

MINUTES
JOINT TETON COUNTY and TOWN OF JACKSON, PLANNING COMMISSIONS MEETING
TETON COUNTY, WYOMING
September 28, 2020

The joint meeting of the Teton County and Town of Jackson Planning Commissions was called to order at 6:00 PM in the Board of County Commission Chambers with Glen Esnard, Chair, presiding.

ROLL CALL COUNTY

Planning Commission: Glen Esnard, Kasey Mateosky, Karen Rockey, and Sue Lurie. Alex Muromcew was absent.

ROLL CALL TOWN

Planning Commission: Abigail Petri, Anne Schuler, David Vandenberg, Katie Wilson, and Thomas Smits. William Gale was absent.

STAFF (COUNTY): Planning Director Chris Neubecker, Senior Long-Range Planner Kristi Malone, Associate Long-Range Planner Rian Rooney, and Chief Deputy Attorney Keith Gingery.

STAFF (TOWN): Community Development Director Tyler Sinclair.

MINUTES (JOINT MEETING): 9.14.20

A motion to approve the September 14, 2020 minutes was made by Commissioner Mateosky and seconded by Commissioner Rockey. There was no further discussion. Motion carried 4-0 with none opposed.

ADOPTION OF AGENDA: 9.28.20

A motion to approve the September 28, 2020 agenda was made by Commissioner Mateosky and seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0 with none opposed.

MATTERS FROM THE PUBLIC

There were no matters from public.

OLD BUSINESS:

A) Applicant: TETON COUNTY

Presenter: Kristi Malone

Permit No.: AMD2019-0008

Request: Growth Management Program review and Comprehensive Plan Update pursuant to Principle 9.1 of the Comprehensive Plan

Location: Town and County-wide

STAFF PRESENTATION: Kristi Malone, Senior Long-Range Planner, presented this continuation from the September 14th meeting. This is the final phase of the project, review of the draft Comprehensive Plan. This is the opportunity to make recommendations to amend the draft document. At the last meeting, staff reviewed the draft by chapter, and reviewed proposed changes suggested by public and the Commissioners. The continuance also provided time for the Commission to review public comment received shortly before the last meeting.

Ms. Malone referenced the August 28, 2020 letter from Teton County staff and Teton Conservation District and the Wyoming Outdoor Council memorandum of the same date.

PUBLIC COMMENT:

There was no public comment.

PC DISCUSSION:

Commissioner Lurie – Is this a good time to mention the specific recommendations on water quality protection? Based on specific recommendations on moving forward on aquifer protection planning, from my perspective it is absolutely essential. People have been complacent until now. Water is difficult for some people to understand. Forest fires are easy to see and understand. Water quality is not as easy for people to understand. We need to look at this comprehensively. Need to understand the shape of water quality in Snake River and in aquifers. Some example such as Hoback water quality are forefront, but not so much in other areas. Bozeman has only 20 years of water supply remaining. It is a big issue, but essential.

Commissioner Rockey – Agree, comments from public are on point. Not prudent in rewriting Comp Plan to shy away from these challenges. There will be greater strain on water quality and water treatment. These are issues that all income levels face. Climate change could have impacts on water resources. We should plan for this now.

Commissioner Lurie – Where should these issues be discussed in the Comp Plan? Is it a separate chapter? Or interspersed throughout the plan?

Commissioner Esnard – New policy 1.2.e, Water Resources Stewardship, as recommended in the memo from Johnny Ziem. We could take this a step farther than just a framework. There should be a point of contact for all these resources. First step is to tie it all together with one point of contact.

Ms. Malone- Most productive is Item #2. Does this capture all the information you are interested in?

Commissioner Lurie – Issue is so critical. Wonder if some type of workshop is in order to consider each recommendation.

Ms. Malone – Trying to understand exactly where these updates go is a larger separate project.

Commissioner Schuler – We should clearly have a separate chapter on water quality.

Commissioner Rockey – What we have is a high-level document that will advise on regulations over next several years. Would it be reasonable to assume that over the next year or two we will face updates to the LDRs to effect these policies?

Ms. Malone – Yes, there will be actionable projects that will implement the policies. You are creating the guiding vision and structure; elements that are projects themselves should be strategies in the Plan.

Commissioner Rockey – I agree with a lot of the comments from Protect Our Water Jackson Hole and the Conservation Alliance. Some of the changes are semantics. Those are easy updates. We would also reference state and national standards.

Commissioner Esnard – I would consider this.

Commissioner Petri – Is there a way to elevate water quality in the Work Plan for next year?

Commissioner Mateosky – Referred to a letter to Commission. Army Corps and EPA designate what is a wetland. We cannot override them. I like some of the stuff in here. County must review and improve septic systems.

Director Sinclair – Comp Plan is not regulatory, its visionary. We set strategy to be achieved later. You are raising the importance of water quality by adopting the proposed changes. Expectation is that strategies would come out of this Plan. There could be changes to 1.2 and new strategy 1.3 specific to water quality, would be appropriate.

Commissioner Esnard – Strategy new 1.3 to develop an overarching strategy on aquifer, wastewater, whole array of water elements, guided by Teton Conservation District, County Engineers, Wyoming Outdoor Council. Develop a strategy for Comprehensive Water Resource Plan.

Director Sinclair – Read a section from Comp Plan that already addresses most of these concerns.

Commissioner Rockey – Appreciate what Mr. Sinclair read. Of the references I see, they exclude the airport. Maybe its outside of our purview. But as they rebuild their runway and use de-icing solutions, this may have runoff into our water. How does this affect County resources?

Director Sinclair – To the extent possible, we should hold other agencies to our standards, but this is limited by federal and state law.

Commissioner Rockey – Would be nice to include airport in any reference we make to water quality.

Commissioner Esnard – Can we frame or modify Item #2? Establish a new committee to address water quality issues and planning.

Commissioner Lurie – I generally agree. But the language is relatively soft considering the water issues we are facing. We need water resource protection planning.

Commissioner Schuler – A volunteer committee may not be enough. We need something a bit stronger.

Director Sinclair– suggests “committee with staffing and resources” language.

Commissioner Mateosky – At this point, we should find out who supports these changes. I favor option #1. Not in favor of lots of additional regulations.

Commissioner Esnard – In Hoback, a lot of people who moved there 15 years ago the water quality was good. The negative impacts happened in a relatively short amount of time. In Lake Tahoe, they had water quality issues. They have multiple states and counties and other jurisdictions. They found a way to get water planning done and manage the issues.

Deputy Attorney Gingery - County Sanitarian is creating new rules for small wastewater (septic) systems. Board of Health is proposing new rules on water source protection. We had four months of meetings in Hoback. One of the ways to address this is through a Special District. Also, the airport has glycol recovery pads to prevent water quality impacts. There are other ways to make things happen other than Land Use Regulations. The Comp Plan is a vision document and should be very broad.

Ms. Malone – Showed suggested changes #2 on Chapter 1. Also, staff added a potential new strategy.

Commissioner Schuler – The committee would need to have adequate staffing and resources to be effective. Prefer Option 1, a management framework and not only a regulatory framework.

Commissioner Lurie – Keeping an eye on issues is not sufficient, given the water quality issues we are aware of there could be other issues we are not aware of yet.

Director Neubecker – Do the plan, it will result in the strategy for implementation. Does not matter as much if it's through staff or a committee.

Commissioner Schuler – We can get rid of the word committee, as long as we get the plan done.

Commissioner Esnard – Add “comprehensive” or “holistic”

Commissioner Lurie – OK

Commissioner Mateosky – OK

Ms. Malone – We can have more discussion on how this will be implemented during the annual discussion on the Work Plan. Does the Commission want to add anything else from the public comments?

Ms. Malone – Discussed Chapter 2, Climate Sustainability. Is there anything unclear, or that you want to pull off the list?

Ms. Malone – Chapter 3 was flagged for more discussion. Request was to remove reference to Fairgrounds. Neighborhood Plan is to explore what could happen with this site, but not pre-suppose what would happen. Should this issue stay in the draft?

Commissioner Wilson – We should not identify specific locations for development.

Commissioner Mateosky – I agree

Commissioner Esnard – I also agree.

Director Sinclair – Make sure you know that in the future, even though it is a stable area, it may be included for planning.

Commissioner Schuler- OK to consider in future, but not to stick out in the plan.

Director Sinclair – We can take out all the stable areas, and only focus on transitional areas.

Commissioner Mateosky – Are we saying that we should move the fairgrounds? The lease is up to elected officials.

Ms. Malone – Concept of the neighborhood plan is to understand what could happen to this site if the lease were not renewed.

Ms. Malone – General Quality of Life – Community First, Resort Second, do we want to leave that in?

Commissioner Esnard – I am good with it.

Ms. Malone – Chapter 5, #14, comment relative to Wyoming State Law; it should be consistent with state law regardless. We do not believe this added language is necessary. Should we remove this and add more general language for consistence with state law?

Commissioner Wilson – I am comfortable with a general statement at the end.

Ms. Malone – Chapter 5, workforce housing goal of 65%.

Commissioner Mateosky – If we consider this as a vision, I am ok with this goal.

Commissioner Schuler – Plan should be aspirational. OK to delete. (Other Commissioners generally agreed to remove edit).

Commissioner Mateosky – How does staff feel about the development caps?

Ms. Malone - The caps are a foundational element of the 2012 Plan, and staff supports this element.

Ms. Malone – There was suggestion that we eliminate the incentives to develop in the County dues to different fees for developing in the Town and County.

Commissioner Schuler – Developers are penalized in the Town where more workforce is being built, or where smaller homes are built, but not facing the same costs and fees in the County.

Commissioner Mateosky – Mr. Deputy Attorney Gingery, do you know why we have different rules in Town and County?

Director Sinclair – It was a fundamentally different approach. Town considers that every development adds to the demand for workers. In the County, there was a theory that homes under 2500 sq. ft. would be more likely to be workforce housing. Its just a fundamental difference in philosophy.

Ms. Malone – Chapter 6, #20, collecting data on setting minimum wage as a mitigation strategy. Staff suggests collecting data on wages, but not specifically setting a minimum wage. Strategy 6.3.S.4

Commissioner Esnard – We already have a housing mitigation plan in place. It puts a burden on developers and business owners. This minimum wage burdens the same people. Once you start moving forward on minimum wages, things take on a life of their own.

Commissioner Mateosky – Seems regulatory, not visionary. To me, it does not fit in the Comp Plan.

Commissioner Vandenberg – Affordable housing is a plus to the employer.

General discussion on livable wages vs minimum wages. Ms. Malone went on to discuss that this information would be collected as part of the employee generation nexus study.

Commissioner Esnard – OK as is if you remove reference “minimum wage”.

Ms. Malone – Chapter 7, Multimodal Transportation, #23 on SOV shaming.

Commissioner Esnard – The language was generally inappropriate.

Commissioner Mateosky – I support removing this language

Ms. Malone – Chapter 8, Quality Community Service Provision. #26. Any needs to change.

Commissioner Esnard – I’m not thinking of building efficiency, but operational efficiency. Private sector does not have option to request more funding but needs to be creative.

Ms. Malone – Illustration of Our Vision; #27. Ross Plateau. Should this be a rural area, or a Complete Neighborhood?

Commissioner Esnard – What was impetus for this change?

Commissioner Vandenberg – There is a water system and school, but that does not mean this area should have a zoning change to add more units. I am not ready to see that change today. Others made decisions in this area without our consideration, and we can still steer this process.

Ms. Malone – Zoning is now rural, but should the area be designated as a Complete Neighborhood? This area was last rezoned in 1994, with zoning of 1 unit per 35 acres.

Commissioner Mateosky – Property owners should be contacted before a designation is changed from something that the property owners may think that they have.

Commissioner Esnard – Suggest staff contact the property owners to get their feedback.

Commissioner Mateosky – Agree

Ms. Malone – Illustration of Our Vision, #28 – Adding wildlife protection measures and scenic vista considerations listed in Chapter 1.

Commissioner Lurie – Have problem with diminishing the three interlinked values.

Ms. Malone – If there is no opposition, this issue will go away. She then described some other edits that may be made by staff, such as edits to fix errors, misspelling, etc.

Commissioner Esnard – Asked about Subarea 5.6 with the option for clustering development when associated with significant conservation land.

Ms. Malone – Intent was to incentive use of the Complete Neighborhood PUD in exchange for density bonus.

--- 5-minute break ---

Deputy Attorney Gingery – Recommend that the Commission make a motion to accept the changes as discussed throughout the meeting.

Commissioner Esnard – Deputy Attorney Gingery will be offering a land use law presentation on Zoom, and the Commission is welcome to attend.

MOTION (County)

Commissioner Mateosky moved to recommend APPROVAL of Amendment, AMD2019-0008.

The motion was seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0, with Commissioner Muromcew absent.

MOTION (Town)

Commissioner Schuler moved to recommend APPORVAL of Amendment, AMD2019-0008.

The motion was seconded by Commissioner Vandenberg. There was no further discussion. Motion carried 5-0, with Commissioner Gale absent.

ADJOURNMENT of TOWN PLANNING COMMISSION

Commissioner Schuler moved to adjourn at 8:08 PM. Commissioner Petri seconded and the motion passed unanimously.

B) Applicant: TETON COUNTY

Presenter: Rian Rooney

Permit No.: AMD2019-0005

Request: LDR Text Amendment to Update Section 6.1.10.D. Wireless Communication Facilities

Location: County-wide

STAFF PRESENTATION: Rian Rooney presented. The proposal is for an LDR text amendment, specifically regarding small wireless communication facilities. This is proposed in response to FCC regulations that came out in Fall 2018. Processing timelines (“shot clocks”) and sufficiency standards are included, as well as location preference and design standards. There is also some cleanup language on other telecommunication facilities. FCC (Federal Communications Commission) issued declaratory ruling to limit local control to regulate small wireless facilities. They include limits on fees, processing times, and regulating aesthetics. Small cell facilities are much smaller, installed on traffic poles and in dense locations to supplement wireless towers. They add density to the network to allow increased data speed as the demand for wireless speed increases. These facilities are tied into the cable network. Facilities are often attached to an existing light pole or utility in the right of way. These are small compared to traditional towers. Small cells have a much smaller range, typically a few hundred feet. The maximum height by FCC is 50 feet, but County standard 30 feet.

County does not have extensive system of rights-of-way, so this will also apply on private lands. Amendment to Section 6.1.10 D to add regulations on small cell facilities, including siting and design. These are separate from the macro standards. Specific processing timelines will be added for Basic Use Permit and Conditional Use Permit applications in this section to comply with FCC orders.

Original draft language was released on August 11, 2020. The September 8th draft removed the proposed fees from the LDRs, and Mr. Rooney explained that these fees would be added to the Teton County Fee Schedule instead. Mr. Rooney provided some general background on the FCC regulations. He described the review timelines for Basic Use Permits and Conditional Use Permits. Maximum 150 days required by the FCC. This timeline has been added to the LDRs for clarity. Maximum fee suggested by FCC is \$500 for small cell facilities, and our current fee is \$500. Additional regulations cannot be too burdensome or in excess of other similar infrastructure. Colocation of equipment is preferred over new facilities or structures.

Mr. Rooney described the general requirements of colocation and design standards. He discussed the location and design of new pole support structures. Title 3 calls for powder colored black. New regulations call for earth tones; this was done to be contextual and consistent with the requirements of the SRO. This also gives some more input to homeowners' associations where poles are placed on their property, to consider scenic context.

Mister Rooney described the current public notice requirements for a new tower, which requires mailed notice. The amendment changes this requirement so that it does not apply to a Basic Use Permit, which is consistent with the noticing standards in the LDRs.

PUBLIC COMMENT:

There was no public comment.

PC DISCUSSION:

Commissioner Mateosky – In Rafter J, you still need power to the poles. You would have these every few hundred feet?

Mr. Rooney – They need power, and they tend to be in rights-of-way.

Deputy Attorney Gingery – You probably will not see these in rural areas, but more likely in more urban areas.

Commissioner Esnard – What is a photo simulation concealment method?

Ms. Malone – It is a rendering of the concealment method, to show how well this blends in.

Commissioner Lurie – I am trying to reconcile not providing notice. 5G is somewhat controversial. A neighbor could apply for one of these devices and I would not know about it. Is there any way to reconcile no notice to the neighbors?

Mr. Rooney – Typically a Basic Use Permit is not noticed to neighbors.

MOTION

Commissioner Mateosky moved to recommend APPROVAL of Amendment, AMD2019-0005.

The motion was seconded by Commissioner Esnard. There was no further discussion. Motion carried 4-0 with Commission Muromcew absent.

NEW BUSINESS:

There was no new business.

MATTERS FROM COMMISSION

None.

AGENDA FOLLOWUP

None.

MATTERS FROM STAFF

None.

ADJOURNMENT of TETON COUNTY PLANNING COMMISSION


Commissioner Mateosky moved to adjourn at 8:41 PM. Commissioner Esnard seconded and the motion passed unanimously.

Respectfully submitted: kr



Glen Esnard, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-