She described the requirements for a Qualified Occupant. Staff recommends a condition of approval to only allow Workforce Units. Staff recommends using the Affordable Housing Department's template deed restriction. Staff and Planning Director do not support inclusion of specific institutions the right of rental. Staff and Planning Director do not support the lack of a minimum lease period, since they do not align with policy objectives identified by the Board.

Windom described the existing and proposed parking at the existing building. there are currently 36 parking spaces but could be re-striped to provide 41 parking spaces. Staff can support the reduced parking because applicant has proposed a Transportation Demand Management Plan. The professional management of the building also allows parking to be addressed through the leases, and they may provide only one parking space per unit in the lease. Staff believes that up to 58 parking spaces could be provide on the site. Also, ample bike parking could be provided outside and inside the building. Parking will not be allowed on Big Trail Drive.

Windom discussed traffic for vehicles departing the Rafter J subdivision to turn onto South Highway 89. She described the traffic study performed by an engineer. Traffic would increase by 16 vehicles during the AM peak hour, and 3 vehicles during the PM peak hour. She described some of the other uses allowed at the site, including gas stations, fast food, medical or dental offices, and day care. Other uses allowed by the PUD for this site would create more traffic, per the traffic study. Other allowed uses would also require mitigation for housing for the additional jobs created by other allowed uses. By reducing parking, you are reducing the number of cars that could be on-site and hence traffic.

Windom described some of the potential public transportation options that are under consideration by START, including a bike share program at this property, and carpooling, which reduce traffic. Interim START Director will request funding for traditional and micro-transit in the South Park area within next fiscal year. Applicant proposes to work with START on a bike share program and discounted START passes.

Windom described the recommended Conditions of Approval.

1. Apartment Unit occupants shall be members of the Teton County Workforce. This occupancy restriction shall be enforced in a form that is acceptable to the Jackson/Teton County Affordable Housing Department.
2. No more than two (2) unrelated individuals shall occupy each Apartment Unit.
3. Minimum parking requirements for the Apartments shall be 1 parking space per Apartment Unit.
4. Each unit shall include complete kitchen facilities as defined in LDR Division 9.5.
5. The Transportation Demand Management Plan provided by the applicant shall apply to the future Workforce Housing use.

Windom described the required findings for approval of the applications, including the PUD2021-0001 and CUP2021-0005. Staff recommends approval based on meeting the required findings per the LDRs.

Lurie – I'm a resident of Rafter J, with no financial connection to this project. Regarding CUP, what happens if there is a violation of the conditions? There could be parking on Big Trail Drive.

Windom – In event of noncompliance, County can take enforcement action. Enforcement actions could include revoking of the permit.

Lurie – She read comments from County Engineer Amy Ramage, for potential for overflow parking onto Big Trail Road. How does this work if only one car is permitted per unit and the tenants have two cars? Some of the TDM strategies are not practical for this community and the location of this property. Also, what stops the owner from expanding the building?

Windom – Changes to the building would require new development permits and use permits. There is no guarantee that changes won't be proposed in the future.

Lurie – On page 169 of the packet, it says there is no guarantee this building will not be converted to apartments.

Windom – The only type of apartment use supported by staff for the PUD amendment is Workforce Housing. Other apartments are prohibited, as conditioned.

Rockey – It appears there is physical development potential for this site. Is there an ability provide more than one parking space per unit? Considering our climate and economy and the types of jobs by local workers, biking is not an option for many workers.

Windom – The apartments will be professionally managed, and parking can be limited through leases so that people who need more parking may not choose to live here.

Rockey – With no more than 2 unrelated people, you could have up to 114 people living here. Just don't see how 59 parking spaces accommodates these residents.

Mateosky – I would like to hear from applicant before asking questions.

Viehman – No questions.

Muromcew – Big Trail Drive is a private road; if there is illegal parking, who enforces it? Does the Sheriff have authority to enforce here?

Windom – Towing would be an option for the ISD to remove cars illegally parked.

Muromcew – Does the Housing Department distinguish between individual leases and master leases?

Windom – Housing Department is focused on the occupant of the unit. As long as the occupant is a member of the Teton County workforce it is allowed, it would still comply. Short-term occupancy even by members of the workforce do not meet the intent and are not supported by staff. Staff recommends following the traditional deed restrictions including the 6-month lease terms. Master lease concept is still possible.

APPLICANT PRESENTATION:

Jill Arnold, Fodor Law – She introduced the applicant and their consultants for the project. No changes are proposed to the existing building; it's in great shape, but we are proposing to use the building as apartments. There are 57 existing apartments, and that's what we propose. We have had two meetings with Rafter J residents after the application was submitted last fall. Big picture concerns noted at meetings and in the public comment was around the Rafter J CCRs. They are a private covenant between the applicant and HOA. Tonight, we are here to discuss the public regulations, and not the private requirements. There is no mandated order which process goes first. She discussed the traffic study, which showed a relatively small impact on the Rafter J transportation system. The traffic is less than some of the outright and conditional uses allowed in the PUD. By limiting the number of parking spaces, we will reduce the number of vehicle trips, and the impact on turning movements at South Highway 89.

Arnold – Concerns were also raised about the impacts to water and sewer systems. We have requested information from the Department of Environmental Quality (DEQ). Regarding parking, it would be made very clear to potential tenants that only one parking space is available. Concerns were raised about property devaluation for uses nearby or adjacent to an apartment building. I have yet to see any data to support this claim. If START provides services to this area, then applicant would provide discounted bus passes to occupants. Some of the suggested additional conditions of approval were drafted and proposed in response to concerns we heard from Rafter J and the community. On deed restrictions for Workforce housing, we propose some modifications that could allow for visiting hospital workers. We are committed to keeping this property workforce housing units. We are open to discussion.

Skyler Helffrich, Civil Engineer, Y2 Consultants – Discussed water demand and capacity for the original building. Review is preliminary and based on documents available for review. Review based on the change of the use. Previous water use studies anticipated 8,250 gallons per day, and proposed use anticipates 7,560 gallons per day.

Hal Hutchinson – Discussed some of the concerns with conditions proposed by staff. Proposed to allow some occupancy of the building to allow occupancy of some units equivalent to the number of parking spaces, until some of the other conditions can be met, including adding parking, and upgrading of kitchens. He cited limits on availability of appliances.

Sadek Darwich – We are attempting to address a dire need for housing in community. I recently heard there are 15 schoolteachers that will not return next year due to a shortage of housing. We are not proposing this use as a mitigation for some other business. We are not proposing to create new jobs and demand for housing. We are not asking for any public subsidy. We are offering 57 units in a turnkey development that could be ready tomorrow.

PUBLIC COMMENT:

Kevin Cochary – I know housing is a big deal. There is a segment of the community that is not included in discussion. 37 seniors were evicted from the community and sent to Idaho Falls or DuBois. Legacy Lodge should be returned to an assisted living facility. Families cannot celebrate together, its 3 ½ hours round trip to Idaho Falls or DuBois. I want young people to have housing, but this facility should be used for an assisted living facility.

Kathie Brazinski – Teton County resident since 1976. In favor to deny the application. I am here to identify need for assisted living facilities. Many county residents require support in daily lives. Site is zoned for assisted living, and Rafter J embraced that use, until last March. The Darwiches purchased an assisted living facility. Rafter J is home to long term workforce and residents.

Chuck Rhea – 30-year Rafter J resident. It pains me for people to talk about this assisted living facility with such emotion. Application has a lot of wishful thinking. We need a bus system but don't have one. HOA was kept out of the process. For the assisted living facility, the HOA was highly involved.

Joe Lovett – Rafter J resident. Public shall not adversely affect public facilities, including transportation. Per LDRs, 2.5 parking spaces are required per dwelling unit. Some developments in Town of Jackson have one parking space, but they are withing walking distance of many jobs and services. Big Trail Drive will inevitably bear the burden of overflow parking. The traffic study findings state that the intersection is failing to provide an adequate level of service. The increase in volume will result in increased delay of 50 seconds, a significant increase.

Jessica Brown – I live right next to this proposal. Proposal with numbers submitted by applicant includes volumes measured on December 13. July has different numbers. Average times take into account different times, such as 10 pm at night. County should evaluate traffic counts separately. I will not know the occupants of this project and have a concern for safety of my children. PUD R-3 specifically limits apartment use. Rafter J is a respite for us we will no longer have that relief.

Janice Sproule – Rafter J resident. There is no restriction on parking on other streets. Now the HOA has to police its own streets.

Case Brown – We are the closest resident to Lot 333. I have employees that don't have a place to live. I would be a huge benefit to this project. There are no limits on rental price.

Lloyd Dorsey – I live in Rafter J. For more than 40 years Rafter J has helped fulfill many goals of the Comp Plan. We will continue to provide workforce housing. PUD staff reports states that Rafter J is already a higher density development than the rest of the county. Current zoning for Lot 333 is local commercial. The character of the area should be maintained. We have not achieved the goal of housing 65% of workforce locally for the past 2 decades. You have heard from a significant number of residents that are opposed at a rate of 10:1. Please deny these amendments.

Mike Kegan, HOA President of Rafter J - Rafter J was developed in a very specific way. Lot 333 is designated for commercial in the CCRs. It does not allow apartments. Stage Stop LLC knew the zoning when they bought the property. Traffic is a very real concern. Y2 traffic study says the traffic increase will be negligible. Water is another concern. Water use for 125 working adults will be significantly greater than 57 occupants of an assisted living facility. How can a land development regulation that no longer exists be amended?

Overwhelming majority of letters are opposed to the applications.

Maria Fritz – Live in Rafter J. Only 2 unrelated individuals, does that mean occupancy of 114 residents? Are overnight guests allowed? Would they have their own cars. Would families be allowed to bring pets? 114 to 300 people plus pets. Affordable housing assumes a quality life. It is not affordable housing it is a work camp with some many restrictions on their lifestyle.

Gina Lipp – 44-year resident. Please deny the applications. Assisted living facility had 35 residents that were evicted during winter and COVID. Where is the quality of life for elderly residents? All I see is workforce housing in the Comp Plan. We have no assisted living facility in Teton County. JH Affordable Housing states here are 444 units built or being built soon. Stage Stop wants to change the zoning for this only site planned and designed for assisted living facilities. How are apartments in any way comparable to assisted living facility? Please deny these applications.

Evan Melnow - Applicant was quoted in newspaper saying it's too bad elderly could not afford Legacy Lodge. Will this project be affordable? No.

Alison Merritt – 15-year resident, I live next to the Browns. The HOA was not truly involved. It's seems scary and a hidden agenda. When you don't work with the HOA or its community, it can't feel any other way. I am asking for further conversations. In Rafter J you can't change the color of your house or put up a hockey rink without 4 or 5 meetings. Its telling that there is no discussion about what the cost of the units will be. There will be overflow parking. Please, we need a reality check. What you are seeing is removing landscaping to put in parking. This site is literally my kids' back year.

Steve Lipp – Lived in Rafter J for 37 years. Intention is important, certain areas are zoned for certain uses. Original intention with commercial uses was to allow local services so residents don't need to drive to town. Workforce housing requires a deed restriction. Nowhere in application is deed restriction offered. Parking should be required the same as other apartments in Teton County. Y2 parking study appears to have some errors. There is no alternative transit system, so the assumptions of the traffic study are not valid.

Jan Lovett – A “yes” vote opens Legacy Lodge to housing tomorrow. That is an indication of the intention of Stage Stop. They purchase land knowing it was not allowed for apartments. Now they are asking the County to use government overreach. I would hate our county to be complicit to change the use of lots in a private subdivision. They are using one process to force the Rafter J HOA to bend its rules. This is an attempt to circumvent the Rafter J CCRs. Please deny application.

Herb Brooks – Bought first lot in Rafter J in 1980. Stage Stop is trying to ask for forgiveness not permission. I was on the START board; I heard the word “affordable” from one of the presenters. Let's hold them to it.

Margaret Creel – I read every single piece of public comment. There were 8 letters in support. There were 69 letters opposed to this application. Every letter submitted has merit. Of the 128 comments, 91 were opposed to this application. So many of the workforce live in Rafter J.

Dawn Lotshaw– Rafter J resident – Applicant did not approach the HOA first to get approval before applying to the County for revised zoning. The ISD will be strained by the number of people in this building. I strongly urge Planning & Zoning to deny this until they come before our board which is due process.

Vickie Memmer – No one has spoken about the livability of the units in Legacy Lodge. I visited the property a

lot. The walls are thin, not soundproof, heating system does not work well. Substandard conditions.

Vicky O'Donahue – Thank the Rafter J community for standing up to the CCRS. We have not followed the CCRs for many, many years.

Public comment was closed by the Chair.

PC DISCUSSION: None

MOTION: Mateosky - Continue to the March 14, 2022, meeting

SECONDED: Viehman

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

Permit: [CUP2021-0005 – Staff Report](#)
Applicant: STAGE STOP INC.
Presenter: Chandler Windom
Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for Workforce Apartments at the Legacy Lodge.
Location: 3000 W Big Trail Drive, or Lot 333, is situated in the northeast corner of the Rafter J Ranch Subdivision. The property is zoned Planned Unit Development Rural-3 and is not within any Overlays.

STAFF PRESENTATION: See discussion for PUD2021-0001 above.

APPLICANT PRESENTATION: See discussion for PUD2021-0001 above.

PUBLIC COMMENT: See discussion for PUD2021-0001 above.

MOTION: MATEOSKY - Continue to the March 14, 2022 meeting

SECONDED: Viehman

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

MATTERS FROM COMMISSION - None

AGENDA FOLLOWUP - None

MATTERS FROM STAFF - None


ADJOURNMENT

A motion for adjournment was made by Mateosky and Viehman seconded. The meeting was adjourned at 9:58 p.m.



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-