

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
January 23, 2023**

The regular meeting of the Planning Commission meeting was called to order at 6:04 pm in the Board of County Commission Chambers with Chair Muromcew presiding.

ROLL CALL: Alex Muromcew, Karen Rockey, Sue Lurie, Brad Nielson (Absent: Devon Viehman)

STAFF: Hamilton Smith, Chris Neubecker, Keith Gingery

APPROVAL OF MINUTES: 01/09/2023

MOTION: Rockey

SECONDED: Muromcew

VOTE: The vote showed 4 in favor, none opposed. The motion was approved

ADOPTION OF AGENDA:

MOTION: Rockey

SECONDED: Muromcew

VOTE: 4-0

PUBLIC COMMENT: (Matters not on agenda) None

NEW BUSINESS

Permit: VAR2022-0003

Applicant: Declan Murphy

Presenter: Hamilton Smith

Request: A Variance pursuant to Section 8.8.2. of the LDRs to vary the dimensional limitations of the Teton Village Master Plan to allow the expansion of an existing rooftop wireless utility that will exceed the 66.5-foot height restriction in the Teton Village Commercial Core by 4 feet.

Location: 3335 Village Drive, Teton Village, WY 83025, the rooftop of Terra Condominiums in the Teton Village Commercial Core. The lot is zoned Planned Resort (PR) and it not within any zoning overlays.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application. Declan Murphy will have a representative available on Zoom. Facility is proposed by T-Mobile. Teton Village Master Plan applies to the application for a variance from height standards. This is a replacement of equipment at existing facility, with slight revisions to the design. Site is the Hotel Terra. Smith showed building elevations describing the location of the proposed antenna. Existing antennae are on an interior portion of the building roof, and new portion will be at exterior edge of building and screened. Maximum height is 66.5 feet, proposal is an increase of 4 feet 2 inches. Smith described the required variance findings and how staff can meet the findings. Teton Village Architectural Committee has considered and approved this application, which they determined to be so similar to the existing antennas that they did not require formal board review but allowed it as an administrative review.

Muromcew – All I saw was a one sentence comment from TVAC.

Smith – Yes, that is all they provided.

Rockey – The original variance was originally 70 feet 6 inches, is that right?

Nielson – On Page 4 of report, does this not fall into same category as chimneys, etc.?

Smith – These antennae exceed the allowed 4 feet of allowed height, with an additional 4 feet.

Muromcew – Is the current technology 4G and the upgrade to 5G?

Declan Murphy – Existing is one antenna per sector, will change to 3 per sector. Not sure if it will be 5G at first but eventually will be upgraded. Traffic is quite high and demand for data is increasing. There is a gap in service on data, this will accommodate increased data usage.

APPLICANT PRESENTATION: None

PUBLIC COMMENT:

Miranda de Moraes – Will health effects of increasing the capacity be studied?

Declan Murphy - This is regulated by the FCC, and this site complies with all regulations. Considering how high up this is, it would not be a health concern. If someone were within a few feet of the site, there would be signage and warnings.

PC DISCUSSION:

Muromcew – I see no issues. Upgrades are necessary for safety and for the economy.

Rockey – Application is straight forward. Change in height is de minimis.

MOTION: Rockey

SECONDED: Lurie

VOTE: 4-0

Permit: ADJ2022-0013

Applicant: Jorgensen Associates, PC

Presenter: Hamilton Smith

Request: Request for Administrative Adjustment pursuant to Section 8.8.1. of the Land Development Regulations to allow development on Steep Slopes of up to 36%

Location: 3335 Village Drive, Teton Village, WY 83025, the rooftop of Terra Condominiums in the Teton Village Commercial Core. The lot is zoned Planned Resort (PR) and it not within any Zoning Overlays.

Chair Muromcew – Tonight we are looking at a specific variance on private land, it is not part of the review of US Forest Service land or the EIS.

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application. There are two applications that will be presented by staff and reviewed concurrently. The proposal is within the Residential Accommodation Plan Area (RAPA). An adjustment is proposed to the slope where development is allowed to increase the slope from 30% to 36%. Agent for Applicant is Jorgensen Associates, and Grand Targhee Resort is the applicant. Development Plan is proposed to allow 28 cabins. Smith described the location of the site and the Comprehensive Plan subarea. Resort is divided into Resort Center and RAPA. Smith described the core area with greater density of activity. There is higher expectation of pedestrian connectivity on the resort core, with less intense pedestrian use at edges in RAPA.

Smith displayed maps and plans showing the location of the 28 cabins and the road access proposed. The proposed site plan will be revised slightly as needed with individual permits. He showed a diagram explaining the slopes of the land. Roads and driveways may also impact slopes in excess of 36% if it is essential access. There is also a water tank proposed on a slope in excess of 36%. Smith reviewed the Master Plan standards. Allowance up to 30 cabins/duplexes/single-family lots in the phasing plan for the Master Plan. Resort is allowed 3,500 APOs and proposal is for 118 APOs (Average Peak Occupancy). Exactions for schools and parks will be collected upon recording the subdivision plat.

Grand Targhee is allowed, per the Mater Plan, to provide Affordable and Employee Housing in the City of Driggs. Oversight and monitoring as well as Livability Standards will be enforced by the Jackson/Teton County Affordable Housing Department. Smith discussed the requirement for providing transit and shuttle service for employees of the resort. Monitoring reports are used to verify compliance.

- 5 Minute Break -

Smith described the Road Impact Fee. He then described the required findings for approving an Administrative Adjustment, and how staff was able to make the findings. Site is not within the Natural Resources Overlay (NRO) or the Scenic Resources Overlay (SRO). He described the 2% transfer fee and a contribution from developer to the Teton Creek Conservation Plan for open space and conservation. He described the comments received from the Plan Review Committee, including the County Engineer, County Road & Levee, Jackson Hole Fire/EMS,

Muromcew – Asked about use of the spur road. Does that reduce site impacts?

Smith – Showed the existing road on the County GIS aerial photos and described how the road would connect.

Muromcew – Asked about a 300-foot setback from the National Forest line since site is within the Wildland Urban Interface (WUI).

Smith – Where Master Plan is silent, we would refer to a similar zone and the standards that apply, which would likely be 10 feet. Such a setback requirement would be a significant imposition on a private landowner.

Rockey – Do the WUI standards apply here? Fireproof or resistant materials, and what else applies?

Smith – Fire apparatus turn arounds, hydrant location. A high percent of permits issued in past several years have been in the WUI.

Rockey – Several cabins appear to be close to the boundary of forest. How do you create defensible space?

Smith – It would need to be an agreement with Caribou Targhee National Forest if trees are removed on the forest.

Rockey – Are these locations certain?

Smith – If this is approved by the BCC, the expectation is that the final design will be highly consistent with the approved design.

Rockey – We have seen slope variances before, and one of the criteria is whether there are alternate locations. Were there any other alternatives?

Smith – In discussions with County Engineer, staff found some alternatives.

Rockey – Will payments of a fee in lieu be used in the area of Grand Targhee, or will it be added to a general account for all of Teton County?

Smith – We expect that the applicant will construct the housing.

Muromcew – On transfer fee, is there any issue with funds paid in Teton County WY being used in Teton County, Idaho?

Gingery – We had lots of discussion in 2007. There were some legal briefs prepared at the time from both counties. At the time, we all agreed that it was permissible.

Lurie – Questions of defensible space and access on slopes in excess of 30%. I don't see why the cabins need to be where they are, and there appear to be alternative locations. I would like to know what other locations were considered.

Nielson – Have alternatives been considered? Why these particular locations? I would like to hear more of staff's explanation that use of the existing spur road will better protect natural resources.

Smith – There is not a measure of clustering required in the Master Plan. Density as proposed is consistent with intent of the Master Plan.

Nielson – How does the proposal better protect natural and scenic resources? I would like the applicant to answer that question. Do we have a report from a Geotechnical Engineer on the slopes and location of structures?

Muromcew – I did not see any comment from Wyoming Game & Fish.

Smith – They did not have any concerns.

Muromcew – Are there also slopes in excess of 30% in other areas of the resort that will be developed?

APPLICANT PRESENTATION:

Ron Levy, Jorgensen Engineering - Phase 1 is the cabins, it's a low density, low impact phase. Spur road is existing, and comes off Ski Hill Road and ties back in. We did several site visits and site walks. It was staked at least three times, and our civil engineers provided feedback. Road was designed by our civil engineers. We had a significant wind event with fallen trees. We tried to follow the roads created by loggers to help develop the site plan. Site plan is not set in stone, but its what we feel is the best layout. In Phase 1 we wanted to maintain the quiet feel of this area. Water tank location was based on elevation, topography and gravity flow. All cabins will be sprinkled. We proposed Administrative Adjustment after determining the best site plan to maintain natural vegetation and maintain views. Geotech report is in progress. Once we have a final site plan the Geotech engineer will look at individual sites.

Muromcew – This is just Phase 1 of a larger plan, please update us on water and septic relating to full buildout.

Levy – There are water tanks in place and with the proposed tank it will allow for full buildout, and wastewater facilities are sized for the final buildout.

Muromcew – Are other parts of the development and their sites relatively flat, or will we see request for additional variances in other part of the development?

Levy – We could have gone through steeper slopes. Rest of the site is not quite as steep.

Nielson – Applicant says the water infrastructure has been sized for full buildout. Is that correct?

Levy – There is a condition in the master plan to increase capacity, that is why we are proposing the 200,000-gallon tank.

Nielson – I was referring to wastewater treatment and sewage facilities. Will this include a collection facility, tied to an existing facility?

Brendan Schulte, Jorgensen Engineering – Grand Targhee currently has a wastewater treatment plant that is ready to go, may need some improvements at 360 units. It will be mostly a gravity system. Once the water tank is built, we will have enough water for entire project including fire suppression.

Nielson – Is it a groundwater injection or leach field?

Schulte - There is no ground water injection, it is a secondary treatment facility. The spur road was purposely used, it no longer has any access to the resort. has only been used for parking for past 15 – 20 years. It was in best interest of environment to use the existing road. But we could have cut in a brand-new road, and we decided not to. Comment from Todd Cedarholm is being very specific on the boundary

of the resort, a couple of feet that needs to be looked at, to ensure measurements close correctly. They are very technical comments that we will address at time of plat. On housing fund, 0.5% of all real estate sales in perpetuity will go toward housing fund dedicated to Teton County, Idaho. That was the intent of that, to fill an account where the impacts will be. The 300-foot setback would be a taking and would render the resort development infeasible. There is significant scrutiny for development of structures in the WUI.

Lurie – Does Grand Targhee have significant fire fighting capacity in the resort? And how close is a fire station? What will be the response time for an adequate team of fire fighters to arrive?

Schulte – Teton County WY and ID have an agreement in place to respond to fires. By Phase 3, there is a requirement for a fire station at the resort, and a medical facility.

Rockey – Some of the Geotech studies will be complete when the lots are developed. Will you have the report before development?

Schulte – This past fall, we had many site visits. The Geotech engineers have done test pits near the roads for soil studies. Engineering Department will review Geotech reports as part of the grading permits. We will do additional testing after getting approved by the County on the locations. Our engineers are not scared about these locations.

PUBLIC COMMENTS:

Rob Marin, Teton County Idaho Community Projects Coordinator / GIS – Our submitted comment letter did not carry much weight in the staff report. The report takes a compartmental view of the proposal. Community has changed due to impacts to growth and housing, and reduced desire for tourism. Tax revenues from resort go to Teton County, Wyoming. Services are provided from Idaho fire stations and hospitals. Twenty-eight (28) cabins are destined to be short term rentals. How this project is treated will set a precedent for future development. You need to recognize the impacts of both private and public lands development. The recent ECONorthwest study showed impacts to Teton County, Idaho. Impacts do not stop at the state line. He read from sections of the Comprehensive Plan, which calls for a regional perspective. Ask for equitable revenue sharing. Idaho service provider concerns should be adequately addressed.

Cindy Riegel, Teton County Idaho, Chair of the Board of Commissioners – Taxpayers in Idaho will be subsidizing development at the resort. Teton County, Idaho was not included as a stakeholder in the Master Plan. Developer has misrepresented our involvement in the Teton Creek Corridor Plan. Resort is in a remote location, and we have safety concerns. Wildland Urban Interface plan needs to be done in conjunction with Forest Service before development. Emergency Management Plan also needs to be developed. Master Plan does not allow cabins to be developed on steep slopes. If you are considering this concentration on steep slopes, you should get plan for open space. Housing Mitigation Plan is being put off until prior to building permits. Livability Standards are proposed to be pushed off to Certificate of Occupancy. All requirements of the Master Plan should be completed before development. We would like to see Wyoming and Idaho county staff to work together to obtain technical review comments.

Matthew Thackray, Prospect Studio – Resides in Teton County, Idaho and owns business in Teton County, Wyoming. We explored many layouts for this development. We looked at several road layouts. We thought this design was most respectful of the natural development. On the WUI, the WUI Code outlines the details, including water supply, which will be provided. We do not yet know the hazard rating

of this site. Construction types for materials will meet the requirements of the WUI, based on the fire rating. Developer has been proactive in building the septic system which is already in place.

Dave Sollitt, Jackson Hole Conservation Alliance - Concerned about development on steep slopes. The Land Development Regulations were designed to avoid exceptions to protect our wild areas.

Kevin Krasnow – An expert of wildland fire hazard and mitigation. Wildfire science is controlled by weather, topography and fuels. A fire can spread to the resort from areas downhill; Ranger Jay Pence asked for 300-foot setback from forest service boundary. If development is approved, the cost of mitigation should be paid by developer and not the public.

Doug Self, City of Driggs – I live on Ski Hill Road and work for City of Driggs. There are no clear criteria if a cabin is primarily lodging or residential, which impacts the provision of required housing. No land exaction will be required unless units are designated as residential. Proposal is to use workforce housing units that are already built and occupied. Housing Compliance Monitoring is tied to the location of housing. We are already planning for transit and transportation infrastructure, but we need to know where the housing will be located. I would recommend tabling this application until these issues can be resolved. Need clarity on where funds will be spent when collected from transfer fee.

Anne Callison – Regrettable that the planning staff left so many holes. If there are other areas where Grand Targhee proposes to build condos and commercial, why was it not addressed in the master plan? My concern is that there will be a taking of public lands, at public expense and viewshed expense. Transit will never work on dead-end two-lane road. Transit is not going to work here. They don't have the parking and staff for the added mountain capacity. You don't require only one parking space per cabin, you need more parking. These are party houses and they will be short term rentals. Ambulances will have difficulty getting up icy road with cars on each side. Hold off, get fire department up there and get police fully staffed. Listen to those that went before me.

August Christensen – Mayor of Driggs – Targhee does not sit in isolation. I am not anti-Geordie Gillette. I am pro-Driggs. City of Driggs helped Targhee implement the shuttle system with storage, transit stops and parking areas. Current stats show only 7 – 19% of Targhee users ride transit. Ski Hill Road begins in Driggs, and construction traffic will cause impacts to the roads, but fees will only be collected for portions in Wyoming. Several other roads will be impacted by construction traffic and added visitors. Ask for cost sharing burden on Driggs roads impacts. There are many concerns stated in our letter that need to be addressed before approval. Our counties and cities need to develop a system of shared responsibilities and cooperation.

Jay Pence – District Ranger, Teton Basin Ranger District - WUI standards are evolving and were not refined too much in 2000 when the land exchanged happened. Thus, the Caribou-Targhee 300 feet standard setback request which is driven by fuels. There is a request for plat review due to one way in, one way out on the road. There is a shelter in place thought process from fire staff that if there is a fire below the resort that residents will need to shelter in place. We need to have a discussion on Emergency Management Plan, showing final structure locations and access. Steeper slopes have higher fire risk over flat ground which may require different County standards. Structure location may be affected by natural open meadows adjacent to the development, depending on structure location. Ask to coordinate final site planning with emergency responders and adjacent land owners. Hammerhead road meets standards, but loop roads are safer than hammerhead roads for first responders.

PC DISCUSSION:

Lurie – To Rob Marin, did both Teton County Idaho and Wyoming jointly fund the ECO Northwest study?

Marin – Yes, that's correct.

Brendan Schulte – Rebuttal of some public comments – 96 Units were built in Driggs and occupied, they were built voluntarily by Grand Targhee Resort, they were proactive. I am happy to meet with Mr. Self to discuss housing issues. The units are currently unrestricted and will be restricted later when required. This entitlement was approved in 2008, including 450 units and 150,000 square feet of nonresidential. In 2018 we came back to make the Master Plan useable and more streamlined. We made the mitigation more meaningful. We believe the changes to the Master Plan are a community benefit. There was lot of hard work by staff in 2018 to make the Master Plan better. I advise that we don't venture into issues that are valid, but not relevant to the proposed 28 cabins. WUI is a legitimate concern, and we care about that very much. There is a method to the madness, and we have to get through conceptual steps like this; the process is iterative to get assurances along the way. The WUI study is required prior to construction, per the Master Plan, otherwise the building permit will be denied. Exaction fees will be required when the lots are plated. Emergency Management Plan is required within one year of the plat. Monitoring Report, we have provided voluntary monitoring in past three years. We were up to 30% for employees pre-Covid, and we plan to make adjustments. Monitoring Report officially starts this year, including transit and conservation. Site was selected for land swap since there is less impact here to wildlife values, and that 400 acres of pristine grizzly habitat was exchanged for 120 acres back in 2002. Now is not time to talk about the master plan, it's time to discuss the 28 cabins.

Muromcew – Propose a continuance to February 13, 2023.

Lurie – There was little to no consultation with Teton County, Idaho during the master plan. Our county contributed to the ECONorthwest study. I would like permission to offer a proposal that we postpone consideration until completion of a series of meetings between staffs and elected officials to discuss the ECONorthwest report.

Muromcew – You are trying to reopen other issues that are not relevant tonight.

Lurie – I cannot make Finding #3, emergency services.

Rockey – Prefer to continue the request to the next meeting. I understand some of Commission Lurie's concerns, and they should be part of the discussion.

Nielson – There are significant deficiencies. I can support a continuance to give staff time to clarify the issues.

Lurie – Rules of Procedures allow us to postpone to a certain time or day.

Muromcew- We want to help move the discussion along.

Neubecker – Asked the Commission to provide questions to staff or to identify where more information is needed in order to vote on the application.

MOTION: Muromcew, continue to February 13, 2023

SECONDED: Rocky

VOTE: 3-1 (Lurie opposed)

Permit: DEV2022-0008

Applicant: Jorgensen Associates, PC

Presenter: Hamilton Smith

Request: A Development Plan requests pursuant to Section 8.3.2. of the Teton County Land Development Regulations, for a 28-lodging cabin unit subdivision

Location: 3300 E Alta Ski Hill Road, Grand Targhee Resort, west of the Resort Center in the Residential and Accommodation Plan Area (RAPA West). The property is zoned Planned Resort (PR) and is not within any Zoning Overlays

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application

APPLICANT PRESENTATION: *See comments above for ADJ2022-0013*

PUBLIC COMMENTS: *See comments above for ADJ2022-0013*

PC DISCUSSION: *See comments above for ADJ2022-0013*

MOTION: Muromcew continue to February 13, 2023

SECONDED: Rockey

VOTE: 3-1 (Lurie opposed)

MATTERS FROM COMMISSION - None

AGENDA FOLLOWUP - None

MATTERS FROM STAFF - None

ADJOURNMENT

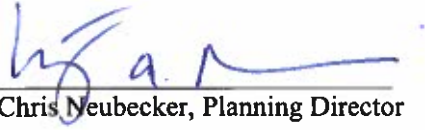
A motion for adjournment was made by Rockey and Lurie seconded. The meeting was adjourned at 9:40 p.m.

Respectfully submitted:



Alex Muromcew, Chair

ATTEST:

A handwritten signature in blue ink, appearing to read "Chris Neubecker", written over a horizontal line.

Chris Neubecker, Planning Director

- Digital recording on file-