MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
November 9, 2020

The regular meeting of the Planning Commission meeting was called to order at 6:10 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, Associate Planner Chandler Windom, Senior Planner Andrew Bowen, and Chief Deputy Attorney Keith Gingery.

MINUTES (Joint Meeting)
A motion to approve the September 28, 2020 minutes was made by Commissioner Mateosky and seconded by Commissioner Lurie. There was no further discussion. Motion carried 5-0.

ADOPTION OF AGENDA
A motion to adopt the November 9, 2020 agenda was made by Commissioner Lurie and seconded by Commissioner Mateosky. 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: DEV2020-0003
   Applicant: BLUE MOUNTAIN BENCH LLC
   Presenter: Chandler Windom
   Request: A Development Permit pursuant to section 8.2.3 of the Teton County Land Development Regulations (LDR) to complete and subdivide the first two phases of development of the previously approved Blue Mountain Bench Planned Unit Development (PUD)
   Location: 5730 and 5870 W Blue Mountain Road & ranch area Lot 6 of Blue Mountain Bench. The site is on the west bank of Fish Creek and north of the Wilson Commercial Core, adjacent to USFS land to the west. The properties are zoned Rural-2 and are partially within the Natural Resource Overlay.

STAFF PRESENTATION: Chandler Windom, Associate Planner, introduced the application. She explained the location of the property and showed a GIS map of the site. The property is in the Agricultural Foreground. Total site is 109.46 acres. Lot 3, 4 and 5 were vested for future subdivision in the master plan. Lot 6 and 7 were Ranch lots combined into one single lot in 2016. Proposal is for Phase I and II, and amendment to Lot 5.

Ms. Windom explained the location of the lots within the plat. Lot 4 will be split into two single family residential lots each with an existing home. Lot 5 is proposed to be subdivided into 4 single family lots. There is a minor amendment to the previous lot layout. The Ranch parcel will increase in size, in exchange for slightly
smaller lots within the Lot 5 configuration; these lots were previously approved in a nonconforming manner. Each lot will have a development area defined on the plat.

Ms. Windom described and explained the phasing plan. She also described the requirements for roads. No changes are proposed to the specifications of previous approvals. She showed the Original Design and Proposed Design for the lot layouts. This plan will move residential lots farther away from the Landslide Hazard area. She also described the findings that must be made, and how the proposal meets these requirements.

Ms. Windom described the public facilities requirements and how the application meets the requirements. All relevant standards of the LDRs have been met. Planning Director recommends approval of the development plan, with six conditions. Applicant would like the ability to discuss with the Fire Marshal other options to meet fire suppressing requirements.

Planning Commission Questions

Commissioner Rockey: What are the different requirements in the LDRs for 70-acre site vs. a 60-acre site?

Ms. Windom: These lots were previously restricted by the past PUD approvals, so this change will not result in any additional density or uses. She described some of the exemptions that would apply to the larger agricultural parcel.

Commissioner Lurie – When does the DEQ approval allowed for septic systems? This site has some geology that might have negative impacts to water quality.

Ms. Windom: DEQ review of the the subdivision was part of the original PUD; it did not re-review this permit application. Also, the distance to the nearest sewer line does not require connection to sewer systems, such as the Wilson Sewer District. Requiring a domestic sewer system was not an option.

Commissioner Muromcew: Are there no conservation easements on this 70-acre site? What would prevent future development of this site?

Ms. Windom: The PUD approval would prevent future development of this site.

Commissioner Muromcew: Site is not in the NRO. I did not see any discussion of migration corridors or winter wildlife use. Lot 6 and 7 are no longer connected. Did staff review the connections of open lands around the development?

Ms. Windom: Staff determined that there is still space for wildlife to move between developments. The ranch area will now be adjacent to USFS land in the Southwest corner where there is also space for wildlife to move.

Commissioner Mateosky – What are the fencing requirements or allowances?

Ms. Windom: Fencing would follow existing LDRs. The spacing between lots suggested by Commissioner Mateosky is not an official migration corridor.

Commissioner Mateosky – What is the slope of the lots?

Ms. Windom: There is a significant slope near Fish Creek, leading to a benched area.
Commissioner Esnard – Might the migration and wildlife access be greater than before?

Ms. Windom: Not sure I am qualified to answer this, but the effect might be the same.

APPLICANT PRESENTATION:

Scott Pierson – I am here on behalf of Applicant; Penny and Wendy Morgan are also here on Zoom.

Penny Morgan – We have several family members that are watching tonight. Our family has loved this valley since our Mom and Dad moved here in the 1940s. We are active in volunteering in the community. We are committed to stewardship of the land. Land has elk, moose, bear, fox, and other animals. It took our family a long time to get to this point. We ask that you approve the minor amendments to the PUD as proposed.

Mr. Pierson – I have been working on this project since the 1980s. The PUD allowed this site to have flexibility from the standard language of the LDRs. The family has been working to make this site more compliant. We will make several improvements to the utilities before the final plat. We connected the two lots when they were each less than 35 acres, even though they were used as agricultural the state taxed them as residential and not agricultural; this reduced the tax burden. The wildlife movement gap may be slightly smaller. But in my experience, the moose go where they want to be, as do the bears and lions.

Commissioner Mateosky – Please provide information about wastewater.

Mr. Pierson – The trees grow well, and the hay meadow grows well due to the rich soil. Elevated leach fields are not much of a concern due to the existing soil. County would require pit tests approximately 8 feet deep and reviewed by an engineer, to meet septic requirements. This is required for each lot and must follow DEQ and County procedures.

PUBLIC COMMENT
There was no public comment.

PC DISCUSSION:

Commissioner Mateosky: I recall the first day that the family arrived in town. I think this is a well thought out application. You have done an excellent job of protecting this land. It is nice to see applications like this.

Commissioner Muromcew: I appreciate the feedback on water quality. But we will continue to see development pressure, and sometimes the geology will not be so cooperative. We need to make strides on water quality.

Commissioner Lurie: I appreciate what the family has done to preserve this land, but we are in new times. Would encourage exploration of a sewer system considering the importance that water quality plays in the community. Would like to see coordinated sewer system. We do not want to be gambling with this.

Commissioner Rockey: I would second commissioner Mateosky’s comments. I have always admired the family’s stewardship.

Commissioner Esnard – I am struck by the consistence of the family to protect the land and keep it together, and their effort to keep this project moving forward over the many years.
Ms. Windom explained suggested change to Condition #4 regarding the firefighting water supply.

**MOTION**
Commissioner Mateosky moved to recommend APPROVAL of Development, DEV2020-0003.

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

2. **Permit:** CUP2020-0003  
   **Applicant:** FOUR SHADOWS LLC  
   **Presenter:** Andrew Bowen  
   **Request:** Conditional Use Permit pursuant to Teton County Land Development Regulations (LDR) Section 8.4.2 for approval of a temporary use for an employee parking area in what is referred to as the Granite Ridge site.  
   **Location:** Teton Village Area Two at parcel PIDN# 22-42-16-19-2-00-009. More specifically the 2.7-acre site is located east of the Snake River Lodge and Spa, south of the Cabins at Granite Ridge and the Timbers at Granite Ridge. The property is zoned Planned Unit Development-Planned Resort and is within the Scenic Resources Overlay.

**STAFF PRESENTATION:** Andrew Bowen introduced the application for temporary parking during ski season. Property owner is Four Shadows LLC. Use is proposed in the far northwestern corner of the parcel. Subject area is 2.7 acres. Property is zoned PUD, and within the Scenic Resource Overlay (SRO). Proposed use is for employee parking. Up to 150 vehicles, employees only, would be parked here. Request is due to COVID-19 to reduce employees' exposure while riding the bus from the Stilson lot. Proposal is only for use in the 2020 – 2021 ski season. No physical improvements are proposed. One construction staging office will remain in the southeast corner of the lot.

Mr. Bowen described some of the operational standards that would apply, including occupancy requirements of cars and hours of operation. Overnight parking would be prohibited. Parking is proposed 7 days per week in the ski season. Noise will include general traffic and snow plowing noises. No pets would be allowed on the site.

Mr. Bowen explained that the site has been used the last 20 years for construction storage and staging. The current approvals for storage end in 2021. Property has berms on all sides, but berms will not block visibility from homes on Granite Ridge which are elevated. Staff is comfortable making a recommendation of approval based on the unique circumstances of COVID-19 and for public health purposes. Staff anticipates that skier visits this year will be reduced, and so the use of this site should not result in any more traffic than has been typical in past winters.

Mr. Bowen read the conditions of approval proposed by staff.

**Planning Commission Questions**

Commissioner Mateosky: Letter from Apex states 140 cars, but staff said 150 cars.

Commissioner Muromcew: Trying to understand the rolling two-year permits. What protection do neighbors
have from this permit also rolling over to become a more permanent use?

Mr. Bowen: Permit is tied to COVID-19. The case would be much harder to make in other years.

Commissioner Lurie: I want to add to Commissioner Muromcew’s concerns. Reading the application, it appears that this lot has become a de-facto light industrial lot. Would like to see if there is some way to bring a resolution to the temporary uses for this lot.

Mr. Bowen: We are not discussing other uses as part of this application. Staff understands the concerns of past approvals. As long as the use is temporary and ends at a definite date, it is considered temporary.

Commissioner Esnard: Is there a discrepancy between an early February and the mid-April date for termination of this parking use?

Mr. Bowen: The early February expiration relates to another temporary use for construction staging.

Commissioner Esnard: How are “essential workers” defined? How has the lot been used in prior winters? Was it a construction yard?

Mr. Bowen: Yes, but Jackson Hole Mountain Resort was not the applicant on previous Basic Use Permits.

**APPLICANT PRESENTATION:**

Bill Schreiber, Engineer and Planner for Jackson Hole Mountain Resort (JHMR) – Thanked the Commission for continuing to review applications during this pandemic. We are here to seek an option for some employees to park here. Focus is on essential employees. We have been doing surveys of employees. Many employees are concerned about riding the busses. We want some more options for employees. The Ranch Lot will still be operating, but we want to provide another option for essential employees. There is a chance we will not need 150 spaces. The 140 spaces were based on original plans. We hope this is only for this winter. We have learned a bit this summer having a few employees testing positive. Essential employees are ski patrol, lift operators, key managers. We have 80- lift operators and 70 ski patrollers. Proposed use is temporary. I know that this site and its use has been controversial. We sent an email to the HOA at Timbers at Granite Ridge. We understand their concern, and we saw the letter from Mr. Sullivan representing the Tayback family. We will work with the HOA and owners at Granite Ridge to address the noise from snow removal operations. We hope to not need this site the entire season.

Mr. Schreiber showed photos of the site and the surrounding berms.

**PC DISCUSSION:**

Commissioner Mateosky: How many employees does the resort have?

Bill Schreiber: Last year it was 1900 on a peak day.

Commissioner Mateosky: How has the site been used for staging in the past?

Mr. Schreiber: It has been used for construction staging for several sites.

Commissioner Mateosky: What are the busses doing? Are they at half capacity? Or are they running more
busses?

Mr. Schreiber: I have heard that the number of trips will be lower, but they may allow fewer people on each bus. Most people will park at Stilson and ride the bus to the resort. This parking lot will also reduce crowding on the busses.

Commissioner Mateosky: Are hotels also limited on their allowed capacity?

Mr. Schreiber – I do not know the answer to that question. Over the summer, only guests were allowed in the Four Seasons. Our mountain restaurants will have reduced seating capacity.

PUBLIC COMMENT:

Clare Tayback: Our lawyer, Mark Sullivan, would like to speak. It has been 20 years of temporary use of the site, but there is a lot of noise from the site. We understand the COVID-19 issues. We urge the Commission to think of reclaiming the site after the BUP ends in February

Mark Sullivan: Representing the Tayback family. We submitted written comments to Mr. Bowen in October. You may have also reviewed comments from the Matthews family. We did not receive any outreach from the applicant. The Tayback family has been impacted by 20 years of temporary use of this lot. There are concerns of noise, air quality, visual concerns, for 20 years, 12 – 13 hours per day. The applicant had many alternative sites, but they did not consider those alternative sites. One can then understand how the Taybacks would be concerned about this “temporary use”. This is immediately adjacent to the Tayback’s home, presumably noise will be early in the morning as essential workers arrive at the site. The Tayback’s want to be good neighbors and good community members. They are not putting their foot down and opposing the use. They want to know if it is safer to carpool together. Also, is this indeed temporary? They understand the public health concerns but would hate to see this extended to another season or for another use. Any renewal of permit for this site must go to the County Commissioners. We are looking for some assurance that the need is there from a public health perspective.

Renee Mackey: We are the neighbor next to the Tayback’s. We share the same concerns. We question the need for the parking lot if the capacity of the resort will be reduced. Can employees park at the Ranch lot? We have concern of 3 people in a car with windows up; that may be more dangerous than riding the bus. I question the need for the lot if the mountain is not at full capacity.

Planning Commission Comments

Commissioner Lurie: We are not discussing the lot construction staging, but I want to acknowledge the neighbors’ concerns and ability to enjoy their private property. On visual clutter, relative to the construction staging, there is a possibility that we are trading one vector for contagion for another. Can we stipulate that clearly this is an exception? In the future, there needs to be attention to the use of that lot, for the neighbors there needs to be a resolution.

Commissioner Esnard – Asked for feedback from County Attorney Gingery.

Deputy Attorney Gingery – Provided feedback on the separation of this case from the Basic Use Permit, and the unique circumstances of COVID.
Commissioner Mateosky – Is there another site that could be used for parking?

Mr. Schreiber – No, there is no other site for parking. We have done some studies on the number of employees and guests that will drive to the site. Right now, we require 3 people in a car. We could require 4 in a vehicle. We have read some studies that riding in a car with 2 other people is safer than a bus with 25 people. Will not force staff to ride with someone they do not feel comfortable riding with. This proposal is based on survey of our employees.

Commissioner Mateosky: Do essential staff still intermingle with public?

Mr. Schreiber: Yes, when they are working, they come in contact with public.

Commissioner Mateosky: Will you come back for another CUP?

Mr. Schreiber: I anticipate that I will not be back but cannot speak for the Four Shadows.

Commissioner Rockey: Sympathetic to resort wanting to provide better options for their staff. In looking at the suggested motions, I do not see where it is limited to the upcoming ski season.

Mr. Bowen: The Operational Standards should have included the time frame. That would be a recommended condition of approval to clarify duration of the approval, until April 12, 2021.

Commissioner Muromcew: These are extraordinary times. We need to support local employers and their employees. Private property rights apply to the lot owner and the neighbors as well.

Commissioner Esnard: Share the concern over the impacts to the neighbors in Granite Ridge. But we need to support our local businesses. We will never know for certainty the path of COVID, but from my perspective it is not unreasonable for the four months of the winter season to grant the approval.

MOTION
Commissioner Mateosky moved to recommend APPROVAL of Conditional Use Permit, CUP2020-0003.

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

MATTERS FROM COMMISSION:

Would like to see more updates on water quality, sewer networks, water supply wells, etc.

Mr. Gingingy – A new set of septic rules is anticipated from County Sanitarian and the Health Department. Another good resource would be to invite Dan at Protect Our Waters. He has a nice presentation on the water quality problems.

AGENDA FOLLOWUP
None.

MATTERS FROM STAFF
None.
ADJOURN
Commissioner Matcosky moved to adjourn at 8:27 PM. Commissioner Esnard seconded, and the motion passed unanimously.

Respectfully submitted: kr

Glen Esnard, Chair

ATTEST:

Chris Deubecker, Planning Director

• Digital recording on file-