

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
June 13, 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, Chris Neubecker, Keith Gingery

APPROVAL OF MINUTES: 05/23/2022

MOTION: Rockey SECONDED: Viehman

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

ADOPTION OF AGENDA: 06/13/2022

MOTION: Viehman SECONDED: Rockey

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

MATTERS FROM THE PUBLIC: None

NEW BUSINESS

Permit: DEV2022-0002

Applicant: LF & F, LLC

Presenter: Chandler Windom

Request: A Development Permit request for a 4-unit Rural – Planned Residential Development pursuant to Section 8.3.2 and 7.1.2 of the Land Development Regulations.

Location: 3975 N Fish Creek Road (PIDN 22-41-17-02-3-00-005) is located 2.5 miles north of Downtown Wilson and adjacent to the Bridger-Teton National Forest. The site is zoned Rural-1 and is partially in the Natural Resources Overlay (NRO).

STAFF PRESENTATION:

Chandler Windom, Senior Planner, introduced the application and provided a PowerPoint presentation. She described the development plan for a 5-unit Rural Planned Residential Development. She described the location of the property, size, and zoning, including overlays. She described what the Development Option tool in the LDRs allow. The applicant is requesting five single family dwelling lots, along with conservation easement with the Jackson Hole Land Trust. Two of the units are proposed on one lot. She described the slopes on the site, including areas over 30%. Additional density is proposed on slopes less than 30%, and the steeper areas are mostly proposed in conservation easement. Base zoning allows one single family unit and one Accessory Residential Unit.

Windom described the standards of the Rural PRD including minimum conservation area, 49 acres or 70% of the site, whichever is greater. Conservation values for this site includes wildlife habitat, including thinning of conifers to increase immature aspens for moose habitat. Outdoor construction in winter months will be

prohibited. Recreation is a secondary conservation value. There is also a trail along the property, the Phillips Canyon Trail, that provides forest access. Application meets the conservation values for a Rural PRD. LDRs do not have criteria on steep slopes for conservation values. Windom described the requirements for utilities. Individual small wastewater facilities and wells will be used on each lot. Firefighting water supply will also be required. Property is in the Wildland Urban Interface (WUI) which requires creating defensible space around structures, and other design standards for the site and structure materials. Access to the site will exceed the minimum standards for driveways, based on comment from the Jackson Hole Fire/EMS Department. Windom also described the required development exactions for schools and parks, which will be a fee in lieu.

Planning Director recommends approval with two conditions on exaction fee in lieu payment timing, and timing for recording the conservation easement. Windom reviewed the required findings for approval and how the application meets the requirements.

Rockey – Asked about the location of the lot with two units and which units could also have ARUs. Asked if staff was using a pro-rata approach to the lot acreage to result in 5 dwelling units.

Windom – Each single-family unit can have an ARU. Density is 3:35 and LDRs have an example that shows how to calculate. Result for this site is slightly more than five units, which is rounded down to five.

Lurie – Lots appear to be in the middle of the parcel, is that right? Lots do not appear to be pushed to one side or the other, but rather in the middle. Parcel is about 65 acres, so without this PRD only one unit would be allowed, is that right?

Windom – Yes, one primary unit of density plus one ARU.

Lurie – In looking at the staff report and the LDRs, one of the goals is to provide a development that is better for wildlife. How is the proposal with five units better for wildlife than one unit?

Windom – The value comes from the Jackson Hole Land Trust easement. The Land Trust would steward that land for conservation.

Muromcew – In the packet it states that geotechnical analysis had been done, but the road construction has already been started.

Windom – The Geotech report in the Development Plan application was focused on the development sites. A Geotech was also performed for the GEC permit already approved.

Rockey – Public comment states that the trail will cross some of these lots, are additional easements needed?

Windom – Applicant is willing to work with Jackson Hole Land Trust and Forest Service. Trail crosses other private lands, too.

APPLICANT PRESENTATION:

Susan Johnson, Agent – Provided a PowerPoint presentation. Discussed the history of the Planned Residential Development and Rural downzones. 3 units per 35 acres requires clustering of structures and lots, and requires conservation easements. This also prohibits future family exempt subdivisions. There are a lot of reasons why the Rural PRD and 3 units per 35 acres is better. She described benefit of the Rural PRD including preservation of the spring fed pond and maintenance of the historic cabin. Almost 50 acres of open space will be preserved

for wildlife habitat. Landowners are in discussions with Forest Service to provide public trail access. Property is partially in the NRO, and a county hired consultant determined property has high habitat value.

Rockey – Staff has conditioned the approval upon Land Trust completing the conservation easement within 18 months.

Johnson – The Land Trust is fully on board. It's an iterative process.

Viehman – Is public access part of the conservation easement? Or separate?

Johnson – The trail access is a separate issue with separate easement.

Muromcew – What if the Land Trust easement falls through?

Johnson – We would then approach the TCSPT. The road is being built up to the new structure under construction

Lurie – Asked if the Game & Fish Department commented on the application.

PUBLIC COMMENT:

Doug McKenzie – Live on Fish Creek Rd. Intent on maintaining the wildlife and historic value of land in this area. My written comments outline my objectives. This is about questing the permitting of new zoning. It's about upholding the conservation values of the Comprehensive Plan and the NRO. This is also about if this is appropriate to use the subdivision tool to development 50,000+ square feet in exchange for not building on unbuildable slopes. (He showed a PowerPoint). Findings cannot be met in two key areas. It does not meet the Comprehensive Plan. Property is a large outlying parcel in the periphery, in the Wildland Urban Interface. Wildlife values would be harmed by this plan. The 15 acres for development will need to be cleared for development, infrastructure and wildfire protection. This is critical moose habitat. The 2,000 foot long 20' wide roadway will bifurcate the habitat. Plan does not protect wildlife from impacts of development. The open space is a 30% slope. There are scenic values that will be harmed. Raised concerns of skylining from new development. The PRD subdivision tool is not being used properly. Intent is to exchange valuable wildlife for clustering of development to enhance wildlife habitat. The tool is being used to develop the only developable area, and they are giving up land that is undevelopable. Approving a subdivision here is a bad idea it does not fit, will not enhance habitat value. Recreational use can't be used as a primary value.

Jared Smith – I live north on Fish Creek Road – I am a wildfire ambassador. Our neighborhood is an example of how the Comp Plan works well. Many of these parcels were downzoned. Fish Creek Road is a treasured asset. It's a good example of the Comp Plan protecting habitat. Road is narrow and unsafe for heavy traffic near this lot. Development will increase by 20%, and will traffic increase by more than that. When trophy homes are built you will have many more cars. The Rural PRD proposed violates the spirit of the Comp Plan. The trail access has been worked on for many years but accomplished with Forest Service independent of this application. Proposal will result in five large developments. Four new lots would require more habitat impact plus impacts for utilities. How does this plan in any way advance the purpose of the Comp Plan? Retaining walls for the road on steep slopes will make impassible to wildlife. Additional density is appropriate in areas where it can be accommodated like in South Park.

Steven Koch – Resident of Fish Creek Road. My wife and I regularly use this trail. Intent of PRD is to provide rural landowner development options that are better for wildlife. I don't see how this proposal is better than what is allowed under the R-1 zoning. Request to deny the application.

----- 5 minute break -----

Susan Johnson – Rural PRD was intended for the rural areas. It’s a conservation tool to provide permanent conservation. Driveway will be there if it’s one unit or five units. There will be ample areas for wildlife to move around the retaining walls. There are 59 parcels north of this site resulting in 560 average daily trips, only a 6% increase in traffic, based on development of those lots.

Viehman- I grew up at Flying Stables. I am familiar with the area. Applicant is requesting something that LDRs were designed for and allow. Agree that all the findings can be made. Comp Plan is a guide, not the law. I see value in the values of the conservation easement.

Rockey – Comp Plan is a guide; density is likely to cause consternation along this road. LDRs allow pro-rata density. Requested more information on trail access. Asked if the development of the five parcels could move forward.

Windom – Applicant will first need to vest the application and density by meeting the conditions of the application.

Lurie – Asked if Wyoming Game & Fish comment was sent or received.

Windom – Correspondence was sent to US Forest Service, TCD, and JH Land Trust, but not Game & Fish.

Lurie – Our responsibility to also took at the Comp Plan to guide us on what the community wants. I cannot find for the development under intent that this provides better habitat for wildlife. I cannot make the finding on conservation value for wildlife.

Muromcew – Agree with points that Commissioner Lurie made, I do not find that future desired character is met, and does not comply with all relevant standards.

There a discussion on the conditions of approval, and Rockey suggested edits to condition #2 to clarify that the approval does not go into effect until the conservation easement is obtained, and the approval shall expire within 18 months if the easement is not obtained.

MOTION: Viehman (for approval)

SECONDED: Rockey

VOTE: The vote showed two in favor. Two opposed. The motion failed. (Lurie and Muromcew opposed.)

MATTERS FROM COMMISSION

Muromcew – It appears there is a different format in the staff reports. Requested that staff also print for Commissioners the response from the applicant.

Lurie – At one time, the staff report included the Applicant responses.

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AGENDA FOLLOWUP MATTERS FROM STAFF

ADJOURNMENT

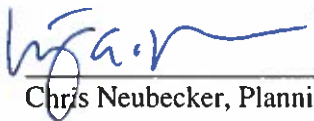
A motion for adjournment was made by Muromcew and seconded. The meeting was adjourned at 7:57 p.m.

Respectfully submitted:



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-