

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
Date October 22, 2018**

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

ROLL CALL

Planning Commission: Karen Rockey, Stefan Fodor, Mike Hammer and Glen Esnard. Nikki Gill was absent.

STAFF: Senior Planner Hamilton Smith and Interim Planning Director Susan Johnson.

MINUTES

A motion to approve the September 24, 2018 minutes was made by Commissioner Hammer and seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0.

ADOPTION OF AGENDA

A motion to adopt the October 22, 2018 agenda was made by Commissioner Esnard and seconded by Commissioner Hammer. 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: OWL HAPPINGS, LLC

Presenter: Hamilton Smith

Permit No.: AMD2018-0002

Request: Amend Sections 3.2.2 and 3.2.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise hours of operation for Conditional Principal Uses in the Rural-1 Zone and Institutional and Infrastructure Uses in the Rural-2 Zone. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.

Location: Applies countywide in the Rural-1 and Rural-2 zoning districts.

STAFF PRESENTATION:

Hamilton Smith presented the application to the Planning Commission.

APPLICANT PRESENTATION:

Scott Pierson spoke on behalf of the applicant. They approached this application as a necessary correction of mistakes in the Land Development Regulations, LDRs. Mr. Pierson noted there are some functions under a Conditional Use Permit allowance that would require hours outside those allowed under the LDRs. He says that after looking at public comments, he understands the concerns of removing sideboards of hours of operations. Mr. Pierson provided a handout of a revised proposal that would allow certain uses such as a nursery, daycare and education to operate between the hours of 7:00 a.m. and 10:00 p.m. Campgrounds, dude ranches, bed and breakfasts, hospitals and assisted living centers to operate 24 hours, with curfew hours set through the Conditional Use Permit process, and all other uses to operate between 9:00 a.m. and 11:00 p.m., with hours of staff activities to be established through the Conditional Use Permit process.

Leah Corrigan, Attorney for the applicant, spoke on behalf of the applicant. She commented that over 40 comments were submitted in support of the amendments which may not have all been addressed to staff. Ms. Corrigan noted that the comments received are specific to this project, even though they apply to all R-1 & R-2 zones. She noted that opposition to text amendments are directed to the Classical Academy project. Ms. Corrigan spoke to the Classical Academy school itself. She also spoke to achieving permanent conservation through the Floor Area Option. Ms. Corrigan also spoke to the Lucas family not being able to continue ranching without approval of this application. She spoke to NIMBYism and to the Journey's School being allowed in the NRO vs. the Classical Academy being held to a higher standard.

PC COMMENT PRIOR TO PUBLIC COMMENT:

Commissioner Fodor spoke to being troubled by continuous references to the Classical Academy. He stated that this application is not for or against the Classical Academy. Mr. Fodor noted this is for LDR text amendments with broad reaching implications County wide. He stated that personal naming has no place here.

PUBLIC COMMENT:

Tom Holland, resident of South Park Ranches and owner of Wilderness Adventures, spoke in support of the text amendment.

Michelle Gammer, resident, stated she was opposed to both proposed text amendments.

Martha Stern, South Park resident, stated she was opposed to both proposed text amendments.

Tanya Beater, Jackson resident, stated she was opposed to both text amendments and concerned that no neighbor notice had been sent.

Paul Sedreto, South Park Ranches resident and local contractor, noted current use on the property is running a commercial business beyond the hours being requested in the application.

Nancy Norton, South Park Circle resident, stated that she is opposed to the text amendment.

Gloria Courser, mother of 2 children at Classical Academy, spoke in support of the amendment.

Rich Bloom, South Park Resident, opposes both text amendments.

Sam Lunz, Teacher, spoke in support of text amendments.

Steve Meadows, resident Teton County & Vice Chair of Wyoming Wildlife Trust, spoke in support of the text amendment and suggests that uses allowed in the LDRs are not permitted, due to restrictions on hours.

Sue Lurrey, Rafter J resident, spoke in opposition to both text amendments and believes that there should be places in the County where 30,000 sf. institutional uses should be allowed that don't blow up Rural areas.

Jennifer Scott, spoke in support of both amendments.

Echo Miller, Melody Ranch resident, spoke in opposition to the process and both amendments.

Dan Bennett, Melody Ranch resident, spoke in opposition to the proposed amendments.

Andrew Salter, South Park resident who spoke on behalf of Friends of South Park, spoke in opposition to the proposed amendment. Mr. Salter stated that the Public cannot comment on the revised amendment proposed by Scott Pierson because they have not seen it.

Lorna Miller stated she is opposed to both proposed amendments and their long-term implications across the County.

APPLICANT RESPONSE TO PUBLIC COMMENT:

Leah Corrigan apologized to Rich Bloom.

Scott Pierson spoke to the hours of operations needing to be fixed in the Rural zone and that they are being violated throughout the Rural zone.

PC DISCUSSION:

Commissioner Fodor discussed back door process comments and noted this is the mechanism to amend the LDRs and notice was followed. Commissioners discussed hours of operation, specifically, 3.2.2.E.2e.iii – v and definition of outdoor use setback and what constitutes an “outdoor use.” Commissioner Fodor stated that predictability is important, but not a do all end all. He noted that the LDR is a document that evolves and has to be amended over time and respond to changes. Mr. Fodor spoke to broader context view and cost to the community vs. benefit. Commissioner Fodor went through the proposed changes handed out by Scott Pierson. Commissioner Hammer stated that he supports the proposal as amended. He noted that noise, traffic, lights and dark skies are best addressed in the Conditional Use Permit process. Commissioner Esnard sees contradiction in uses allowed in Rural zones and the hours of operations; changes to the LDRs as newly proposed are supportable. Commissioner Rockey reflected on Rural rewrite and the value of predictability. She lauds the applicant for newly proposed amendment presented this evening and is open to the proposal.

MOTION:

Commissioner Fodor made a motion to approve Amendment, AMD2018-0002, as amended by the applicant this evening and can make findings for approval as modified by the applicant.

The motion was seconded by Commissioner Esnard. Motion carried 4-0.

B) Applicant: OWL HAPPINGS, LLC

Presenter: Hamilton Smith

Permit No.: AMD2018-0003

Request: Amend Sections 3.2.2 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to increase the maximum building size from 10,000 square feet to 30,000 square feet for specific building types that generally require larger sizes, as a part of an approved Institutional Use in the Rural-1 Zone with a Conditional Use Permit. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.

Location: Applies countywide in the Rural-1 zoning districts.

STAFF PRESENTATION:

Hamilton Smith presented the application to the Planning Commission.

APPLICANT PRESENTATION:

Scott Pierson spoke on behalf of the applicant. Mr. Pierson presented a proposal to change the amendment from what was originally proposed, from a maximum building size of 30,000 sf. to 15,000 sf. He discussed that 15,000 sf. is the Floor Area Ratio allowed on a 35acre parcel. Mr. Pierson went through examples of structures greater than 10,000 sf. including Journeys School, Diamond Cross Ranch, Legacy Living Center, Presbyterian Church, etc. He spoke to buildings as a single mass, saving on energy, footprint, etc. Mr. Pierson recommends striking from the proposed amendment in the application the sentence that reads, “Other similar uses that require large amounts of consolidated square footage”.

Leah Corrigan, Attorney for the applicant, spoke on behalf of the applicant. Ms. Corrigan spoke to the Crow Case, and that the rationale does not apply to an institutional use, as it is specific to a residence. No health, safety, welfare nexus. She noted the ability to vary the LDRs regarding building size was subsequently removed from the LDRs, so cannot use the same tool Journey’s School used.

PUBLIC COMMENT:

Rich Bloom, Teton County resident, is concerned about the process and last-minute significant changes by the applicant. He feels it erodes faith in the public process. Mr. Bloom spoke against comparison to Journey's School and would rather compare it to the Raptor Center.

Manjola Koci, Music Teacher at Classical Academy, spoke in support of text amendment and the need for a place to assemble.

Andrew Salter, representing Friends of South Park, asked the Board to follow the legal standard as it improves the implementation of the Comprehensive Plan. He addresses health, safety and welfare. Mr. Salter urged Commission to not make a mockery of the public process.

PC DISCUSSION:

Commissioner Fodor discussed that agricultural buildings did not have maximum size limits in the R-1 and R-2 zones. He appreciates the applicant listening to public comment and incorporating changes into the application. Mr. Fodor stated the 30,000 sf. application proposal is a non-starter, and that the 15,000 sf. proposal is more reasonable. Commissioner Hammer questioned rural ranch compound in comparison to Munger Mountain School. He would prefer a variance to floor area rather than this amendment. Mr. Hammer cannot support this application. Commissioner Rockey states that comparisons throughout the evening of previous proposals is not pertinent for review of this application. She is not comfortable with the application and feels the applicant stated they have been looking for a location for 7 years, but never commented on Rural LDR size limitations during the process, which occurred in 2015. Commissioner Esnard notes the 10,000 sf. size limitation was done with thought and feels there is no inconsistency as with the prior amendment, for hours of operation. He states that there is no need to amend the LDRs for size limitations.

MOTION:

Commissioner Hammer made a motion to Continue Amendment, AMD2018-0003. The motion was seconded by Commissioner Esnard. Motion failed unanimously.

MOTION:

Commissioner Fodor made a motion to approve Amendment, AMD2018-0003. The motion was seconded by Commissioner Esnard. Motion failed unanimously.

C) Applicant: DEVIL DOG, LLC

Presenter: Roby Hurley

Permit No.: CUP2016-0005

D) Permit No.: SKC2016-0002

Request: Propose a developed recreation use and construct an indoor athletic field and mini storage pursuant to Section 8.4.2, Conditional Use Permit, Sketch Plan pursuant to Section 8.3.1, and Administrative Adjustments pursuant to Section 8.8.1 of the Teton County Land Development Regulations on Lot 24 South Park Service Center.

Location: 3580 South Park Dr., generally located 3.5 miles south of High School Road in Lot 24 South Park Service Center. Located in the Business Park Zone and in the Natural Resources Overlay

MOTION:

Commissioner Fodor moved to Continue the Conditional Use Permit, CUP2016-0005 and Sketch Plan, SKC2016-0002 to the November 13, 2018 Planning Commission Regular Meeting.

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

MATTERS FROM COMMISSION:

None.

AGENDA FOLLOWUP:

None.

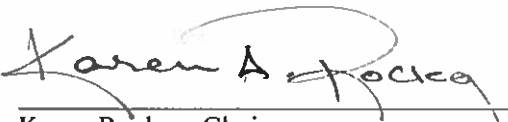
MATTERS FROM STAFF:

None.

ADJOURN

Commissioner Fodor moved to adjourn at 9:10 PM. Commissioner Esnard seconded and the motion passed unanimously.

Respectfully submitted: kr



Karen Rockey, Chair

ATTEST:



Susan Johnson, Interim Planning Director

- Digital recording on file-