

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
March 13, 2023**

The regular meeting of the Planning Commission meeting was called to order at 6:02 p.m. 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, Abigail Moore, Ryan Hostetter

APPROVAL OF MINUTES: 02/13/2023

MOTION: Rockey

SECONDED: Nielson

VOTE: 4-0

ADOPTION OF AGENDA

MOTION: Rockey

SECONDED: Nielson

VOTE: 4-0

PUBLIC COMMENT: (Matters not on agenda) – None

NEW BUSINESS

Permit:

Permit: CUP2020-0007 POSTPONED

Applicant: HH Land Strategies

Presenter: Chandler Windom

Request: A Conditional Use Permit pursuant to Section 8.4.2 and 1.9.3.C of the Land Development Regulations to change a non-conforming campground use to a non-conforming mobile home use.

Location: 10755 S Highway 89 is Lots 8-12 of the Rogers Point Subdivision in Hoback Junction. The property is on the east bank of the Snake River, is zoned Auto-Urban Commercial and is in the Natural Resources Overlay.

STAFF PRESENTATION: None

APPLICANT PRESENTATION: None

PUBLIC COMMENT: None

PC DISCUSSION: None

MOTION: Rockey (to postpone to April 24, 2023)

SECONDED: Nielson

VOTE: 4-0

Permit: ZMA2022-0005

Applicant: 89 LLC

Presenter: Ryan Hostetter

Request: Teton County is considering an amendment to the Teton County Official Zoning Map for approximately 2.52 acres currently zoned Neighborhood Conservation (NC) to Business Park (BP). The subject sites are located at 4365 and 4355 S Highway 89 and are within the Jackson/Teton County Comprehensive Plan's Subarea 7.1: South Park Business Park, and border Subarea 9.3 Existing County Valley Subdivision and Subarea 10.1 Southern South Park. This zoning map amendment request is from the property owners, Robert Kilmain and 89, LLC.

Location: 4365 & 4355 South Highway 89

STAFF PRESENTATION: Ryan Hostetter, Principal Planner, presented this item on behalf of Erin Monroe. She described the location of the property. Request to rezone from Neighborhood Conservation to Business Park. Site is bordered by both Business Park and Rural Residential uses. She described some of the adjacent uses and zoning. The Comprehensive Plan boundaries is intentionally a thick grey line, but most of the site is within Comp Plan Subarea 7.1. Staff also analyzed the topography of this site relative to the neighbors. Request tonight is only for the rezone and not a specific use; rezoning would allow many different potential uses. Some allowed uses include light industrial, and accessory uses. Hostetter presented the visions of the Comp Plan for Subarea 7.1, South Park Business Park. The proposal would increase nonresidential uses and zoning, which is not recommended. A full buildout of site could add more than 60,000 square feet of nonresidential uses.

Hostetter described some of the adjacent residential uses. Applicant has indicated their intent to build light industrial and Accessory Residential Uses. Staff also described the wildlife movement in this area. Shared access to these lots via Vosika Lane is recommended by WYDOT and the Joint Transportation Planning Administrator. To the south is Sage Meadows, with residents that identified concern for the proposed rezone, impacts to character and uses. Staff also received comments from the Vosika family to the west.

Muromcew – In a perfect world this would be light industrial and ARUs. But there is no way to make that a requirement of the zoning, is that right?

Moore – That is correct.

Hostetter – Correct

Nielson – Where did the red layers come from?

Hostetter – They are Comp Plan layers taken from the County GIS.

Rockey – Comp Plan process lasted from 2007 – 2012, is that right? I'm baffled about that red tail to the Sub Area, why do you think this happened? Was it just a slipup? After the Comp Plan, we tackled a lot of rezones. The Neighborhood Conservation zoning to north seems to still have a lot of residential, but its adjacent to Business Park. Why would we not tackle all the Business Park zoning in this area comprehensively?

Hostetter – These were left out in prior rezones and are on the list to consider rezones in the future.

Lurie – Once there is a zoning map amendment we have lost control, correct?

APPLICANT PRESENTATION:

Craig Olivieri – I am one of the applicants, along with Kathy Lynch, and Bob Kilmain with whom I now own a business together. Our vision is to build a space for Bob’s painting business and also provide housing for staff. We recently rented space to a local business for housing and to store some vehicles but received a code enforcement case. We have been contacted by many small business owners, mostly light industrial, needing space. We are concerned about what may happen when our leases expire. After much research, we decided that Business Park was the only solution that meets our needs.

Bob Kilmain - I started my business in 1999, I have learned the importance of employees and the need for providing housing. It is not the community’s responsibility. I purchased land with intent to provide as much housing as possible. My office on Gregory Lane also houses 18 employees. If rezoned, the properties will allow for more comfortable housing for my employees.

Kathy Lynch – I am part of the project ownership. Practiced law in town then left to raise my family. I met Bob when he coached the ski club. We want to build a unique development with some industrial use and accessory housing units. We have the best of intentions. Property is transitional between the Business Park and residential uses. She showed concept images of the housing units, with lower-level shops and housing above. Some detached Accessory Residential Units could be built at the rear of the site, too. She showed a conceptual site plan. We have been contacted by many businesses in need of shop space and storage space.

George Putnam, Cirque Consulting – Property is zoned NC, a vestige of the old zoning. It was put into a character district with a grey buffer. It needed more study than allowed in a big Comprehensive Plan action. Business Park zone is the only zone that allows housing at a reasonable level for a business. This zone provides opportunities for small business owners to meet their needs. County has noise regulations that will need to be followed. County also has dark sky lighting regulations that will be followed. There is a sewer system that can be accessed here. It makes sense to allow light industrial. Or it could allow three single family residences.

Muromcew – How many units or bedrooms do you expect based on these high-level concepts?

Kathy Lynch – Front has 14 units and back is 7 units, or maybe up to 10 in the rear.

Rockey – Tail to the Sub Area looks to include front lot adjacent to the highway was in red, and rear in the gray area?

Hostetter – Yes that is right.

Lurie – No questions.

PUBLIC COMMENT:

Karen Parent – Homeowner in Sage Meadows. Main concern is the Comp Plan districts are wonky. Sage Meadows was built as affordable housing. The topography line should be respected. Conditional zoning is not really a thing that can be done here. There was a very fat pen involved drawing the line. I don’t understand what the thinking was with the Comp Plan line.

Pamela Winters – Moved to Sage Meadows in 2000. Empathize with business needs, but my concern is that there are no restrictions. We lose the scenic sense along the highway when you add business uses. I am horrified to see three story buildings. Applicants are honorable people.

Matt Powers – Several years ago someone wanted to upzone; Hank Phibbs said that Teton County spent a lot of time in designing the zoning and Comp Plan. Cherry picking to benefit developers is not wise. It is an upzone. I am sure most people would not want a big upzone next door. There really isn't a sewer system for connection. The well is permitted for only 25 gallons per minute despite study saying up to 100 gallons per minute. Access in and out is problematic for Fire/EMS.

Jack Vosika – Have been neighbor since 1979. We had to purchase land from Melody Ranch to subdivide. Traffic is bad and will only get worse. Drainage, it's a terrible spot. When they drilled the well the water drained to my property.

Jake and Jazmine Vosika – Owner of Teton Rental. We know the property very well. Property means a lot to us. The property is bordered by R-3 and highway, easement is ours and we maintain it. They filled the house easily. About 10 – 15 cars each Sunday come down that driveway. The wildlife corridor crosses the highway and into this property. The noise that will come from this site is concerning. Once zoned Business Park its always Business Park.

Heide McBride – Our home at Sage Meadows borders this site. Concern is the density and losing the neighborhood feel. Concerned about commercial uses, support the housing uses.

Mike McBride – Once we approve the rezoning they can sell and make a lot of money. It's too many people too close. Does not feel good to have this use next door. Not right that you can buy land then get a rezoning.

Julie Zell – Border this property and Vosika's, closet house in proximity. Light and noise pollution are inevitable. Views would disappear for me, that would all change. The number of eagles, owls and birds in the zone would change too. Lived in Sage Meadows since 1999. County is also proposing a pump track near us. Kids can ride bikes on pathways which crosses site. Traffic is a concern, turning left onto the highway. I estimate at least 100 extra cars. Lack of restrictions after rezone is concerning. Does not seem they have a solid plan, speculation they could change plan or sell to developer. Read from Comp Plan, page 224.

Scott Miller, Sage Meadows resident – Read from Dictionary, definition of conservation. East-west topography line is a distinct line, makes sense that light industry would stop there. Three- and four-story structures are changing Town character. Applicant proposes to house not only their only employees but also other business employees. It's steep to get up the driveway. Add this development and Lower Valley Energy would exasperate traffic. We are now seeing a new wildlife corridor and I am seeing more moose, elk and deer and will end up on this property. This would be a golden ticket for landowners. Leave light industry up on the grade above them.

PC DISCUSSION:

Muromcew – Is it right that Business Park is the only way to allow light industrial and Accessory Residential uses?

Hostetler – Yes, that is right. Rabbit Row was mentioned as an example of the type of development anticipated here.

Rockey – I live in the area, have friends in Sage Meadows and Melody Ranch, and frequent The Bird. I pass this property every day. The site is below the highway, you don't even see the houses from the highway. In my 8 years on the Planning Commission, we have strived for predictability in zoning. Changing the zoning does not add predictability. Applicants have come up with a solution that meets their needs, but not sure this is the right spot.

Lurie – Certainly support adding housing, just not in favor. Water and sewer issues are not resolved. Owners have reasonable right to expect the neighborhood will not change. I think it does not provide predictability. If we rezone it, we lose control, and if property is sold, we lose control.

Nielson – Not sure why that little red tail in Comp Plan was shown here. I can find similar reasons to convert to Business Park as I can to keep it as-is. Business Park starts up on a higher level. Comp Plan provision 3.1a, not to increase nonresidential uses. Appreciate that small businesses need more space; not sure this is the right place for it.

Muromcew – I see the need for Business Park zoning.

Nielson – Comp Plan says no increase in nonresidential uses.

Lurie – I cannot make Finding #3, public necessity.

MOTION: Nielson (Motion to Approve)

SECONDED: Rockey

VOTE: 1 – 3 (No votes: Lurie, Rockey, Nielson)

Permit:

Permit: PUD2022-0003 & AMD2022-0006

Applicant: Jorgensen Associates, PC

Presenter: Hamilton Smith

Request:

Teton County is reviewing applications to transfer density from Lot 23, to existing Lots 24 and 25 (proposed Lots 29, 30 and 31 of the Ranch Homes 2nd Filing), within Subarea II of the Snake River Canyon Ranch Resort. The proposal includes an amendment to the Teton County Land Development Regulations to move Lot 23 from Sub Area II to Sub Area I of the Resort (LDRs: AMD2022-0006) and an amendment to the Snake River Canyon Ranch Resort Master Plan, as amended (PUD2022-0003). Total density allowed at the resort would not increase.

Location:

Application to transfer density from Lot 23 to existing Lots 24 and 25 (proposed Lots 29,30 and 31 of the Ranch Homes 2nd Filing), within Subarea II of the Snake River Canyon Ranch Resort. The sending and receiving lots are all zoned Planned Resort (PR) and located within both the Natural Resources Overlay (NRO) and the Scenic Resources Overlay (SRO).

STAFF PRESENTATION: Hamilton Smith, Principal Planner, introduced the application. He described that there are three applications, and will first present on the PUD, then on the Development Plan. He described the location of the property and the zoning. He also described the subareas of the Snake River Canyon Ranch Master Plan as well as the location of the lots and the grade difference between the current Lot 23, and Lots 24 and 25 higher on a hill. Resort support uses are proposed in the location of Lot 23. Current entitlements allow 10,000 square feet of development plus an Accessory Residential Unit. Smith described Subarea I and II. The proposal includes increasing height allowed in Area I to 30 feet. SRO would not be required for a single-family home. The proposal is for 2,000 sq. ft. of office and 2,000 sq. ft.

of employee housing. Floor area of Area I proposed to increase from 9,000 sq. ft. to 11,000 sq. ft. He showed a proposed site plan, with ½ acre of site development on site of 7.5 acres. He also described the existing character of Lots 24 and 25 on the butte.

Smith described some of the required text amendments to the LDRs if this PUD amendment is approved. Zoning is existing, not being changed. PUD is based on the needs of the resort, and employee housing is one of those needs. The application meets the requirements for Planned Resort Zones. The Astoria Bridge has been damaged due to collision and has been closed in the past. There is no direct linkage between resort entitlements and the need to keep the bridge open. Main concern at time of master plan approval was on vehicles queuing onto Highway 89. The Improvement and Services District (ISD) owns and maintains the bridge. Density is proposed to be transferred from Lot 23 to a new lot on the butte and then to increase nonresidential uses by 2,000 sq. ft. Smith reviewed the recommended conditions of approval for the PUD amendment.

Rockey – Lot 23 density will be moved to a new lot, is that right?

Smith – Yes.

Rockey – What is the other 9,000 sq. ft. of nonresidential uses? Are they built?

Smith – Subarea I in 2015 was a specific size and shared with the Astoria Hot Springs. Johnny Counts Cabins are a nonconformity. It's awkward mix of uses. There is an allowance for employee housing.

Rockey – They could build the executive office use in the allowed 9,000 sq. ft. allowed, right?

Smith – Yes, but it's also taking from the existing entitlement of the 5.2-acre site.

Rockey – Where are the existing executive offices? Are they being decommissioned or repurposed? Also, the employee housing does not count toward the floor area.

Smith – Employees are already working in the area. Don't think the proposal will add significant impacts to transportation and other public facilities.

Muromcew – Is this a legislative decision? Do we not need to make any findings for our decision?

Smith – Yes, that is correct.

Lurie – Will employee housing be occupied year-round?

Smith – That is their entitlement, but I have not asked. I expect they would be.

Nielson – Does Lot 23 have an existing building envelope? How far back from the river is the envelope?

Smith – Close to 150 feet, if not exactly.

Nielson – Asked about 2,000 sq. ft. subsurface, what is the subarea floor area?

Smith – In this Subarea, it allows 9,000 sq. ft. of floor area.

Nielson – Lot 23 looks to sit by itself. What clustering was staff referring to?

Smith – There is generally a cluster of the uses immediately across the bridge.

Nielson – Asked about allowed uses in Subarea II

Smith – Described some of the uses in Subarea I near the Astoria bridge.

APPLICANT PRESENTATION:

Brendan Schulte – This is fairly straightforward application for those that work on this daily. In 2015 there was a large effort resulting in a large density transfer up to the Sporting Club. We were able to move the density away from the river. At the time, there were a few lots owned by people that were not part of the application. Two years ago, we purchased one of the remaining lots. My client did not want a single-family home up to 10,000 sq. ft. that allows short-term rentals. I think it's the most valuable site in the resort. We are proposing a 4,000 sq. ft. building with a 2,000 sq. ft. footprint. Similar bulk and scale to Johnny Counts Cabin and the bathhouse. The building will have employee housing on top and office space below. The clubhouse is packed to gills and they have more needs than they have space for; there are conflicts for use and it's not working. Office space would potentially accommodate High Mountain Heliskiing or Astoria. ISD also has employees. There is a need for office space. The Sporting Club has 150 employees in summer, most are driving in. The resort is growing and there will be more employees. The lodge is being built, and it will probably operate as a hotel; it will need employees. We could get to 180 employees when the lodge is operational. This is voluntary housing and needs to be deed restricted for Workforce. Proposed new building envelopes will reduce impacts to high value cover types. By-right development could be 10,000 sq. ft. of building development and 30,000 sq. ft. of site development.

Muromcew- Is the building height of Lot 23 currently 30 feet?

Schulte – Yes that is right.

Nielson – Need to hear more about the change to the height limit.

Schulte – Subarea I is currently limited to 20 feet. Proposal to change to 30 feet to accommodate new two-story structure.

Lurie – Will offices and employees work year-round?

Schulte – Yes, employee housing and office space will be year round.

Nielson – What are plans for future employee housing for resort?

Schulte – There is not a lot of other land available. Most of its golf course and the other single-family homes are outside control of my client.

Muromcew – What is on the lots to the east of Lot 25?

Schulte – That is lot 26 and 27, they are other development lots.

PUBLIC COMMENTS:

Orion Hatch, Snake River Fund – Proposal will increase density adjacent to Snake River Wild and Scenic River. Master plan moved density away from river to protect river, proposal flies in the face of this work. Current zoning is less impact than the upzoning. Two story development is inconsistent with wild and scenic goals.

Aaron Pruzan – The 1994 plan never envisioned this development. When the project was approved there were so many comments that the County rented space at Snow King for the meeting, most people were opposed. Mr. Swann and Snake River Sporting Club pledged to be good neighbors. Hamilton failed to mention this is Wild and Scenic Snake River, a designation to less than 1% of river sections. There was an illegal levy built with piles of dirt and rocks. There is an upzone by adding another house. Applaud work to reintroduce Astoria Hot Springs. Fail to see why they can't find space for offices and housing on the site of the golf course or resort. Piecemeal asking for more density. Would like to see a community solution to take this lot off the market. Recommend denial.

Paige Byron, Director of Astoria Park Conservancy – Astoria Park owns all the property around Lot 23. Subarea I was created as partnership with Trust for Public Lands and Snake River Sporting Club. The application is asking for commercially zoned space in Subarea I that does not support the park or have public benefit. Astoria Park mission is to connect our community through inspiring experiences in nature that improve livability, health, and wellbeing. We have raised millions of dollars to meet this mission. Concerns about more employees living near Astoria Park in a lot surrounded by our land. When the three subareas were created, employee housing was allowed use in Subarea II and III. Proposed employee housing will not be available to the public. The whole basis of moving the maintenance building a few weeks ago was to take traffic off Wagon Road. This employee housing will add traffic to the road. Lot 23 allows a 10,000 sq. ft. house, a concession we were willing to make. Full confidence that the owner of that lot will be a good neighbor.

Dave Sollit, Jackson Hole Conservation Alliance – We oppose the application to amend the PUD and density transfer. I worked on Dick Edgecomb's initial marketing many years ago. Upzoning of Lot 23 does not comply with LDRs and Comp Plan. The applicant wants to not only transfer density but also allow commercial office space and Workforce housing, we assume at market price. Difficult to determine rent price since it's next to a Wild and Scenic River. The goal of this area is to reduce impacts on wildlife. The proposal will increase impacts on wildlife.

Len Carlman – Grateful to live in Jackson Hole and to be a river rat for the past 40 years. This is a difficult site. Community came together to raise a lot of money and to transfer the density to the south. We knew that the 7.8-acre site on the river bend would eventually be developed. I don't want to see a 10,000 sq. ft. house on that lot or a 2,000 sq. ft. office and employe housing. Would like to see the plan amendment to allow more land in the Snake River Sporting Club for housing.

Chris Deming, Trust for Public Lands – Moving the density off the site and moving into the Sporting Club made sense and was smart growth, and that process created these subareas. We platted the 5.2 acres development around the park which was supposed to be limited in size and height. We created Subarea III as a receiving area for density. Smart growth scenario was to enable density transfer. We don't want to affect existing development rights. This scenario is an increase in overall square footing and it's an upzone. We raised a tremendous amount of money that we raised. On behalf of TPL we hope that you will deny, to protect the community assets.

Greg Ornowski – SPSC Director of Grounds, I have hired hundreds of employees, almost all ask about employee housing. We are asking for voluntary employee housing, and there is a great need. Also, there is a great need for office space in close proximity to the Sporting Club.

Matt Bambach POW JH – Goals for Wild and Scenic, troubling record to look back on the trust that was provided in past. There was a good opportunity in the past to develop affordable housing; this is not an appropriate time.

Christopher Swann – Visiting Jackson for 20 years and owner for past 11 years. We consider ourselves conservationists. Lot 23 was platted in 2001; When park was conceived, I worked with TPL and Astoria Park Conservancy to make this possible. We came up with a creative solution to move the density, and the park was returned to the community. It was not easy or cheap to make it happen. Park would not exist without our efforts. When formed in 2016 the Rutland lot was left out, I personally bought the lot to protect it. I talked with Astoria many times seeking ways to incorporate Lot 23 into the Park. The proposal for employee housing is reasonable, and some small amount of office space. Massive need for ISD and Club to have office space. Not dentist office, lawyer office, or a bar. Relative to building a giant house, the impact is minimal. Will not be bigger than existing buildings in this area.

PC DISCUSSION:

Muromcew – In perfect world, this lot would not get developed. But it will get developed with something.

Nielson – Could build a 10,000 sq. ft. house, not necessarily what will get built. On wildlife, office and ARUs will be more impact, more traffic, people coming and going on constant basis.

Rockey – It's a stunning lot, shocked it still sitting there in this real estate market. Disappointed that the partners in Subarea I could not come to agreement for this lot, and Wild and Scenic Rivers cause me to pause. Don't see how you mitigate impacts to the river. Support moving development rights to the other lots. Not comfortable proceeding.

Lurie – Just because they can have a 10,000 sq. ft. house does not mean they will. Impacts will be greater with office uses, and more activity. I don't see that as a benefit and employees should be close to the activity.

MOTION: Nielson

SECONDED: Muromcew

VOTE: 0 – 4 (All opposed)

AMD2022-0006

MOTION: Nielson

SECONDED: Muromcew

VOTE: 0 – 4 (All opposed)

Permit: DEV2022-0005
Applicant: Jorgensen Associates, PC
Presenter: Hamilton Smith
Request: An application to construct 2,000 sf of employee housing and 2,000 sf of office space on Lot 23 of the Snake River Canyon Ranch River Homes, within Subarea II of the Snake River Canyon Ranch Resort. The proposal includes an amendment to the Teton County Land Development Regulations to move Lot 23 from Sub Area II to Sub Area I of the Resort (LDRs; AMD2022-0006) and an amendment to the Snake River Canyon Ranch Resort Master Plan, as amended (PUD2022-0003). Total dens allowed at the resort would not increase.
Location: Lot 23, Snake River Canyon Ranch, The River Homes (Plat No. 1030) within Subarea II of the Snake River Canyon Ranch Resort. The lot is zoned Planned Resort (PR) and located within both the Natural Resources Overlay (NRO) and the Scenic Resources Overlay (SRO).

STAFF PRESENTATION: Finding # 4 for Development Plan cannot be made due to inability to support the PUD and AMD applications previously discussed.

APPLICANT PRESENTATION: Opposed to continuing the hearing to a later date, requested a vote tonight.

PUBLIC COMMENTS: None

PC DISCUSSION:

Nielson - Acknowledge that Finding #4 cannot be made.

MOTION: Nielson

SECONDED: Muromcew

VOTE: 0 – 4 (All opposed)

MATTERS FROM COMMISSION – None

AGENDA FOLLOWUP – None

MATTERS FROM STAFF – None

ADJOURNMENT

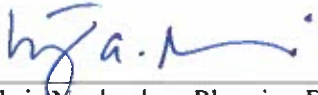
A motion for adjournment was made by Rockey and Nielson seconded. Vote 4 – 0. The meeting was adjourned at 10:02 p.m.

Respectfully submitted:



Alex Muromcew, Chair

ATTEST:

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

Chris Weubecker, Planning Director

- Digital recording on file-

