

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
November 12, 2019**

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, Karen Rockey, Sue Lurie and Alex Muromcew.

STAFF: Planning Director Chris Neubecker, Principal Planner Hamilton Smith, Senior Long-Range Planner Kristi Malone and Deputy County Attorney Keith Gingery.

MINUTES

A motion to approve the October 28, 2019 minutes was made by Commissioner Rockey and seconded by Commissioner Muromcew. There was no further discussion. Motion carried 5-0.

ADOPTION OF AGENDA

A motion to adopt the November 12, 2019 agenda was made by Commissioner Lurie and seconded by Commissioner Muromcew. There was no further discussion. Motion carried 5-0.

MATTERS FROM THE PUBLIC

There were no matters from the public unrelated to items on the agenda.

OLD BUSINESS:

Two items of old business were continued from the October 28, 2019 Planning Commission meeting.

- 1. Permit:** PUD2019-0002
Applicant: JACKSON HOLE GOLF & TENNIS CLUB, INC.
Presenter: Hamilton Smith
Request: Master Plan amendment pursuant to Section 8.7.3 of the Teton County Land Development Regulations, to amend the physical area and use standards for the golf maintenance and employee housing area, and include the cell tower use as part of Required Utilities on the Property.
- 2. Permit:** AMD2019-0004
Request: Amend Section 4.3.5 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to the Jackson Hole Golf and Tennis Club Master Plan description (Sec. 4.3.5.B), Building Size description (Sec. 4.3.5.D.2.b), and Dimensional Limitation Plan Table (Sec. 4.3.5.D.3). Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.
Location: 5000 North Spring Gulch Road. Generally located on the east side of Spring Gulch Road, approximately 1 mile south of the East Sage Brush Drive and Spring Gulch Road intersection. The property is zoned Planned Resort and is in the Natural Resources Overlay.

STAFF PRESENTATION: Hamilton Smith introduced the application, recapped Town Planning Commission hearing and staff recommendation.

APPLICANT PRESENTATION: Alex Klein, Vice President and General Manager of Grand Teton Lodge Company and Flagg Ranch Company, summarized the application.

PUBLIC COMMENT: Public comment was heard from Brad Bartel, resident, neighbor; Joan Anzelmo, resident, neighbor; Mark Miller, neighbor; Deb Penk, resident, neighbor, Ms. Penk provided photographs of wildlife to the Commission that have been entered into the record; Patty McDonald, resident, neighbor; Lynn Gaviotis, resident, neighbor; Dory Schwartz, resident, neighbor; Kelly Smith, neighbor; Andy Erskin, neighbor. Public comments were generally in opposition to the applications.

PC DISCUSSION: Commissioners Muromcew and Mateosky, though absent from the 10/28/19 Hearing, both confirmed that they were prepared to participate in the vote. Commissioner Mateosky asked for clarification on Environmental Analysis (EA) process related to the applications, designation of the North Channel as a natural waterbody, and other aspects of the application. Commissioner Rockey underscores the economic pros and cons of the application, and overall impacts to the neighborhood scenic and wildlife qualities, especially wildlife movement impacts from both the increase in commercial and housing development, and that the applicant has the ability to build voluntary employee housing at any time, without the benefit of this application. Commissioner Rockey also brought up the discrepancy between the recommended Condition of Approval #5 that requires pets to be leashed, instead of prohibited in the way that dogs are prohibited at the neighboring housing development at Sandcherry Way. Commissioner Esnard is generally in favor of the proposal, but he does not support the creation of a regional retail hub given that he it is not supported by the Land Development Regulations (LDRs). Commissioner Lurie spoke to the areas of the Findings for Approval for all Planned Resorts that she could not make, including 4.3.1.A.9, protecting attributes of the community, 4.3.1.D.8., Phasing Plan, public facilities shall be developed necessary to serve the resort; 4.3.1.F.7.b., architecture shall be consistent with the communities theme., 4.3.1.F.8., Transportation Element 4.3.1.F.10, Land Use Element; Preserving Community Character – Amount and Type of Development; 4.3.1.G.1. Increased density for employee or affordable housing shall be for the persons employed within the boundaries of the resort; 4.3.5.C.2., residential building scale and character shall integrate with the surrounding residential development. Commissioner Muromcew indicated that the scale of the employee housing is too much for the site.

Through an informal straw poll, the Commission developed a Motion that incorporated the nine (9) recommended conditions of approval with revisions, and addressed the six (6) specific amendment requests in the application, such that a Motion for Approval could be crafted, as follows:

MOTION for PUD2019-0002 made by Commissioner Mateosky, as follows:

I move to recommend APPROVAL of PUD2019-0002, to amend the Jackson Hole Golf and Tennis Master Plan Planned Unit Development in accord with Section 8.7.3 of the Teton County Land Development Regulations, based upon the application dated July 15, 2019, having fully considered the five (5) findings for approval under Section 8.7.3.D. which have been satisfied and met with nine (9) conditions of approval as follows:

1. All past and current approved conditions shall be incorporated in the associated sections of the Master Plan, or in an appendix to the Master Plan, with final hard and electronic copies provided to the Planning Department no later than forty-five (45) days after approval by the Board. Subject to approval by the Teton County Planning Director and the Teton County Attorney's Office, the final Master Plan and Appendix or Affidavit of the Planning Director which references the final Master Plan shall be recorded in the Office of the Teton County, Wyoming Clerk within ninety (90) days of Board approval.

2. Prior to submitting the final amended Master Plan the applicant shall remove all in-line and section references to the Grand Teton Lodging Company and /or GTLC, including, but not limited to, section heading and page number references, below:
 - a. Golf Maintenance/Employee Housing Site (p.22)
 - b. Employee Housing Mitigation Plan (p. 29)
 - c. Voluntary Employee Housing Mitigation Plan (p. 30)
3. Prior to submitting the amended Master Plan the applicant shall submit two versions of LDR Text of Section 4.3.5, Jackson Hole Golf and Tennis Club, to ensure consistency with the approved changes to the PUD Resort Master Plan, a red-lined version demonstrating proposed amendments and a final text version, for review and approval by the Planning Director.
4. Bear proof trash containers shall be installed and Jackson Hole Golf and Tennis shall provide education and information materials to its employees and other residents about wildlife feeding, proper storage of food, garbage, pet food and other bear attractants. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
5. Pets shall be prohibited. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
6. Mitigation plantings shall be located in the Gros Ventre River riparian zone no closer to the site than the southeast side of the remnant river channel, as depicted in figure 5 of the Development Impact Analysis, September 2018, produced by LT Environmental. Shrub mitigation plantings shall consist of shrub species preferred by ungulates and not berry producing shrub species.
7. At or prior to submittal of any Grading and Erosion Control Permit(s), a Final Mitigation Plan shall be submitted, subject to review and approval by the Planning Director. The Final Mitigation Plan shall provide actual impact and mitigation amounts with specific locations. Pursuant to the LDRs, the Final Mitigation Plan shall include (but may not be limited to) species specific plantings, a monitoring plan and remedial measures to ensure mitigation project success. In addition, prior to issuance of any Grading and Erosion Control Permits, a cost estimate and surety for mitigation implementation is required.
8. All future physical development impacting the original 150' river channel setback shall establish the 15-foot setback in native vegetation. Establishment shall consider existing native vegetation and channel maintenance and until such time as the 15-foot setback is fully vegetated.
9. Development Permits (DEV) shall be required for all employee housing in the Golf Maintenance and Employee Housing (GMEH) area. At or prior to submittal of any DEV in the GMEH area, a vegetative screening plan shall be submitted, meeting the requirements of Master Plan Design Guidelines B.1., subject to review and approval by the Planning Director. Master Plan Section Design Guidelines B.1 shall be amended to restrict vegetative screening to non-wildlife attracting vegetation species.

And in addition, the changes made to the 6 proposed amendments to the Master Plan are as follows:

1. Permit up to 6,000 square feet for voluntary apartment style or dormitory style employee housing.
2. Flexibility to combine or divide the currently entitled maintenance and administration square footage into one or multiple structures and/or add a second story to accommodate employee housing.
3. Proposed amendment number three was recommended for removal by the Planning Commission.
4. Flexibility to use the maintenance facility, administration building and/or employee housing for Jackson Hole Golf and Tennis (JHGT) Club employees.
5. Create a physical boundary in the Master Plan for the Property.
6. The proposed Dimensional Limitation Plan (Table B.) as revised, includes a 15-foot setback from a river channel in the Golf Maintenance/Employee Housing site.

The motion was seconded by Commissioner Muromcew. The vote showed 3 in favor and 2 opposed. The motion Passed, with Commissioners Mateosky and Lurie opposed.

MOTION for AMD2019-0002 was made by Commissioner Mateosky, as follows:

I move to recommend APPROVAL of LDR Text Amendment AMD2019-0002, to update the language in Section 4.3.5, Jackson Hole Golf and Tennis Club, of the Teton County Land Development Regulations, based upon the application dated August 13, 2019, in order to ensure consistency with the changes to the PUD Resort Master Plan proposed as part of this application having fully considered the six (6) findings for approval under Section 8.7.1.C which have been satisfied and met with no conditions of approval, to be changed to be consistent with the previous (PUD2019-0002) motion.

The motion was seconded by Commissioner Rockey. The vote showed 4 in favor and 1 opposed. The motion Passed, with Commissioner Lurie opposed.

NEW BUSINESS:

- 7. Permit:** ZMA2019-0002
Applicant: TETON COUNTY
Presenter: Kristi Malone
Request: Request to amend the Official Zoning Map, pursuant to Section 8.7.2, Zoning Map Amendment, to rezone the property at 2834 and 2836 Wiley Lane from Rural to Neighborhood Conservation.
Location: 2834 and 2836 Wiley Lane, located on the east side of Moose Wilson Road approximately 1.5 miles north of Hwy 22. The property is currently zoned Rural.

STAFF PRESENTATION: Kristi Malone presented.

Commissioners Lurie and Rockey asked for clarification of the rationale behind the requested re-zone.

Mr. Gingery provided historical background of the Mackay property sale and Hirshberg/Menolascino lawsuits leading up to the 18-month stay on court proceedings. Progress in addressing the issues presented in the lawsuit against Teton County must be demonstrated to the Court to maintain the stay with the goal of reaching a local planning resolution.

APPLICANT PRESENTATION: N/A

PUBLIC COMMENT: David Coon, neighbor on Wiley Lane, provided public comment in opposition to the re-zone. Gail Jensen, neighbor on Wiley Lane, provided public comment relating to the inadequacy of the access to the properties in question. Ms. Jensen supports the broader zoning needed for the full extent of the legacy zone in this area.

PC DISCUSSION: Commission asked questions of clarification relating to origin of legacy zones and whether Neighborhood Conservation (NC) zoned properties are subject to Environmental Analysis. It was also clarified that Zoning Map Amendments are not typically approved with conditions. There was no Commission discussion on the Motion.

MOTION

Commissioner Mateosky moved to recommend APPROVAL of ZMA2019-0002, dated August 29, 2019, to rezone the lots of record at 2834 and 2836 Wiley Lane from Rural to Neighborhood Conservation, being able to make the findings of Section 8.7.2 as recommended by the Planning Director.

The motion was seconded by Commissioner Rockey. There was no further discussion. Motion carried 5-0.

- 8. Permit:** PUD2019-0003 **Postponed to the November 25, 2019 PC Regular Meeting**
Applicant: TOWN OF JACKSON
Presenter: Kristi Malone
Request: Request to consider proposed Snow King Resort Master Plan Amendments pursuant to Teton County Land Development Regulations Section 4.3.1.E.4 for cross-jurisdictional advisory review and comment provided to the Town of Jackson.
Location: Town of Jackson: Snow King Resort
- 9. Permit:** SKC2019-0001 – **Postponed to the November 25, 2019 PC Regular Meeting**
Applicant: CODY LANE DEVELOPMENT CORP.
Presenter: Andrew Bowen
Request: Sketch Plan pursuant to Section 8.3.1 of the Teton County Land Development Regulations to construct a condominium complex on parcel H1 within Teton Village
Location: 3355 West Cody Lane. Generally located on the north side of Cody Lane across from The Cody House and The Teton Club.
- 10. Permit:** VAR2019-0007 – **Postponed to the November 25, 2019 PC Regular Meeting**
Request: Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Division 9.5 (Basement) to allow a basement without a finished floor above.
- 11. Permit:** VAR2019-0006 – **Postponed to the November 25, 2019 PC Regular Meeting -**
Request: Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Division 9.5 (Basement) to increase floor height of basement to 12’.
- 12. Permit:** VAR2019-0005 – **Postponed to the November 25, 2019 PC Regular Meeting**
Request: Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary the Teton Village Master Plan dimensional standard to allow 4.83% of the roof structure on the northwestern portion of the complex to be 72.1’.
- 13. Permit:** VAR2019-0004 – **Postponed to the November 25, 2019 PC Regular Meeting**
Request: Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary the Teton Village Master Plan dimensional standard to allow .43% of the roof structure over the garage entrance of the complex to be 63.73’.

MATTERS FROM COMMISSION:

None

MOTION

Commissioner Rockey made a motion to continue 6 items not heard in the November 12 hearing (listed as postponed above) to the November 25th Planning Commission agenda.

The motion was seconded by Commissioner Mateosky. There was no further discussion. Motion carried 5-0.

AGENDA FOLLOWUP:

MOTION

Commissioner Rockey made a motion to adopt the 2020 Planning Commission Hearing Schedule as presented.

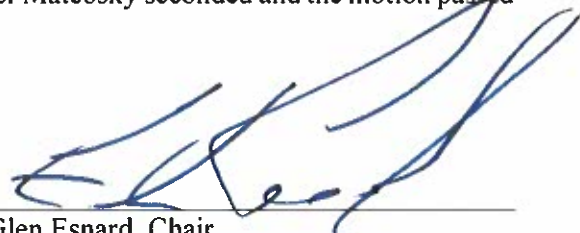
The motion was seconded by Commissioner Muromcew. There was no further discussion. Motion carried 5-0.

MATTERS FROM STAFF

None.

ADJOURN

Commissioner Rockey moved to adjourn at 9:45 PM. Commissioner Mateosky seconded and the motion passed unanimously.



Glen Esnard, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-

Respectfully submitted: kr