

**MINUTES  
PLANNING COMMISSION  
TETON COUNTY, WYOMING  
January 22, 2018**

The regular meeting of the Planning Commission meeting was called to order at 6:00 in the Board of County Commission Chambers with Karen Rockey, Chair, presiding.

**ROLL CALL**

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

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

**MINUTES**

A motion to approve the January 8, 2018 minutes was made by Commissioner Gill and seconded by Commissioner Hammer. There was no further discussion. Motion carried 4-0.

**MINUTES**

A motion to approve the November 15, 2017 and November 16, 2017 Natural Resources LDR Update minutes was made by Commissioner Hammer and seconded by Commissioner Gill. There was no further discussion. Motion carried 4-0.

**ADOPTION OF AGENDA**

A motion to adopt the January 22, 2018 agenda was made by Commissioner Esnard and seconded by Commissioner Gill. There was no further discussion. Motion carried 4-0.

**MATTERS FROM THE PUBLIC:**

There were no matters from public.

**OLD BUSINESS:**

**A) Applicant: TETON RAPTOR CENTER**

**Presenter:** Kristi Malone

**Permit No.:** CUP2017-0007, ZCV2017-0025

**Request:** Conditional Use Permit, pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to amend an existing institutional use and Zoning Compliance Verification for Visual Resource Analysis, pursuant to Section 8.6.2 of the Teton County Land Development Regulations, to assess foreground scenic standards.

**2. Permit No.: VAR2017-0002**

**Request:** Variance, pursuant to Section 8.8.2, to vary Section 3.2.3.B.2 of the Teton County Land Development Regulations, to allow improvements to be made to an existing 36 foot tall structure that would result in a total structural height of 38 feet where 30 feet is the maximum structure height allowance for the zone.

**Location:** Site of Teton Raptor Center and historic Hardeman barns; generally located in Wilson on the south side of Highway 22. The property is zoned R-2 and is located within the Scenic Resources Overlay.

**STAFF PRESENTATION:**

Kristi Malone presented new information received from the applicant since the January 8, 2018 Planning

Commission meeting, the meeting from which this item was continued. Ms. Malone also presented staff analysis and recommendations by the Planning Director regarding the new information. She discussed the two site visits that occurred with Planning Commissioners. Ms. Malone also discussed the recommended order of review of the applications.

**APPLICANT PRESENTATION:**

Arne Jorgensen, Hawtin-Jorgensen Architects, spoke on behalf of the applicant regarding the following revised conditions: #7, #13, #15, and #16.

**PUBLIC COMMENT:**

Public comment was heard from Reynolds Pomeroy, neighbor; Hank Phibbs, Wilson resident; Matt Kim-Miller, Attorney; Bernie McCue, neighbor; Anne Harvey, neighbor; Patrice Kangas, neighbor/ex-event planner; and Ann Dwan. The applicant, Amy McCarthy, responded to public comment discussing the importance of the volunteer program and that 15% of staff deals with education while 40% of staff are in the field.

**MOTION:**

A motion to approve the Variance, VAR2017-0002, as recommended by staff was made by Commissioner Esnard and seconded by Commissioner Hammer. Motion carried 4-0.

**MOTION:**

A motion to approve the Zoning Compliance Verification, ZCV2017-0002, as recommended by staff was made by Commissioner Gill and seconded by Commissioner Hammer. Motion carried 4-0.

**MOTION:**

A motion to approve the Conditional Use Permit, CUP2017-0007, as recommended by staff was made by Commissioner Hammer and seconded by Commissioner Esnard.

**PC DISCUSSION:**

Planning Commissioners discussed the number of volunteer hours; activities that typically occur in the evening hours; and clarification on what "relocation" of the south barn entails: is it meant to preserve the barn or could the barn be repurposed as building materials? Arne Jorgensen responded for the applicant that the barn could be repurposed for use of the materials.

Commissioner Hammer stated that he agrees with the Planning Director's recommended findings, as do Commissioners Rockey, Gill and Esnard.

Commissioner Hammer recommends working through the findings and conditions as follows:

1. Compatibility with character of the area. Commissioner Hammer can make the finding. The Raptor Center's proposal is consistent with the policies of the Character District. Mr. Hammer discussed that people cannot see the south barn from Highway 22, as it is behind the North Barn. Commissioner Rockey agrees, the North Barn and the Wilson School frame the entrance to Wilson from the east. Commissioner Gill has no concern with this finding, as the area is a transition from Wilson to the open space. Ms. Gill has concerns about the style and architecture of the new buildings, she wants to match those of the old buildings. Commissioner Gill is concerned with the new administration building being constructed in front of the iconic barn. Commissioner Esnard agrees that the views of the North Barn not be impeded, not impacting the character of the entry to Wilson. Commissioner Rockey feels the design, as presented, is sympathetic to the desire of what Wilson wants to be, while at the same time providing features of the property to care for birds and finds the application in compliance with the

Comprehensive Plan.

2. Complies with use-specific standards of Div. 6.1 and the zone. Commissioner Hammer feels the LDR checklist demonstrates compliance and a number of conditions assist in making those findings.
3. Minimizes adverse impacts. Commissioner Hammer stated that many of the proposed conditions address this finding.
4. Minimizes adverse environmental impacts. Commissioner Hammer discussed that the proposal represents a small area of impact compared with the amount of open space. He feels that wildlife use on the property is permeability enhanced with application.
5. Minimize adverse impacts from nuisances. Commissioner Hammer discussed that the proposed conditions speak to this finding.
6. Minimizes impacts on public facilities. Commissioner Hammer discussed the parking and occupancy limitations per the staff report and the proposed conditions.
7. Complies with all standards of LDRs. The Commissioners can make findings per the staff report.
8. Substantial compliance with previous approvals. The Commissioners are comfortable with staff and legal opinion regarding the previously approved Conditional Use Permit and Variances.

Commissioners discussed the conditions:

No issues with conditions #1-4.

#5: Commissioner Rockey notes that staff and volunteers are included in the maximum 100 person cap. Commissioner Hammer discussed limiting to 100 people per day. Commissioners are fine with the condition as written.

#6: No concerns.

#7: Commissioner Gill proposed compromise of adding one month on one end of the school year, changing June 1 to May 1. Commissioners concurred.

#8-12: No concerns.

#13: Commissioner Gill discussed adding agriculture as an allowed use. Commissioner Rockey proposed: "All of the development area is limited to...charitable, educational, administrative, and/or community functions consistent with conservation, research, education and rehabilitation of raptors." Commissioners disagreed that specificity was necessary. Commissioners agreed with adding the language to restrict use of the property to not permit commercial functions, while allowing up to 4 events per year.

#14: Commissioner Hammer discussed considering the landscape plan address the approach from the east. Commissioner Esnard sees 2 issues: submitting a landscape plan, and if so should it be submitted during the Conditional Use Permit or the first Building Permit. Commissioners opted to leave the condition as proposed by the Planning Director.

#15: Applicant wants to delete: "south of the North Barn" Planning Commissioners agreed.

#16: Commissioner Gill feels that preservation of the south barn is important. Wants the structure preserved and used as a barn somewhere, if not on this property. Ms. Gill would like a commitment to maintain the structure and not use it as lumber. Commissioner Esnard discussed the challenges to preserve the structure as a barn in its present condition. Commissioner Hammer was not concerned with the south barn being used as a barn and is fine with using the materials from the barn. Commissioners agree to allow the barn to be removed

when the additional square footage is needed. Commissioner Esnard feels the preservation part of the condition is onerous. Commissioner Rockey is concerned with imposing a burden of proof that cannot or may not be fulfilled. Commissioner Esnard states it is difficult to hold the Raptor Center accountable for something on another person's property. Commissioner Hammer reminded the Commissioners that the Raptor Center is going to great lengths to repurpose existing structures on the property to great expense.

Commissioner Hammer proposes using the Raptor Center's proposed condition, amended as follows: Prior to the issuance of a building permit that relies on the reclamation of the square footage of the south barn, the south barn shall be relocated off-site.

Commissioner Gill agreed to the amended condition and indicated a desire to require the barn to remain in-tact.

Commissioners Hammer and Esnard accepted the amended conditions as part of the motion.

Commissioner Gill expressed concern that the conservation easement does not include preservation of the South Barn and the Horse Barn. She has concerns that future agricultural land owners may be hesitant to place conservation easements on their properties because of this.

Commissioner Hammer thinks this is a better outcome than what could have been in 1989. Commissioners expressed appreciation of what the Raptor Center is saving.

The motion Passed 4-0, with the following conditions:

1. Prior to issuance of a Certificate of Occupancy on any new Building Permit, the existing septic system shall be decommissioned under direction of the Teton County Sanitarian and a permit shall be obtained from the appropriate authority for connection to the public sanitary sewer.
2. Prior to issuance of a Certificate of Occupancy for any new Building Permit on site, the access drive shall be widened to 20' to the west of the existing access drive to provide emergency vehicle access and shall be paved. The parking lot may remain gravel with curb stops designating parking spaces.
3. Prior to installation of any signage, a Master Signage Plan shall be approved by the Planning Director.
4. Trash and recycling shall be stored inside a structure that is bear resistant and for purposes of shielding view and containing smells.
5. Maximum occupancy on site at any one time is limited to 100 people, including visitors, employees, volunteers, residents and any supplementary staff.
6. A maximum of twelve employees are allowed on site at any one time and a maximum of four of those employees are permitted to live on-site. Employees are defined as persons employed for wages or salary and excludes volunteers.
7. Use of the pavilion and west yard is limited to educational programmatic use and bird rehabilitation and care. Educational programmatic use of the pavilion and west yard can take place from May 1<sup>st</sup> to September 30<sup>th</sup> annually between 10:00AM and 4:00PM without use of any electronic amplification. Activity necessary for bird rehabilitation or care in the west yard may occur outside these dates and times.

8. In addition to condition #7, any outdoor event or outdoor educational programming on site shall occur between 9:00am and 9:00pm.
9. All public activity on site is limited to between the hours of 9:00am and 10:00pm. All staff operation and activity on site is limited to between the hours of 8:00am and 11:00pm. Residential activity associated with the ARU's may occur outside these hours of operation. Staff activity necessary for bird rehabilitation or care may occur outside these hours, but only in raptor mews, the clinic, flight barn, and storage structures.
10. Music is prohibited after 10:00pm.
11. Amplified music or sound is prohibited after 5:00pm.
12. Parking shall only be allowed in designated areas within the parking lot and two bus parking spaces.
13. All use of the development area designated by the Jackson Hole Land Trust conservation easement is limited to charitable, educational, administrative and/or community functions consistent with conservation, research, education, and wildlife rehabilitation and the provision of workforce housing. Notwithstanding condition 5, up to 4 events with more than 100 people will be allowed each year under a Special Event Permit. Non-mission events such as weddings, retreats, family reunions, facility rental for private parties, etc. are prohibited.
14. Prior to issuance of this Conditional Use Permit, the Board of County Commissioners shall approve a final landscape plan designed to mitigate impacts of use to neighboring properties.
15. The temporary tent erected seasonally between the North Barn and Horse Barn for educational programs is permitted to be moved within the building envelope when construction and staging requires it to be relocated. Prior to issuance of the Certificate of Occupancy on the North Barn or two years after the issuance of this Conditional Use Permit (whichever is sooner), the allowance for a temporary tent on-site for seasonal programmatic use shall expire.
16. Prior to the issuance of a Building Permit that relies upon the reclamation of the square footage of the South Barn, the South Barn shall be relocated off site.

**NEW BUSINESS:**

There was no new business.

**MATTERS FROM COMMISSION:**

Commissioner Rocky requested consideration of a County email address, rather than a private email address being used. There was no consensus on the need for a County email, so no email was requested.

Commissioner Hammer discussed Hank Phibbs' email that expressed concerns with public notice. Mr. Hammer feels it is important for Planning Commissioners to be able to go out on field visits.

**AGENDA FOLLOWUP:**

Development Plan, DEV2017-0011, Cornerstone Business Park was approved by the BCC on January 16, 2018.

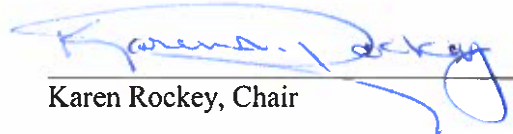
**MATTERS FROM STAFF:**

American Planning Association & Rocky Mountain Land Use Institute Conferences this spring. Spring meeting dates for Engage 2017 were discussed.

**ADJOURN**

Commissioner Esnard moved to adjourn at 8:45 PM. Commissioner Hammer seconded and the motion passed unanimously.

Respectfully submitted: kr



Karen Rockey, Chair

ATTEST:



Susan Johnson, Planning Manager

- Digital recording on file-