

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
April 12, 2021**

The regular meeting of the Planning Commission meeting was called to order at 6:05 PM in the Board of County Commission Chambers with Kasey Mateosky, Chair, presiding.

ROLL CALL

Planning Commission: Kasey Mateosky, Karen Rockey, Sue Lurie, Alex Muromcew, and Devon Viehman.

STAFF: Planning Director Chris Neubecker, Senior Planner Chandler Windom, and Chief Deputy Attorney Keith Gingery.

MINUTES

A motion to approve the March 22, 2021 minutes was made by Commissioner Muromcew and seconded by Commissioner Viehman. There was no further discussion. Motion Carried 5-0.

ADOPTION OF AGENDA

A motion to adopt the April 12, 2021 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:

- 1. Permit:** DEV2020-0005
- Applicant:** TETON PINES LIMITED LIABILITY COMPANY
- Presenter:** Chandler Windom
- Request:** A Development Permit pursuant to Section 8.3.2 of the Teton County Land Development Regulations for renovation of the Teton Pines pool, activity barn, and tennis court commercial area.
- Location:** 3450 Clubhouse Drive is located within the Teton Pines Commercial Area on Lot 2 Jackson Hole Racquet Club Resort Commercial Area 3rd Amendment. This property is immediately east of the Teton Pines Golf Course and west of State Hwy 390. The lot is zoned Planned Unit Development-Neighborhood Conservation (PUD-NC) and is partially within the Natural Resources Overlay.

STAFF PRESENTATION: Chandler Windom, Senior Planner, presented. She provided a PowerPoint presentation. Request is for development permit for redevelopment of the pool area of Teton Pines. This is a Neighborhood Conservation PUD. The commercial area was created through the PUD process. Lot 2 has permitted uses through the 1978 LDRs. Proposal is redevelopment of a portion of the lot, pool, tennis courts, courtside grill. New lap pool, hot tub, mechanical building, activity lawn. She described some of the allowed uses in this area, proposal complies with the required mix of uses. Property is within the NRO, but environmental exemption has been granted due to redevelopment of existing developed area. She described

the physical development standards allowed for the PUD. Proposal will reduce impervious surfaces. She described standards for lighting and noise. Several comments have been received from the public about noise and lighting. Proposed paddle tennis courts will be further away from existing residences than existing courts.

Miss Windom described the affordable housing requirements for the proposed use. Less than 1 additional unit of affordable housing is required, so applicant will pay a fee in lieu. Planning Director recommends approval of the project based on findings required in the LDRs. She described the required findings that the Commission must make to approve the project, and how the project meets the relevant findings and standards.

Commissioner Viehman – You said that after the fact, you could go back and review the noise. What is the measurement of how and where to measure the noise?

Miss Windom – I misspoke earlier. We could monitor the noise; it is a maximum allowed 5 decibels (dB) at the property line.

Commissioner Rockey – My understanding is the original PUD had a requirement to provide public access in exchange for a density bonus.

Miss Windom – Yes, the golf course was required to be open to the public, but not other recreational uses.

Commissioner Rockey – Was the mix of 30% and 70% requiring public access? Or could that be restricted only to club members?

Miss Windom – The mix was for the various uses, but not who (public or private) has access to the uses.

Commissioner Rockey – Historically, the restaurant, golf course and Nordic skiing were open to the public. Will that public access remain?

Miss Windom – Better question to ask the applicant.

Commissioner Muromcew – Application not a variance, but a development permit. You have indicated the proposal is in conformance, so why is the Planning Commission even reviewing this?

Miss Windom – Based on the LDRs, certain sized developments require a public hearing, and this project has met the trigger.

APPLICANT PRESENTATION:

George Putman, Cirque Consulting, representing the owners. Several of my team are also available to answer questions (in the room or online). He described the history of the development of this area. Pool was built 1990, and clay tennis courts in 2000. This is the first renovation in 20 years. Goal is to increase membership. Driving factors are new pool, new spa, adult lap pool, paddle tennis facility, activity lawn, activity barn with small restaurant, lockers, offices, and flex space.

Commissioner Muromcew – Asked for clarification on the location of the development in relation to clubhouse.

Amy Bickley, Assistant General Manager and Membership Director. – We have heard from our members that they wanted a larger swimming pool, its undersized for our membership. Also desire to separate space for adults and children. Club was lacking adequate fitness center and we propose to improve the wellness activities.

Restrooms are currently difficult to access. Membership survey used to develop this plan.

Commissioner Mateosky – Do you have a phasing plan for construction? Will you monitor noise during construction?

Mr. Putnam -We will monitor noise, but not a specific construction management plan at this time.

Commissioner Rockey – On Lot 2, what is access to club amenities moving forward?

Mr. Putman – PUD did require the golf course to allow public access, this will not change that or access to restaurant or Nordic.

Amy Bickely – Club not contemplating public access to clubhouse, only Nordic and golf course. Clubhouse is subsidized by membership; public access was not required to the restaurant, so we will likely not continue access.

Commissioner Rockey – Asked for more information about the mix of uses 30% vs. 70%.

Miss Windom – Clarifies that the mix of uses are specific to type of land use, not whether its open to public or not.

Commissioner Viehman – Will additional memberships be offered?

Amy Bickely – No, we are currently at capacity for membership.

Mike Kitchen, General Manager, Teton Pines – There will be 6 tennis courts after construction. Pickleball will be year-round.

Commissioner Rockey – What are club's plans to shield lighting?

Mr. Putnam – Lighting will comply with all County standards for lumens and shielding.

PUBLIC COMMENT:

Howard Garber – I have several questions. We have grave concerns about several issues and about the placement of the paddle ball courts. New courts for pickleball are right off our master bedrooms. Lighting will affect us, especially in summer. With warming huts there will be extra outdoor activity, leading to noise well into nighttime. In summer, we cannot keep windows open due to proximity of courts. New element will degrade our quality of life. Noise will radiate. Lights will affect everyone because this area is currently dark. (He showed photos of some of tennis courts at night.) Noise is more than the ball and racquet, but also people having a good time. It is a misunderstanding that this area is used only by Teton Pines members; properties in this area are rented out frequently. They are visitors and not owners, but many owners give access to their renters to various facilities. People who do not live in this area do not understand what is going on. We see it all the time. We request that you defer the paddle tennis to another day so we can have more discussion. Please continue this application, do not approve the paddle tennis. Issue is not about lumens and decibel but about people. In my opinion, you are doing something that is different. I live in the West Bank and I see this area at night. We see a lot of wildlife in the area. If the lighting to platform tennis is approved, it sets a precedent. There is not a lot of outdoor lighting in the area. I do not believe this should be allowed in West Bank; it will set precedent. If allowed, you are heading down slippery slope, soon West Bank will be lit more than you want.

Ilene Garber – This project needs everyone’s full attention. Many people do not support platform tennis. We are 30 feet from the proposed platform tennis. Our master bedroom is only 60 feet. Its elevated 3-4 feet. It is heated for outdoor use. It is not the right place to put it. We are in agreement for other developments, but not for the platform tennis. We are not the only people affected. Those at southern end will also be affected. We are all going to lose the quality of life so endearing to all of us. Consider all the people that made their objection to the platform tennis and pickleball.

Frank Fanning – Member of Teton Pines, longtime resident. There are certain considerations to take into account. Paddle tennis and pickleball will be played on these courts. It is an extremely noisy sport. There has been a lot of controversy about the noise from pickleball. There has not been a proper assessment. There has been no environmental assessment. Limit is 55 decibels at the property line. There can be continuous complaints and the County will have impacts to enforcement.

Jonathan Summer / Hillary Agin – We own a unit 2 doors from Howard and Ilene – Strongly echo Frank’s statements and the character of the area. The area is gorgeous due to the natural beauty. Foxes and moose and bears are what makes the area beautiful. When pickleball exceeds this noise level, what recourse will there be? We have owned unit for 4 years now, but we did not receive any consultation of the meeting. I am not aware of any consultation from the county.

Close Public Comment

Miss Windom – All public comment received before the publishing deadline for the report has been included. All other comments received later were forwarded to the Planning Commission.

PC DISCUSSION:

Commissioner Rockey – Your reference to lighting standards in the LDRs, you mentioned “complex uses” including tennis courts and ballfields. LDRs do not take into account the location of the lighting in the valley. Are there any references in LDRs if it is appropriate to add lights and impact dark skies and wildlife movement?

Miss Windom – There is no required location standards in the LDRs. Certain setbacks apply to the development itself. Lighting is reviewed for levels and location associated with the proposed use. There is not a specific analysis required for where lighting is placed, but there are standards for light trespass and requiring shielding. Lighting is typically not part of environmental analysis, which is generally geared more toward habitat values.

Commissioner Rockey – Would a residence be able to have a tennis court?

Miss Windom – Residential use would not get the same lighting allowance as a complex use.

Commissioner Rockey – Are events and Special Events the same? Special Event is a defined term.

Miss Windom – No, they are not the same; the LDRs define the types of uses that require Special Event permits. I will direct your question to the applicant if you want more information about events.

Commissioner Muromcew – When was last time County reviewed lighting regulations?

Miss Windom - January 1, 2017.

George Putnam – Was public notice mailed to all owners within 800 feet of Lot 2, is that correct?

Miss Windom – Neighbor notice was mailed to all owners within 800 feet of Lot 2, based on mailing address on record with the Assessor's Office.

Commissioner Viehman – 3 courts to the north stay where they are, right?

Mr. Putman – Correct. Nothing is moving closer; the perimeter of development is being maintained.

Commissioner Viehman – Will VRBOs still have easy access? Or will this be tightened up?

Amy Bickley – Only certain members can rent.

Commissioner Rockey – There is a good amount of online information about pickleball noise. Has club consulted with acoustical consultants so far? Any plans to?

Mr. Putnam – We have not consulted with acoustical consultants. Pickleball has been played on existing tennis courts.

Commissioner Rockey – Some resources online on pickleball noise mentions the use of walls to buffer the noise.

Commissioner Lurie- Is there consideration of noise barriers?

Mr. Putnam – No, it has not been considered.

Commissioner Muromcew – Currently tennis courts are not lighted, right?

Mr. Putnam – That is right. 10 PM is limit allowed under LDRs for complex lighting.

Commissioner Muromcew – If noise is above 55 decibels, what is the backup plan?

Mr. Putman – Will need to look at that operationally.

Commissioner Muromcew – Asked question to Deputy Attorney Gingery. I believe there have been noise monitoring machines used in past. How much does the County get involved?

Keith Gingery, Deputy County Attorney – County does get involved, usually during Special Events. Code Compliance Officers can be sent to the property to measure the noise levels. In some cases, we have required a settlement agreement that required event operator to hire a consultant to monitor and measure the noise. Better option is to condition the approval to require applicant to ensure they will not be violating the noise limits, before they construct the courts. Best option may be to require a noise mitigation plan.

Commissioner Lurie – When talking about mitigation plan, can we include condition requiring structural mitigation, such as a wall?

Mr. Gingery – We usually try to leave it general for applicant to determine best method to address the noise. You can make a recommendation to the BCC on how to address your concerns.

Commissioner Mateosky – Seems like the sticking point is lighting and noise. Is there anything you can suggest on lighting?

Mr. Gingery – Pickleball noise may be in violation; On lighting, sounds like they will be in compliance with rules.

Commissioner Mateosky – County does not get involved in enforcing HOA rules, right?

Mr. Gingery – Yes, but you could recommend a time that lights must be turned off.

Commissioner Viehman – Application seems to check all the boxes of the LDRs. I would be comfortable moving forward with recommendation that lights go off at 9:00 PM and require sound mitigation.

Commissioner Lurie – I echo Commissioner Viehman. My sympathies are with neighbors. Would support condition for consultation with acoustical engineers, to reduce disturbance to neighbors, and setting limit on when courts can be lit.

Commissioner Rockey – Emphasis on lighting and impacts on wildlife, seems that we should all be concerned about spread of ambient lighting. Moot point to turn lights off at 9 PM in summer, but in winter when animals are moving about, less lighting. Sound mitigation important too.

Commissioner Muromcew – Sympathetic about public concerns on lighting and noise. But we are limited on what we can do with lighting. Support noise mitigation plan. On lighting, it is a private club and HOA, not our role to be involved.

Commissioner Mateosky – Lighting is a private HOA issue.

Commissioner Rockey – Perhaps courts will only be lit when they are being used, instead of all the time? Does that appeal to the Commission?

The Commission discussed modifying the conditions of approval.

MOTION

Commissioner Viehman moved to recommend Approval of Development Plan, DEV2020-0005, dated January 22, 2021, for the proposed pool, activity barn and paddle tennis court redevelopment, with three conditions of approval, based on the findings recommended.

1. An affordable housing fee-in-lieu shall be paid to Teton County by the applicant prior to issuance of a building permit in accordance with the housing mitigation plan provided in the application.
2. A noise mitigation plan shall be prepared by the applicant, in consultation with an acoustical professional, to address concerns with noise associated with the proposed paddle tennis/pickleball courts and this plan shall be submitted to the Planning Director for approval.
3. The complex use lighting shall be extinguished no later than 8 PM from November 1 through March 31.

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

MATTERS FROM COMMISSION

Chair Mateosky will be out of town for the May 10, 2021.

Commissioner Viehman asked if all the BC zoned properties could be rezoned or studied at the same time. Director Neubecker explained the challenge with that approach, since the Comprehensive Plan makes recommendations based on the future desired character of each Subarea, and there may be different visions based on different Subareas.

AGENDA FOLLOWUP

None

MATTERS FROM STAFF

None

ADJOURN

Commissioner Muromcew moved to adjourn at 8:13 PM. Commissioner Viehman seconded, and the motion passed unanimously.

Respectfully submitted: kr



Kasey Mateosky, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-