

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
March 14, 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, Sue Lurie.

STAFF: Chandler Windom, Hamilton Smith, Rian Rooney, Chris Neubecker, Keith Gingery.

APPROVAL OF MINUTES: 2/28/22

MOTION: Mateosky SECONDED: Viehman

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

ADOPTION OF AGENDA: 3/14/22

Request by Staff to postpone AMD2021-0001 and ZMA2021-0001, currently scheduled for March 28, 2022, request to postpone to September 26, 2022 – Known as the Robertson property.

MOTION: Mateosky SECONDED: Viehman

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

Chair suggested, as requested by staff, moving the applications from Goat Pen, LLC, ADJ2021-0009 and DEV2021-0005 to the beginning of the meeting. The Chair and Commission discussed this request and the Commission decided to adjust the agenda to move this item to the beginning of the New Business agenda.

MOTION: Muromcew SECONDED: Mateosky

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

NEW BUSINESS

Permit: [ADJ2021-0009](#) – [Staff Report](#)
Applicant: GOAT PEN LLC, MV FARMS I, LLC & 1545-1565 BERGER LANE, LLC
Presenter: Hamilton Smith
Request: Administrative Adjustment pursuant to Section 8.8.1 of the Teton County Land Development Regulations for adjustment to the parking requirement for a mini-storage warehouse.
Location: The subject property is Lot 4, Valley View Subdivision, located at 605 W Deer Drive. The Lot is zoned Business Park and lies within the Natural Resources Overlay.

STAFF PRESENTATION:

Hamilton Smith, Principal Planner, introduced both DEV2021-0005 and ADJ2021-0009, The application is similar to the Sketch Plan application that was reviewed by the Commission in Fall 2021. Smith described the location of the property, zoning, and overview of the site plan. No office use is proposed, the entire building is proposed for storage. One change from the Sketch Plan is to removal of the storage space previously proposed above the structures. He showed a cross section of the building. The only new component of the application is an Administrative Adjustment to the amount of parking. Planning Director recommends approval of both ADJ2021-0009 and DEV2021-0005.

APPLICANT PRESENTATION: None

PUBLIC COMMENT: None

PC DISCUSSION:

Mateosky – The only change is reduced height and a reduction of four parking spaces, is that right? I recall there were no concerns with traffic.

Lurie – Was the reduction in parking due to design issues?

Smith – This design allows the applicant to offer more variety in unit types and sizes.

MOTION: Viehman

SECONDED: Mateosky

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

Permit: [DEV2021-0005 – Staff Report](#)
Applicant: GOAT PEN LLC, MV FARMS I, LLC & 1545-1565 BERGER LANE, LLC
Presenter: Hamilton Smith
Request: Development Plan pursuant to Section 8.3.2 of the Teton County Land Development Regulations, for the development of a 44,125 sf mini-storage warehouse.
Location: The subject property is Lot 4, Valley View Subdivision, located at 605 W Deer Drive. The Lot is zoned Business Park and lies within the Natural Resources Overlay.

STAFF PRESENTATION: See discussion above for ADJ2021-0009

MOTION: Viehman

SECONDED: Mateosky

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

OLD BUSINESS

- Permit:** [PUD2021-0001 – Staff Report](#)
Applicant: STAGE STOP INC.
Presenter: Chandler Windom
Request: Planned Residential Unit (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.

Deputy County Attorney discussed a few legal issues including conflict of interest. A Commissioner should recuse themselves if they have a personal or private interest in the matter, including direct and immediate interest, and not speculative or remote.

Lurie – Please explain immediate vs. speculative.

Gingery – Described situations where there was a conflict that is immediate, rather than speculative. He described that Mr. Mateosky works for Wapiti Corporation as a project manager, but has no ownership of Wapiti, which also has business dealings with the Hotel Jackson, also owned by the applicant. Gingery also described the Covenants, Conditions, & Restrictions (CCRs) and how they relate to the Teton County LDRs. The county has no right or responsibility to enforce private covenants. He described the CCRs at the Rafter J HOA, and the plat which contains notes. With a partial vacation, it must be determined that the change does not abridge private property rights. He described the application, which is to amend the PUD, not to amend the plat.

Lurie – If we approve, does that interfere with the requirements of the HOA?

Gingery – In the past, we have kept these very separate. We don't get involved with the private agreement.

Lurie- I think it's possible the county approval would interfere with the HOA covenants.

Muromcew – Asked about the 1978 LDRs that were repealed or extinguished.

Gingery – Need to look to the 1978 LDRs to see how they were defining commercial uses.

Windom – The PUD amendment is not an amendment of the 1978 LDRs. PUDs often refer to regulations in place at the time.

APPLICANT PRESENTATION:

Stefan Fodor, Attorney for Applicant – I do not have a prepared response to the public comment. I am available to answer questions from the Board.

Mateosky - Why did you take this track in the application process?

Fodor – PUD was approved under the 1978 LDRs. If PUD is silent, we look to the underlying LDRs.

Hal Hutchinson – Agent for Applicant – We have suggested some edits to the Conditions of Approval. He read some of the conditions. Suggested that the minimum parking space should be one space per “occupied” unit. Staff’s proposal requires us to add parking spaces, which takes time to add. Adding the kitchens will also take time to implement. He suggested edit to the Conditions of Approval: **“Each unit shall complete kitchen facilities within one year of occupancy.”**

1. Deed restrictions – no changes
2. Annual Monitoring Report – Add requirement to demonstrate how the TDM strategies were implemented and how successful they are, or what could be improved.
3. Pathway crossing – On land not owned by Applicant, but by HOA. We recommend adding “upon approval of the HOA”, applicant will make the edits.
4. Additional vehicle parking
5. Kitchen facilities – Allow occupancy for up to one year while kitchens are upgraded, and appliances can be obtained.

Lurie – Alternative transportation is not practicable. WYDOT will not allow a traffic light at this intersection; it’s already a Level of Service F. Even if budget is approved, there’s no idea when this On-Demand service could be available. It’s not point-to-point, but dropping of riders at Smith’s Grocery Store. I have been in the queue. .. just about everyone is going north, you must cross two lanes of traffic and it’s dangerous. Traffic will worsen with change of use and growth. We don’t have statistics on bicycle use. Don’t think it will be anywhere near what applicant anticipates. Don’t support approval of a plan that will land on Rafter J residents to enforce, including parking off-site. I don’t think Housing Department will allow occupation of units without kitchens. Practically impossible to add full kitchens except in 2-bedroom units.

Hutchinson – The previous use as an Assisted Living Facility was 3% of the traffic in Rafter J. Reduced parking will reduce the amount of traffic in and out of Rafter J. Our Traffic Engineer will be happy to answer questions on traffic. We have had contractors look at the kitchens and they feel it’s doable.

Mateosky – Concern is about parking overflow onto the road. Convince me how this will be managed.

Hutchinson – We will have a professional management company that manages many affordable and free market apartments. They will have staff available 24/7/365. If it becomes problematic, additional parking could be added as part of the Annual Monitoring Plan.

Mateosky – I know that the HOA will tow vehicles or boats if stored where prohibited. Is there place to store toys?

Hutchinson - There is space for storage of skis and gear.

Skyler Helffrich, PE– Y2 Engineering – Available to answer questions.

Mateosky – I heard concerns about the time of day and year when the traffic report was completed. Who reviewed it?

Helffrich – It was reviewed by an outside engineer; he chose not to provide any comments. Traffic counts were

performed when the request came in. There is a plethora of data available from WYDOT. We increased the count by 56% to approximate a September weekday. This is typical to not selected the busiest day of the year, but either 30th or 100th worst day.

Mateosky – Was the water and sewer design based on property as assisted living facility?

Helffrich – I reviewed the projected water use for the subdivision, assuming this site was used for commercial uses. The Rafter J subdivision was designed based on that anticipated use.

Mateosky – What is the use of this building?

Helffrich – We have not been able to analyze the entire building. Design based on 8250 gallons per day. Based on proposed usage, it will be approximately 7,000 gallons, or 120 gallons per day per unit.

Lurie – No questions, just kind of baffled. The institutional kitchen will not be used, but there is discussion that the kitchen will be used for cooking classes.

Helffrich – Yes, water demand review did not include use of commercial kitchen.

Mateosky – Are there any roads in Teton County that are not LOS F?

Helffrich – We were not tasked with designing a new traffic intersection. There is the possibility of grade separated crossing.

Sadek Darwiche – Thanks for the Commission for their time. We are taking an existing building to create housing. We are taking no public money; no non-profits are being asked to raise funds. We are simply trying to address the housing problem. If housing is not in the cards, that is OK, we will find something else for this site.

PUBLIC COMMENT: *Taken at previous hearing and closed.*

PC DISCUSSION:

Lurie – Site was never intended to be used for the entire community, but Convenience Commercial for the residents of Rafter J. To me, this blurs the line. There has been a lot of discussion of affordable and workforce housing. We also have a senior housing problem. There will be increased demand for senior and assisted living facility. Town has an Equity Task Force and senior housing is invisible. No expansion is proposed with this application, but not prohibited with future applications. Proposal may impact transportation in Rafter J, and also it's not clear if there will be water impacts of Rafter J.

Rockey – Sympathetic to the needs of the business community and their employee's housing needs. I agree with Commissioner Lurie. I believe that the lack of a PUD section in the current LDRs creates the end run around the LDRs. Most of our seniors in the valley have been part of the workforce. Base zoning is rural, single family and convenience commercial. Apartments were prohibited. Agree with Lurie on impacts to public facilities, such as the intersection.

Mateosky – Commend Chandler on a great report. I can make all the findings in the report. There are traffic issues everywhere in Teton County. I hear all the time that “we need workforce housing, but don't put it near

me.” We need our workers to stay in the county. We are going to have new neighbors. We have lost our workers to Alpine and Victor. We need to give them a place to stay.

Viehman – I read every piece of public comment. Our role is to review the application and staff report to see if they meet our rules. All new housing will inevitably be opposed by someone, somewhere. The community has been saying that we need more workforce housing. In my mind the application meets the findings and the rules. On assisted living, we should not tell a private property what to do with their building. We are reviewing the application presented to us. I don’t know if the Housing Department will allow occupancy before the full kitchens are installed.

Rockey – Would like to add one note for the record. I support workforce housing. But I put value on senior housing, too.

Muromcew – I see a difference between the CUP and PUD applications. Our documents need to change with the times. I have some issues with the Conditional Use Permit, parking and transportation to name a few. My concern is that if we approve this, it gets bogged down in lawsuits. My preference is to see if both sides can get together and find an effective use of the property. The prior assisted living facility was closed by the prior owners, they could not make it work. While Rafter J is a neighborhood, you are part of Teton Valley, and everyone needs to pull their weight. If a senior center goes in, where do those workers go to live?

Windom – Read the applicant’s proposed edits to the PUD conditions of approval, and concerns of staff on some of the proposed changes.

Muromcew – I am comfortable with the edits suggested by staff to conditions 5.

MOTION: Viehman, to Approve as recommended, subject to the change to Condition #5 to say “The Transportation Demand Management Plan provided by the applicant shall apply to the future Workforce Housing use. The strategies pertaining to START Service need not be implemented until and/or when START service is provided to Rafter J.”

SECONDED: Mateosky

Lurie – No

Rocky – No

Muromcew – Yes

Viehman – Yes

Mateosky – Yes

VOTE: The vote showed 3 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.

PC DISCUSSION: *See comments above for PUD2021-0001.*

Windom described the changes to the Conditions suggested by the applicant, and staff concerns with the requested changes.

Stefan Fodor – HOA has a Design Review Committee that has design authority for exterior changes. We are willing to undertake the obligation to repair the pathway if approved by the HOA. The installation of a bike rack may also require Design Review Committee approval.

Mateosky – There is a public safety concern of having people moving in during construction.

Fodor – We would be willing to only allow occupancy based on each wing or floor of the building. There are 4 wings.

MOTION: (to Approve) Viehman, as recommended with changes to the Conditions of Approval #3, #5 & #6 to say the following:

#3: Within six (6) months of permit issuance, the owner of Lot 333 shall apply to the Rafter J HOA for approval of the pathway crossing improvements in a manner that is acceptable to the Teton County Pathways Coordinator. The owner of Lot 333 shall complete the pathway crossing improvements within one (1) year of Rafter J HOA approval.

#5: Prior to occupancy of any individual apartment unit, the owner shall install the additional required vehicle parking equal to a minimum of one parking space per unit occupied, for a total of 58 vehicle parking spaces for 57 units. Within six (6) months of permit issuance, the owner shall apply to the Rafter J Development Review Committee for approval to install a minimum of one (1) bicycle parking/storage space per Apartment Unit. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval.

#6: Prior to occupancy of each building wing (4 wings in total), each unit shall, at minimum, include complete kitchen facilities as defined in LDR Division 9.5., and be inspected by Teton County staff.

SECONDED: Mateosky

Viehman – I have heard a lot about quality of life. Some people that will live here are now living in their cars. Town just repealed their limits on number of unrelated people, now we are adding this into this project.

VOTE: The vote showed 3 in favor. Two opposed. The motion Passed.

Permit: [CUP2021-0007](#) – [Staff Report](#)

Applicant: BUFFALO VALLEY LAND & CATTLE LLC

Presenter: Hamilton Smith

Request: A Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow an Outdoor Reception Site for a multi-day music and arts festival.

Location: Pt. Lots 1 & 2, Sec. 21, Twp. 45, Rng. 113, being two parcels accessed by Buffalo Valley Rd, being part of the Heart 6 Ranch, 1.2 miles NE of the junction with U.S. Hwy 26/287. The parcels are entirely within the Natural Resources Overlay and the Scenic Resources Overlay.

STAFF PRESENTATION:

Hamilton Smith, Principal Planner – Introduced the application and described the location and zoning of the site, including overlays. He described the Environmental Analysis prepared for this site. Camping proposed is incidental to the event use of the site. Portions of the camping and event use are proposed within 150 feet of the wetlands in violation of the LDRs. The applicant proposed a 3-day festival with additional time for setup and teardown. He discussed adding a requirement to provide an Operations Plan, which should include security, medical response, pets, campfires, reclamation of damaged land, transportation demand, parking management, maximum number of attendees, noise abatement, dates and hours of operation, and lighting design.

Staff can make the required findings. Staff has concerns with potential environmental impacts to the site and waterbodies. Staff also believes that a more formal Operations Plan should be provided. Planning Director recommends approval with four conditions.

Muromcew – My main concern is capacity. Appears there is no existing LDR that addresses the number of people or vehicles.

Smith – Applicant proposal indicated 1,176 cars plus 76 RVs could be parked on this site. Applicant proposing to allow free parking if there are 3 or more people in a vehicle.

Muromcew – Was event in compliance in 2018 or 2019 at under 55 decibels?

Smith – Yes, to the best of my recollection. There were some instances where a car driving by, or wind gusts would affect the noise monitoring.

Lurie – How many cars are expected on site? Proposal is for a maximum of 1,000 vehicles. Buffalo Valley is a two-lane, very narrow road. In case of an emergency evacuation, I don't think it could safely take place. If there is a fire, there is no place for residents to evacuate. I see no provision for emergency evacuation plan.

APPLICANT PRESENTATION:

Jeremy Walker, Owner of Fire in the Mountains – Fire in the Mountains started in 2015. He read the Mission Statement for Fire in the Mountains. This is a unique event. Part of uniqueness is being at Heart Six Ranch. We will do anything it takes to make this an unparalleled event. Camping helps us manage people and keep them focused in one location. In 2020 and 2021 we had Special Event Permits, and we postponed the event both

years. The LDRs changed and now we need a Conditional Use Permit, not just a Special Event Permit. I have a lot of tickets sold, without a permit in hand. We have hired experts (Precision Audio Services) in noise reduction, I am confident we will stay under 55 decibels. In past, no one was using the right equipment to measure noise. Buffalo Fork River Scholarship requires 6 hours per day of river restoration. Goal is to have a positive impact. Portion of ticket sales donated to local environmental causes. We will have more security than the industry standard, plus we will have EMTs on site. I do have an Operations Plan and happy to provide it. Only 2,000 people is not sustainable event. I would recommend we go to 3,000 people, since we have space for 5,000 to 6,000 people. On the 150-foot setback, it is a highly used horse pasture. Removing the horses reduces the impact. The stage is there for three days. To erect a fence may be overkill, I propose to not have that there.

Muromcew – How many people in 2018 and 2019?

Walker – 500 people in 2018 and 1,000 in 2019. In 2020 we were approved for 2,000 people, which was cancelled due to COVID.

Muromcew – How many people were camping?

Walker – We could accommodate 6,000 people camping.

Muromcew – How do you enforce noise after the music event?

Walker – We have 24 hours security on-site, and strict no-noise policy after midnight and strict no-campfire policy. No pets are allowed at event.

Rockey – Past permits allowed 950 camp sites, where will other campers go?

Walker – Through independent calculation, we believe over 6,000 people could camp. Camping is not the limiting factor.

Rockey – Buffalo Fork is a Wild and Scenic section of the river. I have concern how you will maintain separation from riverbed.

Walker- There is no camping proposed near the river. Very strict enforcement.

Lurie – Do you have an emergency evacuation plan?

Walker – Yes.

PUBLIC COMMENT:

Kelly Stevens – What can we do to make this better? I heard about fire. We understand this. We can do our best. I have worked SXSW. We have the information to make this event work.

Tom Segerstrom – I am the property owner closest to the stage. This location is flawed. Pick a site where you can have 3,000 people without hardening the site. Its fine to have an evacuation plan until it rains, and no one is getting out of that field. My deck is up 150 feet. I don't fear fire as much as I fear the rain and lightning. It's a remote location, with no services. Too much, too many, and too long in a remote and soft site.

Jay Nel-McIntosh, Local photographer - I have seen events shutdown for potential lightning. Applicants are experienced and addressing the issues. The event creates business for lots of other businesses, and revenue in a unique opportunity.

Walker - We run shuttles to lodges in the area.

Catherine Matthies, 25695 Buffalo Run – In past years, the sound levels were not in compliance. It's not a car or wind, consistently over the prescribed decibel level. I cannot believe that 6,000 people would be allowed to camp here, its ludicrous.

Debra Patla – 25705 Buffalo Run – Last two experiences were rough, very bad. Noise shakes the house. This year its 24 hours of music. In past was 4:00 – 10:00 pm for two days. It's rough for us and for the area. Now we are going to have 3,000 people on the road. There are others not shown on your map that use this road. If something goes wrong, are you stuck with the CUP? I would like to hear what the US Forest Service thinks. Concerned this is flying through without considerations we need.

Rudolph Atallah – Live on Buffalo Valley Road, closest to Turpin Meadows. People will often stop their car in the two-lane road, and it becomes a hazard. People bring alcohol. Lot of elderly people in area, and if there is an emergency, that is a concern. People often do walk off the site Heart Six is already an issue. It's one road entrance and exit. There is no way to have a concert with those noise levels described.

PC DISCUSSION:

Muromcew - Is the CUP really in perpetuity?

Mateosky – I think it's very well thought out.

Lurie – How many CUPs have been revoked?

Smith – None in my six years with County.

Rockey – Sure County staff will get a detailed Operation Plan.

Muromcew – Only concern is number of attendees. Nervous of 3,000 people. I would be more comfortable if there was a limit on number of attendees.

Viehman – The extra 38" tall fence is silly; I can step over it.

Muromcew – Would like a condition that no more than 2,000 attendees are allowed per day.

Walker – Happy to allow 2,000 people this year to get some data. In future we may apply for a higher limit. Willing to mark off the wetland area with fence.

Viehman – I want to allow the applicant to get to 3,000 people in 2023 if no violations this year.

MOTION: (to Approve) Mateosky

SECONDED: Viehman

VOTE: The vote showed four in favor. One opposed. The motion Passed.

MATTERS FROM COMMISSION - None
AGENDA FOLLOWUP - None
MATTERS FROM STAFF – None

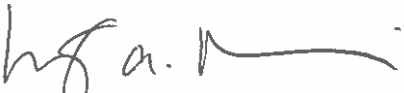
ADJOURNMENT

A motion for adjournment was made by Mateosky and Viehman seconded. The meeting was adjourned at 9:53 p.m.



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-