

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
July 13, 2020**

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

ROLL CALL

Planning Commission: Glen Esnard, Kasey Mateosky, Sue Lurie, and Alex Muromcew. Karen Rockey was absent.

STAFF: Rian Rooney, Associate Planner; Hamilton Smith, Principal Planner; John Graham, Deputy County Attorney

MINUTES

A motion to approve the June 22, 2020 minutes was made by Commissioner Mateosky and seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0.

ADOPTION OF AGENDA

A motion to adopt the July 13, 2020 agenda was made by Commissioner Mateosky and seconded by Commissioner Lurie. There was no further discussion. Motion carried 4-0.

MATTERS FROM THE PUBLIC

There were no matters from public.

OLD BUSINESS

There was no old business

NEW BUSINESS:

A) Applicant: JACKSON HOLE MOUNTAIN RESORT CORP.

Presenter: Andrew Bowen

Permit No.: PUD2019-0001 – **POSTPONED AT THE REQUEST OF THE APPLICANT TO THE AUGUST 24, 2020 PC MEETING**

Request: Request for text amendment pursuant to Div. 8.7.1 of the Teton County LDR's, to amend Section VII. A: Provision of Employee Housing of the Teton Village PUD Master Plan, to enable the use of dormitory style dwellings in order to satisfy employee housing requirements.

Location: Applies to Teton Village Area One; zoned Planned Unit Development-Planned Resort with no overlay.

STAFF PRESENTATION: N/A

APPLICANT PRESENTATION: N/A

PUBLIC COMMENT: N/A

PC DISCUSSION: N/A

- B) Applicant:** NAVISTAR REAL ESTATE, LLC
Presenter: Chandler Windom
Permit No.: VAR2020-0001 – WITHDRAWN AT THE REQUEST OF THE APPLICANT
Request: A Variance request pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 5.6.2.C.1.c.i.b for the maximum area of a wall sign in the BP zone from 24 square-feet (sf) to 31.4 sf & number of wall signs from 1 per street frontage to 3 per street frontage.
Location: 670 W Deer Drive is at the intersection of Deer Drive and South Highway 89. Approximately 2.5 miles south of the Town of Jackson. It is zoned Business Park (BP) and is within the Natural Resource Overlay (NRO).

STAFF PRESENTATION: N/A

APPLICANT PRESENTATION: N/A

PUBLIC COMMENT: N/A

PC DISCUSSION: N/A

- C) Applicant:** TETON COUNTY
Presenter: Rian Rooney
Permit No.: AMD2020-0002
Request: Proposal to amend the Teton County Land Development Regulations, pursuant to Section 8.7.1, to define in Section 6.1.2 Classification of Uses, the discontinuance of a use, to exclude cessation of use due to the following:
•certain government actions,
•natural disaster,
•unwilful acts of the owner such as catastrophic fire or pandemic,
•and time spent maintaining, altering, replacing, or expanding a structure or site devoted to the use.
Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.
Location: County-wide

STAFF PRESENTATION: Rian Rooney presented AMD2020-0002 with a power point presentation describing the Key Issues and Findings as presented in the Staff Report. Many permits have expiration terms tied to discontinuance of operations for more than a year. Cessation of use may be more common now due to circumstances created by current pandemic, though this pandemic is not the only situation where the terms of discontinuance may be applicable in the future. The amendment is primarily meant to address those permits that have been issued since 2015, with standard expiration provisions as described in the LDRs. By adding a definition of and exceptions to “discontinuance,” staff believes that this amendment can provide relief to use permit holders whose permits might otherwise be subjected to unintended expiration.

Per public comment received on 07/13 and interest from the Board of County Commissioners, Key Issue #4 considers additional event allowances for CUP holders for whom events are not held due to

postponement or cancellation. The amendment would allow these CUP holders to make up missed events in 2021 in addition to the number of events allowed by their CUPs in that year. CUPs often limit the number of allowed events per season or calendar year. Staff suggests that the best solution is to amend each impacted event, but that that would be difficult and time-consuming. Given that the pandemic itself is hopefully a one-time event, a special exception is offered for 2020/2021, but not codified in the LDRs.

During the staff presentation, Chair Esnard sought clarification regarding the relationship of the additional recommendation of allowance for rescheduled events in 2021 to the proposed LDR text amendment. Deputy Attorney Graham clarified that this new rule is part of the LDR text amendment but because it is a one-time occurrence, the recommendation is to not codify that rule in the LDRs and to just pass it, allowing it to expire after 2021.

Following the presentation Commissioner Lurie asked for an example of how this proposal may provide an opportunity for individuals to contest the expiration of permit due to discontinuance. Mr. Rooney explained that the amendment aims to exempt discontinuance due to actions that are not willful acts of the owner or not the result of actions of the owner. While evidence of the cause of unwilful cessation would be expected whenever possible, Mr. Rooney noted that determination of will can be gray and may leave open the necessity for staff to make a judgement. He offered the example of a catastrophic fire caused by faulty electrical wiring.

Commissioner Muromcew asked for confirmation that existing CUP holders would not need to go through an additional application or review to have this amendment apply to them. Mr. Rooney confirmed that this was correct. Commissioner Esnard noted that this amendment addresses a current, temporary issue with a solution that addresses broader and future challenges. He also raised the question of how to apply the rule to businesses currently closed because of a willful decision by the owner, noting that the reasons for ceasing use during this pandemic can be difficult to judge. Deputy Attorney Graham responded that this could lead to a judgement call and individual evaluation and said that the language was not inherently broad or narrow as it related to reasons for ceasing operation. Mr. Graham suggested that the Planning Commission could make a recommendation to alter the language to broaden or narrow it.

APPLICANT PRESENTATION: N/A

PUBLIC COMMENT: Rod Gust, Episcopal Church member, Alta Wyoming. Received a County notice about this application. The mailing identified CUP2007-0001, as pertaining to the Church for the use of a steeple as a cellular communications tower. Around 2013, the cellular company stopped using the steeple for the purposes of a tower. Mr. Graham confirmed that the presenter should contact TCPD directly, but that likely there is no risk to the continued presence of the steeple.

Commissioner Mateosky offered a bit of background on permitting of the Church steeple, he indicated it was a Variance that is not tied to the continued use of the structure as a wireless communication facility.

PC DISCUSSION: Commissioner Esnard closed public comment, as there were no callers.

Following public comment, Commissioner Lurie expressed concerns about allowing additional events in 2021 and the potential impacts of those additional events on neighborhoods. Commissioner Muromcew noted the extraordinary times and that this allowance could help struggling businesses as well as ranchers and landowners who depend on these events to maintain the viability of their open space. Commissioner Esnard recognized that as currently proposed, the allowance would not produce any increase in the total number of events over the two-year period but would backlog them in 2021 after a slower 2020.

Chairman Mateosky is ok with the wording of the amendment.

MOTION: Motion made as written by Chairman Esnard,:

- **I move to recommend APPROVAL of AMD2020-0002, as presented in the draft dated June 4, 2020, to add a Discontinuance of Use definition to the standards of Section 6.1.2. with no conditions, being able to make the findings of Section 8.7.2 as recommended by the Planning Director.**
- **I further move to recommend that Outdoor Reception sites with approved CUPs, which due to the COVID-19 pandemic had cancellations and postponements of 2020 events, are permitted to host those events in the 2021 season, in addition to their annual event allowances permitted under their CUP.**

The motion was seconded by Commissioner Muromcew. There was no further discussion. Motion carried 4-0.

MATTERS FROM COMMISSION:

None

AGENDA FOLLOWUP:

None


MATTERS FROM STAFF:

Hamilton Smith, Principal Planner, confirmed with the Chair that the PUD2019-0001 item is postponed to a date certain, being the Planning Commission hearing of August 24th, 2020.

ADJOURN

Commissioner Lurie moved to adjourn at 6:40 PM. Commissioner Esnard seconded and the motion passed unanimously.

Respectfully submitted: kr



Glen Esnard, Chair

ATTEST:



Hamilton Smith, Principal Planner

- Digital recording on file-