

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
March 22, 2021**

The regular meeting of the Planning Commission meeting was called to order at 6:06 PM in the Board of County Commission Chambers with Kasey Mateosky, Chair, presiding.

ROLL CALL

Planning Commission: Kasey Mateosky, Karen Rockey, Sue Lurie, Alex Muromcew, and Devon Viehman.

STAFF: Planning Director Chris Neubecker, Principal Long Range Planner Ryan Hostetter, Associate Long Range Planner Rian Rooney, and Chief Deputy Attorney Keith Gingery.

MINUTES

A motion to approve the March 8, 2021 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 March 22, 2021 agenda was made by Commissioner Muromcew and seconded by Commissioner Viehman. There was no further discussion. Motion carried 5-0.

MATTERS FROM THE PUBLIC

There were no matters from the public.

OLD BUSINESS

There was no old business.

NEW BUSINESS:

1. **Permit:** DEV2020-0005 **Postponed to the April 12, 2021 Planning Commission Meeting**
Applicant: TETON PINES LIMITED LIABILITY COMPANY
Presenter: Chandler Windom
Request: A Development Plan pursuant to Section 8.3.2. of the Teton County Land Development Regulations to renovate the Teton Pines pool, activity barn, and tennis court commercial area.
Location: 3450 Clubhouse Drive is located within the Teton Pines Commercial Area on Lot 2 Jackson Hole Racquet Club Resort Commercial Area 3rd Amendment. This property is immediately east of the Teton Pines Golf Course and west of State Hwy 390. The lot is zoned Planned Unit Development-Neighborhood Conservation (PUD-NC) and is partially within the Natural Resources Overlay.

2. **Permit:** AMD2020-0004
Applicant: TETON COUNTY
Presenter: Rian Rooney

- Request:** Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) Teton County is considering adoption of amendments to the Teton County Land Development Regulations to establish a new Complete Neighborhood Character Zone and zoning standards. The proposed amendment would create a new section in the Land Development Regulations, 2.2.1. Neighborhood Residential-1, which describes the zone's intent, physical development standards, use standards, development options, and additional zone-specific standards.
- Location:** County Wide
3. **Permit:** ZMA2020-0003
- Applicant:** TETON COUNTY
- Presenter:** Rian Rooney
- Request:** Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) the Teton County Planning Commission intends to make a recommendation to the Teton County Board of County Commissioners on adoption of an amendment to the Teton County Official Zoning Map for approximately 180 acres currently zoned Business Conservation (BC-TC), Neighborhood Conservation (NC-TC), and Rural (R-TC) to Neighborhood Residential-1 (NR-1).
- Location:** The subject parcels are located within the Jackson/Teton County Comprehensive Plan's Subarea 12.2: 390 Residential, which extends along the east side of Moose-Wilson Road approximately from Lily Lake Drive to Cheney Lane and north across Moose-Wilson Road to Raintree Rd.

APPLICANT PRESENTATION:

Rian Rooney, Associate Long-Range Planner, introduced the application, AMD2020-0004, which is being presented along with Item #3, ZMA2020-0003 zoning map amendment. The two applications are related. He described the location of Subarea 12.2 and background on the project. In 1994 Teton County adopted a Comprehensive Plan and new zones in the Land Development Regulations to implement the plan. In 2012, the community adopted a new Comprehensive Plan, but no new zones were created for the LDRs at this time. The community goal is to update the zoning to create new Character Zones that implement the 2012 Comprehensive Plan. The proposal in Subarea 12.2 is the first Complete Neighborhood area to be rezoned as part of this goal. Lot sizes range from 1 acre to 10 acres in this neighborhood. It is partially located within the NRO. Many of the development's pre-date the 1978 Land Development Regulations. Most of the neighborhood zoning is currently NC (Neighborhood Conservation). There are a few business uses in the neighborhood as well, zoned Business Conservation. Many properties to the east of this area were re-zoned to Rural-3 in 2016.

New NR-1 zone is proposed to allow residential uses with goal of wildlife permeability and preservation of open space to provide predominance of landscaping over built form. Staff showed a map of existing vs. proposed zoning. Comprehensive Plan describes this subarea as "stable" and with the goal to redirect commercial uses to the Aspens commercial area across Highway 390 to the extent possible. Comprehensive Plan describes conservation form and residential form for this area, 1-5 acre lots.

Legacy Neighborhood Conservation zoning has generally been successful in meeting goals of the Comprehensive Plan in this subarea. Proposed NR-1 zoning would make BC-zoned properties nonconforming. New zoning would also maintain limits on additional subdivision by establishing a standard 3-acre minimum size for new lots. Staff is seeking a balance between clarity and simplicity with maintaining existing restrictions to preserve wildlife permeability. Proposed zoning provides some simplification. Proposal has separate standards for lots smaller than 3 acres versus lots larger than 3 acres. Rooney described the maximum site development and floor area allowed and how they are measured with proposed zoning. Currently, road

easements are subtracted from lot size when calculating allowed site development and floor area. Proposal is to change to use gross site area.

Mr. Rooney described the language in the Comprehensive Plan relating to nonresidential development. As proposed, existing commercial uses would become nonconforming. These uses can continue to operate unless they discontinue for more than 1 year. Nonconformity standards also limit expansion. Nonconforming uses can change to other nonconforming uses that are less intensive. Accessory Residential Uses are allowed for nonresidential uses in proposed NR-1 zone without counting against floor area.

Mr. Rooney described some of the options relating to commercial uses:

1. Approve as proposed.
2. Approve, but remove BC-TC properties from the proposal.
3. Propose changes to the new NR-1 zone.
4. Deny application in entirety.

Mr. Rooney described that a Comprehensive Plan amendment could also be pursued through a separate process.

Mr. Rooney described the 1978 land use map and how ground water and slope informed land division allowances at that time. There are 4 properties that are large enough to subdivide, over 6 acres. He also described how the Complete Neighborhood PRD works and how it relates to this application. He described how staff determined which properties to include in the zoning map proposal, including how the Millward residential development site relates to this application. Millward is proposed to be removed from this rezone.

Commissioner Mateosky – Please address Commissioner Muromcew’s idea of amending the Comprehensive Plan.

Commissioner Muromcew- One size fits all rezone, do not think it’s the right way to go about it. Including these lots in the Subarea across the street is not easy to do. Easiest thing to do is to exclude the business uses.

Commissioner Mateosky – Would it make sense to address all 17 of the BC zoned properties at one time?

Rian Rooney – Each area of the community has different characteristics and different desired future character but addressing all BC properties at once could be an approach.

Commissioner Mateosky – Why were BC zones created?

Mr. Rooney – It was an alternative to nonconformity. It is a bit less restrictive than nonconformity.

Commissioner Viehman – Thank staff for this comprehensive presentation. Share the concerns raised about the BC zoned properties. Option #2 seems like a good option.

Commissioner Lurie – To Keith Gingery, can you give some input on claims of takings?

Keith Gingery, Deputy County Attorney – Described the process in Land Development Regulations to allow property owner to claim and determine if there is a taking, called a “BUD”, or Beneficial Use Determination.

Commissioner Rockey – Comprehensive Plan is a guide, not a rule. We may want to consider some changes to foster business competition. Tour this past week was helpful and addressed my questions.

Commissioner Muromcew- Asked staff to clarify comments from WYDOT and impacts to desire to install bike path on east side of 390.

Mr. Rooney – Should not impact it, the right-of-way is not impacted by this rezone.

Commissioner Muromcew – On water quality, please remind us on what can be done through LDRs to address this issue?

Mr. Rooney – Zoning can address land division which can impact water quality. Properties within 500' of sewer must attempt to connect to the sewer. Sewer boards will determine which properties can connect to district. Ability to connect relates to treatment capacity. Major changes to LDRs and other water quality issues are not addressed through this application.

Commissioner Mateosky – How can connection agreements be encouraged through Wilson Sewer District?

Mr. Gingery – It can be cost prohibitive to connect to the Sewer District, even if allowed by the Board. In 1978 3-acres was the minimum lot area because they were on septic. Many lots here are not connected to the sewer.

Commissioner Mateosky – If you are near the sewer line, is there requirement to connect to sewer if septic has failed?

Mr. Gingery – Not if one can show its cost prohibitive.

Commissioner Rockey – In southern commercial node, near Calico and Q Roadhouse, has there been comment from these properties? Any proposed use from Q Roadhouse?

Mr. Rooney – Unsure of status of Q Roadhouse, potential for reopening as restaurant. New use would need to be reestablished within 1 year from effective date of the proposed rezoning.

PUBLIC COMMENT:

Richard Manning – Sent in a letter, representing my parents at RAM Construction, northern commercial lots. Most of the BC used properties existed before the 1978 zoning regulations. We have been in use since 1972. Moving our business to the Aspens area is unlikely, as well as other long-standing businesses.

Grant Van Rooyen – My family owns 2550 and 2500 Highway 390. Our attorney Chris Hawks sent written comments. We purchased property about 6 months ago; potential for new business on these lots. We own restaurant/brewery in another state, working to renew liquor license. Would appreciate clarity to allow us to move forward expeditiously.

Matt Kim-Miller – Attorney at Holland & Hart, submitted written comment. Parts of the rezone area are different, with uses other than single family residential. These properties serve a different function and are compromised to be used for single family. Being zoned nonconforming allows changes to less impactful uses. We are not asking for these parcels to be more intense, but to recognize existing uses.

Scott Austin, Cheney Lane – Rocky Mountain Lodge. We celebrate 50 years this summer. This is the fourth time we have gone through this process. Many businesses here have served the need of the West Bank for many years. If these businesses close you are forcing more people onto highway 22. Is there any consideration that people struggle and may need to close the business for more than one year due to injury, illness? What is the

justification to strip away our rights?

Jared Kuhns - There are many discrepancies with this property based on looking at County GIS. Not sure everything is clear for everybody on what is on our property.

PC DISCUSSION:

Commissioner Mateosky – Asked for more information about nonconformities and discontinuance of use.

Mr. Gingery – Described how uses may be discontinued but still allowed to re-establish a use.

Mr. Rooney – Some commercial uses are already nonconforming and will not change with this rezone.

Commissioner Mateosky – I would like to see a motion without the BC zoned properties included.

Commissioner Viehman – Comfortable moving forward with Option #2 but excluding the commercial zoned properties.

Commissioner Lurie – A few concerns, with it being difficult to connect to sewer. Can we look at offsetting costs to connect to sewer districts? She read from a letter from the Teton Conservation District. Is cost sharing an option? On wildlife permeability, I do not think NRTAB is active. Concerns with adopting this amendment without knowing more about strategies.

Ryan Hostetter, Principal Long-Range Planner – I am the staff working on the Natural Resources LDR updates. Wildlife permeability is one of the reasons staff recommended 3 acres minimum. We worked with Wyoming Game & Fish on this recommendation. Smaller lots would add density. Zoning can address setbacks and lot area. Programs and cost sharing are separate issues, not addressed through zoning.

Mr. Gingery – Does NRTAB still exist? What is the plan to bring it back? You can't really get out of connecting to sewer district due to finances. Question is if its legally obtainable. There are lots more than 500 feet away and would like to connect to sewer; how can the County assist in these cases? Water quality is one of the BCC's key goals and they may hire a water quality staff expert. Commissioner Lurie is asking good questions.

Ms. Hostetter – I have been in touch with the stakeholders and working on path forward to adopt updates to Natural Resources LDRs. Staff is working on these issues. Commissioner Lurie is correct that the NRTAB has not been convened in a long time.

Commissioner Rockey – Support postponing until we come up with comprehensive solution.

Commissioner Muromcew – Most of the 180 acres are single family. How does rezone affect existing multi-family?

Mr. Rooney – Described the impact on multifamily residential uses. Already nonconforming under NC zone would remain nonconforming.

Commissioner Muromcew – We need consistency. Not moving the goalposts.

Mr. Rooney displayed the revised motion with removal of BC-TC-zoned properties from the proposed rezone.

MOTION

Commissioner Viehman moved to recommend APPROVAL of AMD2020-0004, as presented in the draft dated February 17, 2021, to establish the Neighborhood Residential-1 (NR-1) zone in Section 2.2.1 of the LDRs, being able to make the findings of LDR Section 8.7.1. as recommended by the Planning Director.

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

MOTION

Commissioner Viehman moved to recommend APPROVAL of ZMA2020-0003, as presented in the draft zoning map dated March 9, 2021 to rezone the subject properties to Neighborhood Residential-1, being able to make the findings of LDR Section 8.7.2 as recommended by the Planning Director, with the following condition:

1. Remove all BC-TC-zoned properties from the proposed zoning map amendment.

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

MATTERS FROM COMMISSION

None.

AGENDA FOLLOWUP

None.

MATTERS FROM STAFF

None.

ADJOURN

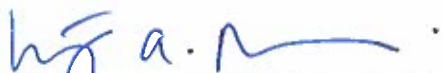
Commissioner Mateosky moved to adjourn at 7:47 PM. Commissioner Rockey seconded, and the motion passed unanimously.

Respectfully submitted: kr



Kasey Mateosky, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-