

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
Date July 9, 2018**

The regular meeting of the Planning Commission meeting was called to order at 6:01 in the Board of County Commission Chambers with Karen Rockey, Chair, presiding.

ROLL CALL

Planning Commission: Karen Rockey, Stefan Fodor, Mike Hammer and Glen Esnard. Nikki Gill was absent.

STAFF: Planning Manager Susan Johnson and Associate Planner Kristi Malone.

MINUTES

A motion to approve the June 25, 2018 minutes was made by Commissioner Hammer and seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0.

ADOPTION OF AGENDA

A motion to adopt the July 9, 2018 agenda was made by Commissioner Esnard and seconded by Commissioner Hammer. There was no further discussion. Motion carried 4-0.

MATTERS FROM THE PUBLIC

There were no matters from public.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

A) Applicant: LENNOX, PHILIP DAVID & JUDGE, ESTHER H.

Presenter: Susan Johnson

Permit No.: CUP2018-0001

Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit two home businesses on Ross Lane.

Location: 7925 South Ross Lane. Generally located on the west side of South Highway 89, approximately 1.5 miles south of the South Highway 89 Snake River Bridge. The Property is zoned Rural and is in the Scenic Resources Overlay.

STAFF PRESENTATION:

Susan Johnson presented the application to the Planning Commission. Ms. Johnson identified non-compliances: the applicant needs to submit a Grading application for work already started on site, incomplete reclamation, not meeting site development setbacks, sheds added without permits and one not meeting structure setbacks. Plant units and all other LDRs are in compliance. Ms. Johnson discussed the key issue regarding "general" contracting business vs. specific business that operates as a contracting business. Ms. Johnson also discussed that staff could not make all of the required findings and therefore the Planning Director recommends denial.

APPLICANT PRESENTATION:

Philip Lennox, applicant, spoke about his property: one of the sheds has been removed and the other shed in the setback will be moved. He stated the third shed will either be reduced in size or they will obtain a permit from the Building Department. Mr. Lennox disagrees that his property is over the threshold of 12,000 sf. of

disturbance and does not feel that he needs a Grading Permit. He discussed the need for the replacement leach field and their efforts to get rid of all the excavated dirt. Mr. Lennox said the plan is to have the property revegetated by August 26, 2018. He said that his property is at a residential scale because they live on site and have an Accessory Residential Unit (ARU), but they have a need to park their work equipment on site, as well. He stated that while no work is conducted on site, they do store equipment and materials on site. Mr. Lennox stated that he is fine with the County placing conditions on his permit that would be placed on any general Conditional Use Permit for a home business, but that he would like the freedom to switch businesses without having to obtain a new Conditional Use Permit. He feels that the process of getting a new Conditional Use Permit for a home business every time they change businesses is excessive. Mr. Lennox also discussed that they have been parking 2 business trailers on their property, outside on occasion; one for each home business: Gus the Gutterman and Full House Radon. He discussed that while they do fit in the garage/shop, they built the garage for their landscaping truck from a previous business, and that the trailers are difficult to park because they are wide and there are only a few inches on either side of the garage doors when backing them in, but that technically they do fit. He mentioned that most of the time they park the trailers on the roads in town near the job sites, so they are not usually on the Ross Lane property.

PUBLIC COMMENT:

Norris Brown, neighbor across Hwy 89, stated that he doesn't care about sheds or landscaping, but is annoyed that they were operating two businesses before any construction even occurred on site. Mr. Brown notes that all four neighbors are out of compliance, including Nalley's, who have a pile of dirt covered in plastic and Firewise. etc. He feels that this wouldn't happen anywhere else in the county, allowing noncompliance's to continue since 2015. They have had two businesses since 2015 even though they only applied for one Conditional Use Permit. Mr. Brown doesn't want to look at all the trailers and suggests more landscaping be required. He thinks they need to specify their businesses. He has seen it change from home business to multi-home businesses. Mr. Brown wants to start a conversation about the whole Hog Island area now and not later. He feels it is no longer a scenic corridor.

Casey Rammell, at 1550 KDC lane, spoke to moving here from Driggs and running a home business. Mr. Rammell says it is a way to afford to be in the valley and he understands the opportunity that working out of your home has as a footing for business development. He supports it, if they can comply with the LDRs and conditions.

Casey Johnson, who lives on KDC lane and has a Conditional Use Permit for a home business, says he has worked hard to meet the home business standard. Mr. Johnson doesn't think everyone is noncompliant but thinks things are getting out of control. He thinks there is a problem in that area and it needs to be regulated. Mr. Johnson feels home businesses are a good thing and says he had to meet a lot of stipulations such as, house, landscaping, etc., before he could use his shop for a home business. Maybe consider timing and order of operations to achieve compliance.

Aaron Neilson, ARU, resident on Lennox property, says he has been helping and witnessed the owners working to achieve compliance. Mr. Neilson spoke to the historic side of rehabbing the ARU. He states he is willing to help meet deadline for revegetation, etc., by the end of August.

PC DISCUSSION:

Planning Commissioners discussed the Planning Director being unable to make the finding that the property is in compliance with all relevant standards of the LDRs and the applicant's property not meeting site development and setbacks, as well as the status of the sheds on the property. Commissioners also discussed the applicant's desire to request a generic Conditional Use Permit for a contracting business, and asked staff if that had ever been allowed, which staff believes it has not. Commissioners addressed the Hog Island area in general and felt that the Comp Plan's vision for the area was not to change it to light industrial uses, but to maintain a residential

character while allowing light industrial uses that are accessory to the primary residential use. Commissioner Hammer stated that this proposal and others in the neighborhood may not be at a residential scale.

Commissioner Fodor explained to the applicant why a general permit for a home business is not desirable, as there are specific restrictions that need to be placed on specific businesses. Mr. Fodor further explained to the applicant that they either need to apply for an after-the-fact Grading Permit or demonstrate, via a licensed landscape architect or an engineer, that they are under the 12,000 sf. threshold for needing a Grading Permit. Mr. Fodor described to the applicant that upon issuance of a Conditional Use Permit, you either comply or the Conditional Use Permit can be revoked. The Planning Commissioners agreed and discussed that there are reasonable expectations of neighbors that need to be balanced with the allowance to conduct a home business. Commissioners discussed the need for all materials and vehicles to be stored inside a structure and be visually unobtrusive. Commissioners discussed the need to have hard deadlines to insure compliance.

MOTION:

Commissioner Fodor made a motion to approve Conditional Use Permit, CUP2018-0001, being able to make all findings by adding several conditions of approval as follows:

1. Reclaim leach field by September 4.
2. Remove shed out of setback by August 1.
3. Remove any shed, reduce size to 200 or get MSC by September 4.
4. The CUP shall be specific to Gus the Gutterman and Full House Radon businesses.
5. The County shall review for compliance by September 4 or revoke the CUP.

The motion was seconded by Commissioner Esnard. Motion carried 4-0.

Commissioner Fodor left the meeting at this time.

B) Applicant: RENDEZVOUS LANDS CONSERVANCY

Presenter: Kristi Malone

Permit No.: CUP2018-0002

Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a caretaker's residence as an Accessory Residential Unit to the Open Space use.

Location: Generally located in "R Park" east of Moose-Wilson Road and west of the Snake River, approximately 1300 feet north of Hwy 22. The Property is zoned Park and is in the Natural Resources Overlay.

STAFF PRESENTATION:

Kristi Malone presented the application to the Planning Commission.

APPLICANT PRESENTATION:

Laurie Anderson, President of Jackson Hole Land Trust, explained that an on-site caretaker's residence was contemplated in development of the park, as referenced in the 2013 Development Plan, and that the caretaker will be responsible for general maintenance of facilities, recycling and garbage. The caretaker will also monitor and enforce required seasonal closures of wildlife habitat areas and will serve as a park ambassador providing information to visitors. Ms. Andrews also noted, that an overnight park employee presence was requested by neighbors during development of the park to ensure misuse is not occurring after hours.

PUBLIC COMMENT:

There was no public comment.

PC DISCUSSION:

Planning Commissioners discussed the requested amendment to recommended condition of approval #2 from applicant Robert Infanger, via email dated July 6, 2018, to allow Jackson Hole Land Trust to prepare an Accessory Residential Unit, ARU, deed restriction and seek approval from Teton County Housing Department, rather than using the template ARU deed restriction provided by the Housing Department. Planning Staff conveyed feedback from Stacy Stoker of the Housing Department. Prior to the Planning Commission meeting, Ms. Stoker indicated to Planning Staff that the Housing Department was directed by the Board of County Commissioners to standardize documents recorded for ARUs accessory to nonresidential uses by using the Housing Department template. Commissioner Hammer was concerned that the 90-day minimum lease period standard for ARUs may be violated if the caretaker gets fired, quits or wants to move off-site and that the occupancy restriction limited to individuals employed in Teton County may prevent a caretaker and family from occupying the unit. The Commissioners voted to maintain condition of approval #2 as recommended by staff.

The Planning Commission requested clarification on whether occupancy of the proposed residential unit would be restricted to those employed within Teton County or specifically restricted to those in employment as caretaker of R Park. Planning Staff explained that general ARU standards in LDR Section 6.1.11.B state, "The occupants shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations. The mechanism, and its specific provisions, for achieving the restriction shall be acceptable to the Teton County Housing Authority and shall be enforceable by the Teton County Housing Authority" but the zone specific standard in LDR Section 4.2.2.E states, "Occupancy of the ARU shall be for the sole purpose of providing caretaker quarters."

MOTION

A motion to approve the Conditional Use Permit, CUP218-0002, was made by Commissioner Esnard.

Commissioner Hammer seconded the motion. Commissioner Hammer discussed the proposed condition #2 from the applicant. Robert Infanger discussed the requested change to condition #2 in his July 6, 2018 email, to work with Housing Department, but is fine going with staff's recommended condition. Motion carried 3-0 with Commissioner Fodor recused.

MATTERS FROM COMMISSION

None.

AGENDA FOLLOWUP:

June 19, 2018: Mahin Guest House approved
July 3, 2018: Evans slope variance approved


MATTERS FROM STAFF:

Mountain Town Planner conference was discussed with the Planning Commissioners, who expressed an interest in attending.

ADJOURN


Commissioner Esnard moved to adjourn at 7:42 PM. Commissioner Hammer seconded and the motion passed unanimously.

Respectfully submitted: kr



Stefan Fodor, Chair

ATTEST:



Susan Johnson, Planning Manager

- Digital recording on file-