

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
February 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, Karen Rockey, Sue Lurie. (Absent – Kasey Mateosky)

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

**APPROVAL OF MINUTES:** 1/24/22

**MOTION: Rockey** **SECONDED: Viehman**

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

**ADOPTION OF AGENDA:** 2/14/22

**MOTION: Viehman** **SECONDED: Rockey**

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

**MATTERS FROM THE PUBLIC:** None

**OLD BUSINESS / NEW BUSINESS – None**

**NEW BUSINESS**

**Permit:** [PUD2021-0001 – Request to Postpone to the February 28, 2022, Hearing](#)  
**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.

**MOTION: Rockey: To postpone PUD2021-0001 to February 28, 2022**

**SECONDED: Viehman**

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

**Permit:** [CUP2021-0005 – Request to Postpone to the February 28, 2022, Hearing](#)  
**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.

**MOTION: Rockey - Postpone CUP2021-0005 to February 28, 2022**

**SECONDED: Viehman**

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

**Permit:** [AMD2021-0008 – Staff Report](#)

**Applicant:** TETON COUNTY

**Presenter:** Rian Rooney

**Request:** Teton County will consider adoption of amendments to the Teton County Land Development Regulations (LDRs) to establish a new Complete Neighborhood Character Zone and zoning standards. This amendment proposal is made by the Teton County Planning Division at the direction of the Teton County Board of County Commissioners to develop zoning for Complete Neighborhood areas to implement the vision described in the Jackson/Teton County Comprehensive Plan, originally adopted in 2012 and amended in 2020. The proposed amendment would create a new section in the Land Development Regulations, 2.2.2. Workforce Home Business (WHB), which describes the zone’s intent, physical development standards, use standards, development options, and additional zone-specific standards.

In addition to the creation of Section 2.2.2, this amendment proposes to add this zone to relevant tables and references throughout the LDRs in Articles 2, 4, 5, 6, and 7. The amendment also proposes standards for the Workforce Housing Incentive Program of Division 7.8.

**Location:** Countywide

**STAFF PRESENTATION:**

Rian Rooney, Senior Long-Range Planer, presented both AMD2021-0008 and ZMA2021-0002 together, as these applications are related and are presented in one staff report. The proposal would create a new zone, Workforce Home Business (WHB), with the LDR Text Amendment. The Zoning Map Amendment proposes to rezone approximately 660 acres in the Hog Island area. The Comprehensive Plan is implemented through the Land Development Regulations. In 2016, many rural areas were rezoned to match new zones established in the Land Development Regulations. This area was not rezoned at that time. Staff are now going through the process of rezoning these areas that retain legacy zoning that predates the 2012 Comprehensive Plan. The purpose of the LDRs is to implement the Comprehensive Plan.

The project is focused on Subarea 7.2: Hog Island Home Business, as identified in the Jackson/Teton County Comprehensive Plan. This subarea has a mixed development area, with prevalence of accessory home

businesses. Median lot size is about 2 acres, but there are also some larger institutional/industrial lots including Teton County Weed & Pest, WYDOT, and Munger Mountain School. There area also the large, agricultural Evans Ranch and Robertson Ranch properties. Rooney described the existing conditions and overlays in this neighborhood. There are currently three zones in the rezone proposal area. During the review process, staff had several outreach meetings with owners and residents in area. Concerns and questions focused on: traffic, housing opportunities, water quality, viability of home businesses, existing Conditional Use Permits, and Code Enforcement. Goal of new zoning is to allow opportunities for home businesses and allow for increased workforce housing opportunities. Staff is looking to create more consistency and predictability. The proposed Workforce Home Business (WHB) zone would primarily allow for detached single family residential, and accessory uses, including home businesses. Additional flexibility is proposed for home businesses. Rooney showed the proposed zoning map, and showed where the WHB zone is proposed, and where Rural zoning (R-1 and R-2) is proposed. The WYDOT and School District parcels are excluded.

Rooney described the desired future characteristics for Subarea 7.2 from the Comprehensive Plan. He compared the proposed zoning to existing zoning. One desire is for more housing opportunities for the workforce, including a new ARU Incentive Policy; if deed restricted, ARUs could be exempt from floor area. For lots of 3 acres or greater, and if a deed restricted ARU is attached, then a second ARU is proposed to be allowed. Rooney described an operations plan that would be required for a home business through a Conditional Use Permit, including hours of operation, outdoor storage, and screening. Maximum noise is proposed to increase to 65 dB to recognize character of home businesses.

Rooney described the lot size of existing lots and the options for future subdivision. The by-right land division minimum is set at 35 acres, which would retain all existing subdivision rights. However, staff has proposed an additional development option, specific to the WHB zone. The workforce home business option sets a minimum lot size of 3 acres for subdivision with requirements. Requirements for this option include a deed restriction for the new lots, connection to the sewer system or other advanced sewage disposal (not septic), and limits of 2,500 habitable floor area. More habitable floor area could be approved with an approved use permit. He described the Workforce Housing Restriction and the regulations that go with these restrictions.

Lurie – Curious about requirements for screening, will that only be vegetation, or could it be with fences?

Rooney - Intended to be vegetation screening.

Viehman – Is there a restriction on rentals?

Rooney – Within the Workforce Home Business Option lots, there are restrictions on who can own the unit, and who can occupy, qualified “workforce” under Housing Department rules and definition. No limit on the price of the rental.

Viehman – How doo hours of operation proposed impact someone is coming home late and bringing livestock back to property?

Rooney – Existing Conditional Use Permit or nonconforming uses would not be impacted.

Viehman – Please describe the restrictions for workforce units, and why are the new lots not allowed “by right,” without restrictions.

Rooney – Intent is for additional residential opportunities for workforce and for small home businesses. Concern

is about a change in character to a neighborhood of second homes that do not meet the community need for home businesses and the workforce. Market rate units under current economic conditions are likely not attainable to our workforce / locals. A lot of services need to commute from Alpine, intent is to accommodate some of these uses locally.

Viehman – How long does the CUP process take?

Rooney- It does require a pre-application conference, followed by a 90-day maximum period before Planning Commission and 60 day maximum for Board of County Commissioners.

Rockey – I think the standard has been that 1,000 sq. ft. ARUs are allowed to be used for visiting family or workforce. Would the same standards apply here?

Rooney – Yes, when accessory to a home, a 1,000 sf ARU that can be used for family, guest house, or for rent to workforce, however, there is no formal restriction placed on these units typically with the Housing Department. Under proposed zoning the first unit could be a guest house, second unit must be restricted for workforce.

Rockey – Few years ago I was on Commission reviewing a small-scale milling operation for this area, and there was a lot of concern about noise levels. What uses does staff anticipate that would require 65 dB?

Rooney – There may already be home business operations that are operating at 65 dB. Staff have not measured the noise levels in the neighborhood. There are significant noise impacts from truck brakes on the highway.

Rockey – Why the 2,500 sq ft limit on home sizes? A large family might be pressed with this size.

Rooney – The intention is to limit the use of allowed habitable floor area to encourage homes that are similar in size and scale to existing character and to encourage the use of additional floor area for non-habitable shops and barns to support home business needs.

Lurie – A concern I heard from many stakeholders was on water quality. Is it too early in process to make recommendations on water quality, such as forming a wastewater district?

Roney – Staff was intentional on requirements for connecting to sewer, but it may be too early to discuss creating an ISD.

Muromcew – What happens if you own a business and need to purchase apartments to house your employees? Can you not otherwise own real estate if you have workforce restrictions your property?

Rooney – This is an existing Housing Department policy. They want to work with owners to find solutions. ARUs on property could be used.

Gingery – That issue has been raised and has been a concern. If that is a problem, you could recommend changing the rules. The community generally supports this rule so that an occupant of a restricted unit does not also own real estate elsewhere they are profiting from.

Muromcew – Why require a CUP, why not a BUP?

Rooney – It's a challenge to write iron clad criteria to ensure all issues and circumstances of a home business are addressed at staff level. The public can benefit from notice to neighbors for the CUP process. A business owner could also get started with a Home Occupation permit, which only requires a Basic Use Permit review, and then expand to a Home Business with a CUP.

Muromcew – Current rules require connection to sewer if located within 500 feet. Would any new use be required to connect to sewer in WHB?

Gingery – Only the specific 3-acre subdivision option would require connecting to sewer, but not all development in the entire subarea. Existing lots still have the option for septic.

Rockey – Up to 3 outdoor events are allowed. Is that new?

Rooney – That is language that is within most other zones in the community. It is within the existing zones as well.

**PUBLIC COMMENT:**

Hazen Hatfield – My comments are mostly to the Housing Department. I am confused about the deed restrictions. I wish you would clarify the deed restriction rules, and how they apply to ARUs and the lot. Language needs to be clearer, so the purchasers know what they are buying.

David Nalley, KDC Lane - Thank you for such an effort. Thank you for listening to our comments and incorporating into this policy.

Patty Hatfield – What aren't trees planted to lessen the noise levels?

Melissa Harrison – Real estate broker. Steve Robertson has the Robertson Trust for sale. He is also an owner on Hog Island. I don't do development, but I worked a lot with Rian Rooney who did a great job and was prompt with his answers. Property is listed for \$15 million. When WYDOT built road, they took riverfront land. Robertson would love to see home business on their land. Development costs are high, when you put restrictions, it does not add up, developers can't pay the high sale price and have all these restrictions. No one will win if these parcels stay 35 acres homesites and don't get developed into housing. Maybe Housing Authority or County should buy the land.

McKay Edwards – Land Use Planner. I prepared the text amendment that Robertsons proposed in 2021. I have seen unintentional consequences in my time. The text amendment has potential for unintended consequences. Intent from Comp Plan is for home businesses. Should distinguish between workforce housing and home business. Don't think significant home businesses will happen with these restrictions. Most small businesspeople are all-in on their business. We also had proposed two ARUs for Robertson rezone. Lot size of 3 acres is a problem too.

**PC DISCUSSION:**

Lurie – Would like to hear if Mr. Gingery or Senior Planner Rooney have a response to some of the comments.

Gingery – We are not taking away any rights but adding more options. Staff is proposing some conditions for the common good of the public for this subdivision option.

Lurie – Section 5.3.3 required plant unit; plants should not be wildlife attractants.

Viehman – I am prepared to move forward this evening, it's an excellent plan. Our county needs to incentivize development like this; nothing is going away but we are adding new options.

Rockey – For any future subdivision, if 3-acre lots are created no one is obligated to have a home business, right?

Gingery – Yes, that is right.

Rockey – Could a local business owner purchase a lot and rent homes to their employees? I am happy to move forward. Limit of 2,500 seems a bit small. There does seem to be a lot of control handed over to the Housing Department.

Gingery – Planning Commission's role is to make a recommendation and you could recommend a different size limit on homes. If not 2,500 sq. ft., then you could recommend another size. On deed restrictions, we used to have negotiations back and forth with property owners and their attorney. BCC wanted to establish templates of housing deed restrictions to create consistency. For the most part, all the new workforce restriction are all the same. Maybe we need different restriction for this zone, but we try to keep all our documents identical from development to development.

Muromcew – Please address question about noise mitigation with vegetation.

Rooney – Very difficult to require landscaping on private property unless associated with a development permit or use permit for that lot.

Gingery – You could require noise mitigation on private property to mitigate the noise created on that lot as part of a permit review. Or you could ask the County to work with WYDOT for a planting plan on highway right-of-way.

Muromcew – Are there other areas of the County where staff could envision applying this zone?

Rooney – One other area that might be applicable for Workforce Home Business is across the road. But staff did not analyze other legacy zones for application of this new zone district.

Rockey – I suggest increasing the home size limit to 3,000 sq. ft.

Viehman – I am comfortable up to 3,000 sq. ft.

Rockey – There is a workforce restriction for these lots; the affordable housing fees would not apply over 2,500 sq. ft. anyway if these units are restricted for the workforce.

Muromcew – I am comfortable with 3,000 sq. ft.

Lurie – I am more comfortable with 2,500 sq. ft.

**MOTION: Viehman, approve AMD2021-0008, with one Amendment: that the maximum scale of use for**

lots created under the Workforce Home Business Option be 3,000 sf of habitable area.

**SECONDED: Rockey**

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

**Permit:** [ZMA2021-0002 – Staff Report](#)  
**Applicant:** TETON COUNTY  
**Presenter:** Rian Rooney  
**Request:** Teton County will consider adoption of an amendment to the Teton County Official Zoning Map for approximately 660 acres currently zoned Neighborhood Conservation (NC-TC), Rural (R-TC), and Suburban (S-TC) to Workforce Home Business (WHB), Rural-1 (R-1), and Rural-2 (R-2). The subject parcels are located within the Jackson/Teton County Comprehensive Plan's Subarea 7.2: Hog Island Home Business, which extends along the west side of South Highway 89 approximately from Munger Mountain Road to Kdc Lane. This zoning map amendment is proposed by the Teton County Planning Division at the direction of the Teton County Board of County Commissioners.  
**Location:** Hog Island

**STAFF PRESENTATION:** See AMD2021-0008

**PC DISCUSSION:** AMD2021-0008

**MOTION:** Viehman, motion to approve

**SECONDED: Rockey**

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

**MATTERS FROM COMMISSION - None**

**AGENDA FOLLOWUP - None**

**MATTERS FROM STAFF - None**

**ADJOURNMENT**

A motion for adjournment was made by Rockey and Viehman seconded. The meeting was adjourned at 8:07 p.m.



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Alex Muromcew, Chair

ATTEST:

  
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Chris Neubecker, Planning Director

- Digital recording on file-