

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
June 8, 2020**

The regular meeting of the Planning Commission meeting was called to order at 6:00 PM in the Board of County Commission Chambers with Glen Esnard, Chair, presiding.

**ROLL CALL**

Planning Commission: Glen Esnard, Kasey Mateosky, Karen Rockey, Sue Lurie, Alex Muromcew

**STAFF:** Planning Director Chris Neubecker, Associate Planner Chandler Windom, Associate Planner Taylor Cook, Senior Long-Range Planner Kristi Malone, Associate Long-Range Planner Rian Rooney, and Deputy Attorney John Graham.

**MINUTES**

A motion to approve the April 27, 2020 minutes was made by Commissioner Rockey and seconded by Commissioner Mateosky. There was no further discussion. Motion carried 3-0, with Commissioners Lurie and Muromcew absent.

**ADOPTION OF AGENDA**

A motion to adopt the June 8, 2020 agenda was made by Commissioner Mateosky and seconded by Commissioner Rockey. There was no further discussion. Motion carried 3-0, with Commissioners Lurie and Muromcew absent.

**MATTERS FROM THE PUBLIC**

There were no matters from public.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS:**

- A) Applicant:** AJL DUERSCH, LLC  
**Presenter:** Chandler Windom  
**Permit No.:** DEV2016-0002  
**Request:** Request for a 4-unit Subdivision Planned Residential Development pursuant to Section 2320 of the 4th Printing of the 1994 LDRs.  
**Location:** The subject property is located east of N State Line Road in Alta. The land is zoned Rural and is not within any overlays.

**STAFF PRESENTATION:**

Chandler Windom provided a PowerPoint presentation. She explained the timeline for the project since 2016 until today, including the request by the Applicant to put the project on hold in 2017, and resubmittal in 2018. She explained the relationship of the application to the Comprehensive Plan and character districts in Alta, which has a goal to preserve the rural and agricultural lands. She described the Land Development Regulations and Teton County Scenic Preserve Trust easement application EAS2019-0002, which will go before the BCC. She explained the comments received from the Fire Department and Sanitation, as well as comments on stormwater.

Commissioner Mateosky asked what is meant by "walking distance"? Ms. Windom explained that it is about 1

mile.

Commissioner Mateosky asked what the Affordable Housing mitigation requirement would be if land prices were based on Alta real estate. Ms. Windom explained that it is hard to compare since this application was reviewed under the 2016 LDRs. It is reviewed based on when the application was submitted. Under the new LDRs, Affordable Housing fees would not apply for homes under 2500 sq. ft.

Commissioner Esnard asked if the Applicant is required to go through this process due to the Family Subdivision laws. Ms. Windom explained that if not for this PRD application, the property could be eligible for the Family Exempt Subdivision Law today.

Commissioner Rockey asked for more information on access permits from State Line Road. Ms. Windom explained that Stateline Road is not officially a County Roadway and therefore Road & Levee does not issue Access Permits in association with Stateline Road.

Commissioner Muromcew asked about the location and layouts of the lots and about ownership of the conservation parcel, and how agricultural uses will be managed. He also asked for more information on equestrian vs. agriculture uses.

**APPLICANT PRESENTATION:**

Hal Hutchinson presented on behalf of AJL Duersch, LLC. He explained the application and benefits of agricultural preservation and open space: the allowance for horses will not usurp requirement to have active agriculture use. He described the Affordable Housing fees and requested that they be lowered.

Commissioner Rockey asked about the decision to take access from the east, as well as reasons to have four owners control the conservation easement parcel.

Mr. Hutchinson explained that the Homeowners Association (HOA) would manage the open space conservation parcel.

Commissioner Muromcew asked about fencing that may be used and wildlife conflicts.

Commissioner Esnard asked Mr. Hutchinson to explain the reason for the lower Affordable Housing fee as requested by the applicant.

Mr. Hutchinson explained how the Planned Residential Development (PRD) rules worked in 2016 and fees in effect at the time, plus the costs of housing in Alta.

Deputy Attorney John Graham explained how the 1994 LDRs apply to an independent Housing Mitigation Plan and fee.

**PUBLIC COMMENT:**

Loren Wilson, Alta resident and current tenant and leaseholder, explained the layout of the land and use of pivot irrigation.

Scott Pierson, Alta resident, explained the site layout was altered based on staff input and to preserve useable open space.

Ron Duersch, landowner and applicant, stated that he has worked hard to get approvals with minimum impact to the neighbors. He also thanked Chandler for her excellent presentation.

**PC DISCUSSION:**

Commissioner Mateosky noted it was a well thought out application. He has concerns with the Affordable Housing fee and questioned how \$400,000 is necessary for the Alta area. He would like to request changes to the Conditions of Approval.

Commissioner Rockey stated that she supports the project, but not the fee amount.

Commissioner Muromcew is in support the application but questions how the mitigation fee should be calculated.

Commissioner Esnard discussed the timing of when the fee is due and noted he would support the fee being due at time of development, not at time of subdivision.

Deputy Attorney Graham – Read a section of the LRDs regarding an independent calculation.

Ms. Windom suggested that language on the Affordable Housing Mitigation Agreement be recorded against the property.

Commissioner Lurie asked about fencing by owners in the future and inserting language into the CCRs.

Ms. Windom explained the wildlife friendly fencing would apply, plus the conservation easement will have other restrictions. Staff is comfortable with the Applicants proposal of fences.

Deputy Attorney Graham suggested a condition of approval stating that “Applicant shall pay an Affordable Housing fee in an amount to be determined by an independent calculation, pursuant to Section 49470 of the 1994 Land Development Regulations, and shall be due at a time to be determined by an approved Housing Mitigation Plan.”

**MOTION**

Commissioner Mateosky made a motion to recommend APPROVAL of Development Plan, DEV2016-0002 with a revised condition of approval as read by Chandler Windom and John Graham and the second condition of approval as recommended in the staff report:

1. An Affordable housing fee in the amount to be determined by an independent calculation pursuant to Section 49470 shall be due at a time to be determined by an approved Housing Mitigation Plan.
2. Prior to recording of the subdivision plat, an exaction fee in the amount of \$18,249.45 shall be due.

The motion was seconded by Commissioner Rockey. There was no further discussion. Motion Carried 5-0.

**B) Applicant:** FRODEMAN, ROBERT L.

**Presenter:** Taylor Cook

**Permit No.:** VAR2020-0002

**Request:** A Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations, to vary Section 5.1.1.D.2.a of the Teton County Land Development

**Location:** Regulations, to allow reduction of a river setback to permit the construction of an addition to a single family home.  
1660 E J-W Drive. Lot 10, J-W Subdivision. Generally located adjacent to the Lower Valley Energy substation 800 feet southeast of Hoback Junction. The property is zoned Neighborhood Conservation and is located within the Natural Resource Overlay.

**STAFF PRESENTATION:**

Taylor Cook presented the staff report to the Planning Commission. He described the location of the existing home in relation to the waterbody setback.

Commissioner Mateosky questioned if it is possible that when you purchase a nonconforming home that you are stuck with it and cannot make revisions.

Mr. Cook explained that this is the reason we allow for variances.

Commissioner Mateosky questioned if a variance was granted in the past, should they be allowed another one.

Commissioner Rockey noted that in 2016 we reviewed a variance for this site. Most of the existing building is within the setback.

**APPLICANT PRESENTATION:**

None

**PUBLIC COMMENT:**

There was no public comment.

**PC DISCUSSION:**

Commissioner Muromcew noted that the application was straight forward.

**MOTION**

Commissioner Rockey made a motion to recommend APPROVAL of Variance, VAR2020-0002.

The motion was seconded by Commissioner Mateosky. There was no further discussion. Motion carried 5-0.

**C) Applicant:** TETON COUNTY

**Presenter:** Rian Rooney

**Permit No.:** AMD2019-0006

**Request:** Amendments to the Teton County Land Development Regulations (LDRs). pursuant to Section 8.7.1 of the LDRs, regarding correction of typos/grammatical mistakes; clarification of existing regulatory standards and definitions; codification of existing practices regarding the fulfillment of miscellaneous planning requests and limitations on new permit issuance to parcels with unremediated violations; addition of regulations regarding sprinklers and modifications within levee easements; regulations regarding maximum noticing

periods for public meetings, and changes to campground regulations. These are new Land Development Regulations which are authorized pursuant to Wyoming Statute §18-5-201.

**Location:** County-wide

**STAFF PRESENTATION:**

Rian Rooney presented. He described the different categories of revisions that are proposed, and how the changes are organized. He then elaborated on proposed changes to ARU regulations in Modification #48, regarding both changing the minimum lease term for ARUs and stipulating that ARUs accessory to non-residential primary uses would have a deed restriction recorded against the property to align with existing Housing Department policy.

Commissioner Muromcew asked staff to explain what a non-residential ARU was. Mr. Rooney clarified that what was meant was an ARU that is accessory to a non-residential use.

Deputy Attorney Graham further explained that it is a residential accessory dwelling unit, that is attached to a non-residential principal use.

There was general discussion on workforce housing and deed restrictions, including the minimum lease period for ARUs. There were questions and concerns raised about the challenges of enforcing and monitoring lawfully non-conforming ARUs, operating with lease periods shorter than the proposed 6 months. Commissioners also discussed the current conditions for occupancy in place for ARUs and how nonresidential ARUs are thereby designated only for workforce occupants.

There was discussion regarding the nature of the Joint Jackson/Teton County Housing Department and the Jackson/Teton County Housing Authority and when they became joint departments. Kristi Malone clarified that the addition of language that references the current names of these entities is simply cleanup for accuracy.

Commissioner Mateosky expressed concerns that the area's economy is based on seasonal work, that seasonal workers take advantage of shorter lease term rentals, and that setting up 6-month minimum lease terms might cause unenforced broken leases. Commissioners also expressed concerns about impositions on property owners regarding their own rights to rent ARUs seasonally, noting that there is a difference between a private ARU and one deed-restricted and monitored by the Housing Department. Commissioners Rockey and Esnard considered the proposed change to ARU rental periods to be unnecessary overreach. Discussion included questioning the utility of additional regulation for consistency and ease of enforcement, even if enforcement would admittedly be challenging.

Kristi Malone explained that the intent of the proposed change is to have more consistency between the Land Development Regulations, housing mitigation policy, and Housing Department policies.

Commissioner Esnard stated he would like to see this amendment reviewed through an LDR text amendment review process; separate from the LDR Cleanup.

Commissioner Rockey agreed that this policy change should be addressed separately.

Commissioner Muromcew also agreed.

Commissioner Mateosky agreed and noted that he hates to pick on seasonal housing units as they are badly

needed.

Mr. Rooney went on to explain Key Issue #3, Modification #46, which relates to proposed Section 8.2.15 of the LDRs regarding a process for Miscellaneous Planning Requests.

Commissioner Rockey stated that this is a great idea as proposed by staff, it is reasonable. Staff's proposals will improve transparency.

Commissioner Muromcew expressed interest in discussing modifications to Section 5.3.1 of the LDRs, Exterior Lighting Standards, proposed via public comment by Mr. Samuel Singer of Wyoming Stargazing. Commissioner Mateosky discussed the proposed changes briefly but felt that some of the suggestions were overreaching. Staff recommended that the Commission limit its focus to the modifications brought forward in the proposed draft and agreed that the proposed changes from Mr. Singer were greater than "cleanup" in scope. Staff also clarified that it has recommended that Mr. Singer bring the proposal forward through a separate LDR text amendment application.

**PUBLIC COMMENT:**

There was no public comment.

**PC DISCUSSION:**

Suggested motion would include a change to remove modification #48, which proposed to change the ARU rental period from 90 days to 6 months and require that ARUs for which the primary use is non-residential record a workforce housing deed restriction on the property.

**MOTION**

Commissioner Mateosky, I move to recommend **APPROVAL** of **AMD2019-0006**, as presented in the amendment draft dated June 1, 2020, being able to make the findings of Section 8.7.1. as recommended by the Planning Director, subject to the changes requested at this hearing:

- Remove the proposal to update the ARU minimum rental period from 90 days to 6 months and to require a workforce deed restriction on all ARUs accessory to a non-residential primary use; include for consideration as an individual LDR text amendment at a later date (modification number #48).

The motion was seconded by Commissioner Rockey. There was no further discussion. Motion 5-0.

**MATTERS FROM COMMISSION:**

None.

**AGENDA FOLLOWUP:**

None.

**MATTERS FROM STAFF:**

None.

**ADJOURN**

Commissioner Mateosky moved to adjourn at 9:03 PM. Commissioner Rockey seconded and the motion passed unanimously.

Respectfully submitted: kr



Glen Esnard, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-