

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
October 24, 2016**

The regular meeting of the Planning Commission meeting was called to order at 6:03 in the Board of County Commission Chambers with Stefan Fodor, Chair, presiding.

ROLL CALL

Planning Commission: Stefan Fodor, Paul Duncker and Patricia Russell. Mike Hammer and Karen Rockey were absent.

STAFF: Planning Manager Susan Johnson, Principal Planner Roby Hurley, Principal Long-Range Planner Alex Norton and Deputy County Attorney Erin Weisman.

MINUTES

A motion to approve the October 10, 2016 minutes was made by Commissioner Patricia Russell and seconded by Commissioner Paul Duncker. There was no further discussion. Motion carried 3-0.

MATTERS FROM THE PUBLIC:

There were no matters from the public.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

A) Applicant: TETON COUNTY

Presenter: Hamilton Smith

Permit No.: CUP2016-0002 – **POSTPONED TO 11/14/2016**

Request: Conditional Use Permit, pursuant to Division 8.4.2. of the Teton County Land Development Regulations, to permit construction of improvements associated with the Wilson boat ramp use on the Bureau of Land Management (BLM) Parcel.

B) Permit No.: VAR2016-0006 – **POSTPONED TO 11/14/2016**

Request: Variance approval, pursuant to Section 8.8.2 Variance, of the Teton County Land Development Regulations, to vary Section 5.1.1.D.2.a to allow development of a restroom facility within the 150' setback from the Snake River.

Location: BLM Parcel at the intersection of Highways 22 and 390, commonly known as the Wilson Boat Ramp property. Tract 51A, Sec. 23, Twp. 41, Rng. 117. The property is zoned Public/Semi-Public, and is within the Natural Resources Overlay.

MOTION:

A motion to postpone Conditional Use Permit, CUP2016-0002 and Variance, VAR2016-0006 to the November 14, 2016 PC Hearing was made by Commissioner Patricia Russell and seconded by Commissioner Paul Duncker. There was no further discussion. Motion carried 3-0.

C) Applicant: VW PROPERTIES LLC

JAKE JACKSON HOLDINGS, LLC

Presenter: Roby Hurley

Permit No.: DEV2016-0004

Request: Development Plan pursuant to Article 8.3.2 of the Teton County Land Development Regulations, to permit subdivision of 6 residential lots on 38.5 acres.

Location: Lot 5, Jackson Hole Racquet Club Resort, Teton Pines Drive. Generally located 3/4 mile west of the entrance to Teton Pines; 2 miles north of the Hwy 22 and 390 intersection (S1/2SW1/4, S11, T41, R117). The property is zoned PUD R-1 and is partially located in the Natural Resources Overlay.

STAFF PRESENTATION:

Roby Hurley presented Development Plan, DEV2016-0004 to permit a subdivision of 6 residential lots on 38.5 acres.

APPLICANT PRESENTATION:

Doug McKenzie presented as the applicant. He discussed his goals for purchasing the property and the various configurations of the EA development impact assessments.

Mr. McKenzie offered 3:1 mitigation if the 3:3 plan he proposes in his application is approved. He would like to have the opportunity to mitigate both on-site and off-site.

PUBLIC COMMENT:

Phelps Swift commented on behalf of the Teton Pines Home Owners Association, including some legal provisions: when Lot 5 is re-platted, it must not abridge or destroy any rights of affected people. That the applicant will be using Teton Pines Road and should pay reasonable assessments, security, etc. That Lot 5 should be included in the covenants and be subject to rules, restrictions, CCRs, etc. The new plat should include no vehicular access easement (McCool Ranch provision in CCRs) and extend it to the north boundary, too.

Scott Pierson spoke on behalf of the Vandewater family: Lot 5 is part of the Planned Unit Development with the intention to be subdivided into 6 large lots at the time. He thinks it should not be subjected to all Natural Resources Overlay constraints. He also notes that the Teton Pines Commercial area is within the NRO and it was developed after 1994. Anything other than 3:3 plan is requiring additional open space.

Bruce Hill spoke to the no vehicular access easement, he believes it needs to extend across the northern boundary.

Sue Critzer spoke on behalf of Nancy Leon and Charles Thompson who request approval of 6 homes in the area outside the NRO.

Peter Overly spoke in support of the applicant's proposal and supports keeping Fish Creek and Teton Pines Drive unconnected.

Shelia Reynolds spoke in support of the applicant's proposal with 3 lots in the south instead of 4, to allow more space for the wildlife to move through the meadow.

PC DISCUSSION:

Discussion included applicability of the NRO on a 1984 approval. There was additional discussion regarding

the applicant proposing 3:1 habitat mitigation for both uplands and wetlands, when only 2:1 mitigation is required.

The Planning Commission had concerns about extending the no vehicular access provision along the northern boundary because it is not consistent with the original approval. Deputy County Attorney Erin Weisman agreed.

MOTION:

A motion was made by Commissioner Patricia Russell to recommend APPROVAL to the Board of County Commissioners of Development Plan DEV2016-0004 to subdivide 38.5 acres into 6 single family residential lots, as proposed by the applicant (3/3A), based upon finding that the application meets all applicable standards set forth in the Teton County Land Development Regulations with the following conditions:

1. All development areas shall contain no site development in vegetation ranked higher than priority 3 with the exception of access determined as essential.
2. A conceptual Habitat Enhancement Plan shall be submitted prior to subdivision plat approval and a final Habitat Enhancement Plan shall be submitted with the grading and erosion control permit application.
3. Should the Board not require on-site or off-site affordable housing, and not require conveyance of land, and determine that the applicant shall pay a fee in-lieu of providing housing, then housing mitigation fee shall be paid at the time of subdivision plat approval (prior to recoding of the plat), unless other arrangements are made, with financial assurances.
4. The perimeter fence located between the Estate lots and Lot 5 shall be removed or rebuilt to Wildlife Friendly standards prior to grading and erosion control permit approval.
5. The applicant shall provide a Subdivision Improvement Agreement outlining all details associated with connection to the Aspen Sewer System at subdivision Plat.

The motion was seconded by Commissioner Paul Duncker, who made a friendly amendment to add the following 6th condition:

6. The applicant shall provide mitigation for impacts to native vegetation at the rate of 3:1 either on-site or off-site for impacts from the entire roadway and driveway to lot 1.

Commissioner Patricia Russell accepted Commissioner Paul Duncker's friendly amendment.

The motion carried 3-0.

Planning Commission recessed at 7:37pm and reconvened at 7:48pm.

D) Applicant: TETON COUNTY
Presenter: Alex Norton
Permit No.: AMD2016-0005

- Request:** Amend various Sections throughout the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to address a variety of issues identified since adoption of the January 1, 2015 Land Development Regulations. Contact the Planning Department for a full list of proposed amendments.
- Location:** Applies county-wide.

STAFF PRESENTATION:

Alex Norton presented the LDR Amendment, AMD2016-0005, application to the Planning Commission.

PUBLIC COMMENT:

Matt Kim Miller, with Holland and Hart, spoke to proposed change #52 regarding Zoning Compliance Verifications (ZCVs). He suggested keeping the examples.

Scott Pierson spoke to the ZCV issue and thought the public notice sign should be 3' x 4' or 42" x 42".

PC DISCUSSION:

The Planning Commission discussed the use of the ZCV; the regulation of Scherr-Thoss (change #21); change #3: ARUs and square footages to determine subordinate use or other criteria; why RPTs are frowned upon in the County and that if we want to house people we should allow mobile homes and/or RPTs as ARUs.

The Planning Commission also discussed change #30 and suggested using "Development Area GSA" and "PRD GSA" consistently; change #41: OK with not requiring posted notice when there is a continuation of an application to a subsequent public hearing; change #42: change posted notice to 3' x 4'; change #48: a release should be recorded when Subdivision Improvements have been satisfied; change #52: ZCVs, strike EA exemption, but keep the other examples; and change #61: OK with changing driveway setback to be 5'.

MOTION:

A motion was made by Commissioner Patricia Russell to recommend APPROVAL of AMD2016-0005, the 2016 LDR Cleanup, dated October 17, 2016, subject to the straw polls taken at this hearing on individual modifications as listed below, being able to make the findings of Section 8.7.1 as recommended by staff.

1. That mobile homes and RPTs be allowed as Accessory Residential Units (Modification #23)
2. That the allowed development area for a PRD be clarified as the lesser of the project area "minus" 49 acres "OR" 30% of the project area. (Modification #30)
3. Clarify that additional posted notice is not required for the continuation or postponement of an application. (Modification #41)
4. That posted notice be required to be 3 ft. x 4 ft. (Modification #42)
5. That the County be required to record a release of a recorded Subdivision Improvement Agreement. (Modification #48)
6. That the example of zoning compliance verification requests remain, but that "Environmental Analysis exemption" be deleted from the example. (Modification #52)

7. That Hearing Officers be compensated at a rate to be determined by the Board of County Commissioners, but that that amount not be reimbursed by the applicant. (Modification #58)
8. Make it as clear as possible that the street setback does not apply to a driveway. (Modification #61)

The motion was seconded by Commissioner Paul Duncker, who discussed he was not in favor of going beyond the scope of the LDR clean-up by permitting mobile homes and RPTs as ARUs.

The vote showed 2 in favor, with Paul Duncker opposed. The motion Passed.

MATTERS FROM COMMISSION:

None.

AGENDA FOLLOWUP:

None.

MATTERS FROM STAFF:

None.

ADJOURN

Commissioner Paul Duncker moved to adjourn at 9:15 PM. Commissioner Patricia Russell seconded the motion and the motion passed unanimously.

- Digital recording on file-