

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
July 27, 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, and Alex Muromcew.

**STAFF:** Planning Director Chris Neubecker, Senior Long-Range Planner Kristi Malone, and Deputy Attorney John Graham.

**MINUTES**

A motion to approve the July 13, 2020 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 July 27, 2020 agenda was made by Commissioner Muromcew and seconded by Commissioner Rockey. There was no further discussion. Motion carried 5-0.

**MATTERS FROM THE PUBLIC**

There were no matters from public.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS:**

- A) Applicant:** LOWER VALLEY ENERGY, INC.  
**Presenter:** Kristi Malone  
**Permit No.:** ZMA2020-0001  
**Request:** Request to amend the Official Zoning Map, pursuant to Section 8.7.2, Zoning Map Amendment, to rezone 7.14 acres owned by Lower Valley Energy, Inc. at the southern end of the South Park Business Park from Rural-3 to Suburban.  
**Location:** The subject parcel does not have an assigned street address but is generally located just south of the Lower Valley Power and Light office and substation at 4000 S Highway 89 on the east side of Highway 89 approximately three miles south of the Town of Jackson boundary. The parcel is adjacent to the Little Horsethief Canyon Subdivision (Plat #366). The property is current zoned Rural-3 and is within the Natural Resources Overlay.

**STAFF PRESENTATION:**

Kristi Malone, Senior Long-Range Planner, introduced the application and described how people can comment remotely during the meeting on the Zoom platform, and she provided the telephone number and meeting ID number. She then described the application and the location of the property using the County GIS system, and its relationship to adjacent and nearby uses. She described the zoning of the adjacent properties.

Ms. Malone stated that the Board of County Commissioners (BCC) has legislative discretion to approve rezoning's. The code does not state that staff or the Planning Director have the same authority. The proposed

zoning is Suburban (S). Ms. Malone described the differences between the current Rural-3 (R-3) zone and proposed Suburban (R) zone standards. Purpose of the proposed rezoning is to allow applicant to develop workforce housing for LVE employees. Workforce housing is a value of the community and Comprehensive Plan, but staff could not find a good way to ensure this housing is built, based on limits of current LDRs. She described conditional zoning and how it might apply in this application, including ways to ensure that the residential uses are subordinate and accessory to the main use of the site as a utility. She described the required findings for a rezone from the LDRs and how the proposed application relates to staff's findings.

Commissioner Rockey asked for more information on the Resolutions that staff found relevant to this application. Ms. Malone described some of these Resolutions.

Commissioner Rockey asked about rezoning to Suburban, which is a Legacy zone that we are trying to eliminate over time. Ms. Malone described the location of this property, which is on the boundary of two Subareas in the Comprehensive Plan, and that Suburban (S) zoning is still on the books.

Commissioner Rockey asked about conditional zoning. Ms. Malone described how conditional zoning can provide more flexibility, but that it also takes away some of the predictability that was a component of the 2012 Comprehensive Plan. She described other zoning tools that may be created in the future.

Commissioner Muromcew asked for an explanation of the history of re-zonings, including one from 2008-2009 for this property, which was withdrawn, partly based on concerns about wildlife. Ms. Malone spoke to an argument made in 2008-2009 that the property should not have been in the NRO. In this application, the applicant will need to do an Environmental Analysis in the next step.

Commissioner Mateosky asked about the density of the hospital project and previous rezoning attempt.

Commissioner Lurie had no questions at this time.

Commissioner Esnard had no comments at this time.

#### **APPLICANT PRESENTATION:**

Applicant, Jim Webb, CEO of LVE, described challenges of preparing for growth and providing housing for the workforce. We are trying to house critical support staff including gas techs and linemen, want to have them live in town so they can respond quickly to emergencies and power outages. Most customers only have gas or electric heat and do not have a wood stove backup. Most of our staff have families and enjoy the outdoors, so small units do not work well for these workers. A lot of staff are driving from Star Valley. Last winter when the canyon closed, I had to use a helicopter to get workers into Jackson. Its critical to have some of our employees living closer to work. We have tried to be transparent with our neighbors and have had three meetings with our neighbors to gain feedback.

Bill Collins- Consultant representing LVE Stated that Teton County staff seemed supportive of the application but are hamstrung by the existing LDRs. He discussed how staff laid out an alternative path of conditional zoning. We would be happy to work with staff on conditions to ensure that these homes are workforce housing, and to define parameters of future development prior to the zoning taking effect. The development plan will layout the site plan, but we were not permitted to submit concurrent applications. Our site plans show two possible versions for future development. LVE is willing to restrict all of the housing units to workforce housing. LVE staff have long tenures with their employer. They would not be entry level

employees, but more senior staff; they want to own their own home and want a home larger than a typical ARU. We do not want to force out the staff after they retire. We believe that we can work with the deed restrictions proposed by staff, but make it clear how future buyers will be selected. Affordable Housing Rules and Regulations did not specify if LVE is a critical service provider. We think this is a wonderful project and would like the Planning Commission to find a way to recommend approval.

Commissioner Rockey asked, if the development proceeds and homes are owned by long term employees and retirees, how do you address appreciation of homes, and also to ensure that in 15 – 20 years the homes are still occupied by LVE staff?

Mr. Collins noted they anticipate that turnover would be similar too rest of community, and many people will move and not all will stay in Jackson. There would be an appreciation cap. Perhaps LVE would have right of first refusal.

Deputy Attorney John Graham described how deed restrictions can be tied to their place of employment, and described some other developments that have similar restrictions, including price appreciation.

Commissioner Esnard asked how the resale price would be determined. He described his concern that people retiring in a deed restricted home will not likely be able to afford to move after retirement, so they will stay in their home. So far, we have not seen any site plans.

Mr. Collins noted that a maximum of 17 units are proposed.

Commissioner Rockey asked about the size of the units and variations in size.

Mr. Collins stated they would be 2,000 sq. ft with attached 2-car garage.

Commissioner Rockey asked about wildlife movement corridors.

Mr. Collins described the previous application by the hospital, and how this application is different. We will do a new Environmental Analysis. Previous application and discussion included questioning the accuracy of previous NRO maps. A recent Game & Fish letter on this application made no mention of the elk migration corridor.

Commissioner Rockey asked what system is proposed for sewer. She noted that it does not appear that well and septic are allowed for this density.

Mr. Collins stated they plan to talk with Town of Jackson for sewer and will talk with their neighbors about water sources.

Commissioner Rockey asked about sewer capacity at Town of Jackson.

Kristi Malone noted that a draft sewer capacity study is ongoing.

Commissioner Lurie asked if LVE recently purchased property from hospital?

Commissioner Muromcew asked staff how they would address this “in a perfect world”.

Ms. Malone stated that staff does not want to rely on conditional zoning. We recognize we are in a transitional

spot with our updates to the Comp Plan and zoning.

Commissioner Muromcew asked how long it would take to resolve some of these issues?

Kristi Malone noted this issue is not listed in our recently approved Work Plan, but this issue could be reprioritized.

**PUBLIC COMMENT:**

Peter Eddington, neighbor for past 2 years. It took me 40 years to get to this property. Elk do use this corridor, and we have elk in my backyard. Way too much density proposed.

Wendy Meyring, Little Horsethief Canyon owner, has concern over the density. Given proximity to Little Horsethief and the size of our lots, the proposed density will not blend well with our subdivision. I do not agree with density.

**PC DISCUSSION:**

Commissioner Lurie noted the public comments are consistent with staff comments in the staff report. Public expects predictability. I have concerns about sewer access and concerns about impacts on water quality. We need to look more comprehensively at development south of town, including traffic. Also, considering some of the comments from various department. Comp Plan also aims to promote light industry. There are a lot of issues unresolved so far.

Commissioner Muromcew, commends the applicant. LVE, to seek their own housing solution. Hesitate to go down the road of conditional permits. Hope that the BCC will make some changes, but in a deliberate and transparent manner.

Commissioner Mateosky, Staff report mentioned Wilson Meadows, which I built. We have homes that are used, and kids go to school there (Wilson). The 2008 moratorium was on the heels of a big development. We often say no. Every time we say no to something like this, we do not solve our housing issues.

Commissioner Rockey, I appreciate what Commissioner Mateosky has said about lack of progress on affordable housing. Commissioner Muromcew mentioned the slippery slope of conditional zoning. Purpose of updating the LDRs in 2016 was to ensure predictability. I encourage staff and LVE to work out a plan that is with as low density as possible. Not sure that sewer capacity is there for anticipated development. LVE is an essential service. Other businesses have built apartments for their staff. This is the first time I have seen larger homes. Are we really going back to Suburban (S) zoning? I have trouble going backward.

Ms. Malone described the Work Plan and the timing for other potential rezoning's, including the Aspens and Hog Island.

Deputy Attorney John Graham described how new zoning districts can be created, but the identification of geographic locations of these new zones may not happen at the same time.

Commissioner Rockey - I have concerns with wildlife, sewer, and density, but I do believe we could keep this moving forward.

Commissioner Esnard - We can list additional concerns on wildlife, and that the rezoning does not go into effect until this issue is resolved. If zone change is conditioned on item #1 and #2 on the screen, would that

address the issues of density and development potential?

Kristi Malone stated that ownership of the property would not be relevant; the zoning would not require that LVE maintain ownership, but the uses and density would remain restricted.

Mr. Graham said that the use needs to remain subordinate to the adjacent LVE property. The Planning Commission can suggest ideas for staff to investigate, but we would need to do more research and allow staff and County Attorney's office to craft more detailed language.

Commissioner Mateosky discussed the size of garages, that a 2 1/2 car garage with some extra storage and interior movement space is about 600 sq. ft. He asked about lot size and required setbacks.

Commissioner Rockey suggested a new condition that limits total development to 50,000 square feet and encouraged staff and the applicant to consolidate the homes to maximize open space and wildlife corridors. Clustering is encouraged rather than 17 larger spread-out lots.

Commissioner Mateosky said that this is a needed development. Too bad the hospital could not get it done years ago.

Commissioner Rockey asked how the Planning Commission can relay a message to the BCC of the importance of open space and wildlife movement corridors? Can that be added as a third condition?

Chris Neubecker suggested against any condition that is not specific, but staff will be happy to mention in the BCC staff report the Planning Commission's recommendation and concerns.

## **MOTION**

Commissioner Rockey moved to recommend APPROVAL of ZMA2020-0001, application received March 19, 2020 to rezone the subject lot of record from Rural-3 to Suburban, being able to make the findings of LDR Section 8.7.2 with the three following conditions as recommended by the Teton County Planning Commission.

1. This Zoning Map Amendment shall not become effective until a deed restriction requiring that the 2019 Special Restrictions for Workforce Ownership Housing provided by the Jackson/Teton County Housing Department be recorded on 100% of future subdivided lots has been recorded in the land records for the subject parcel.
2. This Zoning Map Amendment shall not become effective until a special restriction limiting future use and development of the property to a density and intensity that improves implementation of the desired future character defined in Subarea 7.1 South Park Business Park of the 2012 Jackson Teton County Comprehensive Plan. This restriction shall limit future use of the property to residential only and limit development of the subject parcel to a level that is secondary and subordinate to existing industrial uses of the Subarea. This restriction shall be approved by the Board of County Commissioners and be recorded in the land records for the subject parcel to be applicable to all future development of the parcel.
3. Maximum floor area of future development shall not exceed 50,000 sf, including garages

The motion was seconded by Commissioner Muromcew. The vote showed 4 in favor and 1 opposed. The motion passed with Commissioner Lurie opposed.

Commissioner Rockey asked to please let the BCC know that any future development should maximize open land and should cluster development.

**MATTERS FROM COMMISSION:**

None.

**AGENDA FOLLOWUP:**

None.


**MATTERS FROM STAFF:**

Staff mentioned some upcoming applications that will be reviewed by the Planning Commission and the BCC.

**ADJOURN**

Commissioner Muromcew moved to adjourn at 8:10 PM. Commissioner Rockey seconded and the motion passed unanimously.

Respectfully submitted: kr



Glen Esnard, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-