

**OFFICIAL SUMMARY PROCEEDINGS
OF THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, WYOMING**

The Teton County Board of Commissioners met in regular meeting on **February 7, 2023** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

County Commission: Luther Propst, Chair, Natalia Macker, Vice-Chair, Mark Newcomb, Greg Epstein, and Wes Gardner were present.

ADOPTION OF AGENDA

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to adopt today's agenda as presented. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

MINUTES

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the 1-23-2023, and 1-24-2023 minutes. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to place the following Matters from Staff on a Consent Agenda:

1. Consideration of Award of Community Wildfire Protection Plan
2. Consideration of Approval of Regional Emergency Response Team Equipment Grant from the State of Wyoming
3. Consideration of Termination of Landscaping Agreement - 105 Mercill Avenue
4. Consideration of CC&Rs and Notice of Floor Area Transfer for 105 Mercill Avenue
7. Consideration of a Contract for Scrap Metal Processing and Recycling
8. Consideration of Submittal of an Application for a US EPA Solid Waste Infrastructure for Recycling Grant
9. Consideration of Temporary Construction Easement for Wilson to Stilson Pathway

Chair Propst called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the items on the Consent Agenda with the motion as stated in their respective staff report. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION AND STAFF:

1. Consideration of Award of Community Wildfire Protection Plan

To approve the notice of award for Teton County's Community Wildfire Protection Plan development to Jensen Hughes and authorize the Chair to sign the attached contract.

2. Consideration of Approval of Regional Emergency Response Team Equipment Grant from the State of Wyoming

To approve the REVISED 2022 SHSP Grant Award Agreement between the Wyoming Office of Homeland Security and Teton County's Regional Emergency Response Team #8 for the purchase of allowable hazardous materials equipment and training in the amount of \$101,988.00. The previous approval on November 1, 2022 is rescinded.

3. Consideration of Termination of Landscaping Agreement - 105 Mercill Avenue

To terminate the December 3, 2002 Landscaping Agreement with Josh Thulin and authorize the Chair to sign the Affidavit Affecting Title to be recorded in the Office of the Teton County Clerk.

4. Consideration of CC&Rs and Notice of Floor Area Transfer for 105 Mercill Avenue

To approve the Declaration of Covenants, Conditions and Restrictions and the Notice Regarding Transfer of Floor Area for Lots 18 and 19 of the Joseph R. Jones Third Addition to the Town of Jackson located at 105 Mercill Avenue as presented today and authorize the chair to execute the document, subject to minor changes by staff.

7. Consideration of a Contract for Scrap Metal Processing and Recycling

To approve the Contract with Western Metals Recycling for scrap metal and tin can bundle processing and recycling based on the bidder's per ton proposal for payment to Teton County.

8. Consideration of Submittal of an Application for a US EPA Solid Waste Infrastructure for Recycling Grant

To approve the submission of an application for the US EPA Solid Waste Infrastructure For Recycling Grant in the amount of \$2.5 with a match of \$1.25M using Fund 44 (2019 SPET) and Fund 30 Capital Reserves.

9. Consideration of Temporary Construction Easement for Wilson to Stilson Pathway

To approve the temporary construction easement with the Teton Raptor Center for the construction of the Wilson to Stilson Pathway, including the payment of just compensation to the landowner in the amount of \$3,565.00.

DIRECT CORRESPONDENCE

1. Chi Melville 1/18/2023 email regarding Dog Problems in Teton Canyon
2. Carlo Cannell 1/18/2023 email regarding Request to Query Re: Indebtedness of Alta
3. Friends of Rafter J 1/19/2023 email regarding Rafter J Lot 333

4. Linda Williams 1/19/2023 email regarding Miller Park
5. Anne Callison 1/20/2023 email regarding GTR Cabin Proposal
6. Amberley Baker 1/23/2023 email regarding NSP Update from Gills
7. Kelly Bettner 1/24/2023 email regarding Alta Courts
8. Thomas Sneed 1/24/2023 email regarding Alta courts
9. Rebecca Bextel 1/24/2023 email regarding Water Quality
10. Kahty Tompkins 1/24/2023 email regarding Parking in Jackson
11. Cate Stillman 1/25/2023 email regarding Alta courts
12. J. Carlo Cannell 1/25/2023 email regarding Alta Indebtedness to Teton County
13. Camille Obering 1/26/2023 email regarding Wide Highways/Traffic
14. Cindy Riegel 1/26/2023 email regarding Teton County (WY) Planning Commission Comments
15. Crista Valentino 1/26/2023 email regarding Destination Management Plan JHTTB
16. Anne Callison 1/27/2023 email regarding Planning Commission
17. Pamela Gumport 1/27/2023 email regarding Save the Rodeo Grounds
18. Doug Mayes 1/27/2023 email regarding BLM Sage-Grouse Planning
19. Chi Melville 1/28/2023 email regarding Targhee Ski Tracks
20. Tim Young 1/30/2023 email regarding Wilson Wetland Project
21. Department of Revenue 1/30/2023 email regarding Mill Levy Entities
22. POW JH 1/30/2023 email regarding Water Quality Letter for Retreat
23. Christopher Laing 1/31/2023 email regarding Alta Courts

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF

5. Consideration of Transportation Alternatives Program Grant Agreement

Heather Overholser, Director of Public Works, presented to the board for consideration of approval a grant agreement for the approved Transportation Alternatives Program (TAP) Grant from WYDOT for the construction of the Downtown Wilson Multimodal Improvements.

Public comment was given by Tim Young with Wyoming Pathways.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Transportation Alternatives Program grant agreement with WYDOT, in the amount of \$1.25M, for the Downtown Wilson Multimodal Improvements project. Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

6. Consideration of Civil Design Services for the WY390-Granite Entrance Station Pathway Connector Project

Brian Schilling, Pathways Coordinator, presented to the Board for consideration of approval an award of contract to Harmony Design and Engineering for civil design services for the WY390-Granite Entrance Station.

In summer 2023, Grand Teton National Park (GTNP) plans to reconstruct the Granite Entrance Station located at the north end of WY Highway 390 north of Teton Village. The project will include roadway realignment, an expanded queuing area, a turnaround lane, traffic calming elements, and expanded parking areas. GTNP staff and Teton County staff have coordinated to plan an extension of the existing WY390 pathway to improve safety for people entering and exiting the pathway. Currently, the pathway ends south of the entrance station and pathway users are directed onto WY390 at a point where vehicular traffic can be moving at high speed (>45mph). The new pathway/roadway interface will be located approximately 100' north of the entrance kiosk where traffic is restricted to 15mph or less through a combination of design and regulatory elements.

Public comment was given by Tim Young.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve a Contract, in an amount not to exceed \$39,791.00, to Harmony Design and Engineering to provide civil design services for the WY390-Granite Entrance Station Pathway Connector Project. Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

10. Consideration of Fair Special Revenue Fund Policy Changes

Sarah Mann, Director of General Services, presented to the Board for consideration of approval a change to the Fair & Fairgrounds Special Revenue Fund Policy.

Currently, the Fair & Fairgrounds budget is a County Special Revenue Fund (Fund 32). This Special Revenue Fund was in place to account for the revenues received from the Fair mill levy and Fair revenue generators (e.g., ticket sales, sponsors, fees, etc.). The Board of County Commissioners has opted not to levy the Fair mill since 2019. Along with the Library, the Fair and fairgrounds are now funded through the County's general mill levy allotments.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the changes to the Fair Special Revenue Fund Policy as presented today. Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

11. Consideration of Special District Election Ballot for Hoback Junction Water and Sewer District

Maureen Murphy, Clerk, presented to the Board for consideration of approval a ballot to vote on the formation of the Hoback Junction Water and Sewer District

Public comment was given by Robert Frodeman.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to vote in favor of the formation of the Hoback Junction Water and Sewer District and for the directors as proposed and hereby direct the Chair to cast the ballot in like manner. Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING AND DEVELOPMENT

- 1. Permit:** ADJ2022-0013 - **CONTINUE TO MARCH 7, 2023**
Applicant: Jorgensen Associates, PC
Presenter: Hamilton Smith
Request: Request for Administrative Adjustment pursuant to Section 8.8.1. of the Land Development Regulations to allow development on Steep Slopes of up to 36%.
Location: 3300 East Alta Ski Hill Road, Grand Targhee Resort, west of the Resort Center in the Residential and Accommodation Plan Area (RAPA West). The property is zoned Planned Resort (PR) and is not within any Zoning Overlays.
- 2. Permit:** DEV2022-0008 - **CONTINUE TO MARCH 7, 2023**
Applicant: Jorgensen Associates, PC
Presenter: Hamilton Smith
Request: A Development Plan request pursuant to Section 8.3.2. of the Teton County Land Development Regulations, for a 28 lodging cabin unit subdivision.
Location: 3300 East Alta Ski Hill Road, Grand Targhee Resort, west of the Resort Center in the Residential and Accommodation Plan Area (RAPA West). The property is zoned Planned Resort (PR) and is not within any Zoning Overlays.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue ADJ2022-0013 and DEV2022-0008 to the March 7, 2023 Board of County Commissioners meeting. Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

Planning items 3-6 were presented concurrently.

Chandler Windom, Senior Planner, presented to the Board for consideration of approval four related applications:

- Planning item 3: Development Plan for the Lower Valley Energy 17-lot workforce housing subdivision (DEV2022-0010)
 - Planning item 4: Development Plan for the Lower Valley Energy 6 Accessory Residential Units (ARUs) (2022-0011)
 - Planning item 5: Administrative Adjustment for a roadway exception request for the proposed Lower Valley Energy workforce subdivision and accessory residential units (ADJ2022-0011)
 - Planning Item 6: Administrative Adjustment for a blanket setback reduction within the Lower Valley Energy workforce housing subdivision (ADJ2022-0012)
- 3. Permit:** DEV2022-0010
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: A Development Plan pursuant to Section 8.3.2 of the Teton County Land Development Regulations for the Lower Valley Energy 17-lot workforce housing subdivision.
Location: Subject parcel, PIDN 22-40-16-21-2-00-005, has no street address but is located directly south of 4000 S Hwy 89, on the east side of the Highway. The parcel is zoned Suburban and is in the Natural Resources Overlay.

Lower Valley Energy (LVE) is proposing to divide the subject property in seventeen (17) lots, each to house a single family residential unit with a workforce housing deed restriction. SKC2022-0001 was previously approved for the Sketch Plan of this proposal. Workforce deed restrictions will limit occupancy of the future residential units to members of the Teton County workforce. The intent is for Lower Valley Energy to house primarily LVE employees, but potentially other essential service providers in the Teton County workforce. The subject property was recently rezoned from Rural-3 to Suburban via ZMA2020-0001. Lower Valley Energy is also proposing the addition of six (6) Accessory Residential Units on 4000 S Hwy 89 which is to be reviewed separately, but concurrently, as DEV2022-0011. The Planning Director and County Engineer have also elevated the two Administrative Adjustment requests associated with this project, ADJ2022-0011 & ADJ2022- 0012. Please see the staff reports for each of those applications for more details.

- 4. Permit:** DEV2022-0011
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: A Development Plan pursuant to Section 8.3.2 of the Teton County Land Development Regulations to construct 6 Accessory Residential Units on the Lower Valley Energy site.
Location: 4000 S Highway 89 is located approximately 2.5 miles south of the Town of Jackson on the east side of the Highway. The parcel is zoned Business Park and is in the Natural Resources Overlay.

Lower Valley Energy (LVE) is proposing to construct six (6) Accessory Residential Units on the property that contains the center of LVE utility operations for the Jackson area. The units are accessory to the primary Infrastructure/Utility Use. Workforce deed restrictions will limit occupancy of the future accessory residential units to members of the Teton County workforce. The intent is for Lower Valley Energy to house primarily LVE employees, but potentially other essential service providers in the Teton County workforce. This proposal is adjacent to the simultaneously proposed 17-lot workforce housing subdivision on the vacant Lower Valley Energy property to the south.

- 5. Permit:** ADJ2022-0011
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: An Administrative Adjustment request pursuant to Section 8.8.1 of the Teton County Land Development Regulations for a Roadway Exception Request.
Location: Subject parcel, PIDN 22-40-16-21-2-00-005, has no street address but is located directly south of 4000 S Hwy 89, on the east side of the Highway. The parcel is zoned Suburban and is in the Natural Resources Overlay.

Lower Valley Energy (LVE) is proposing, with DEV2022-0010, to divide the subject property into seventeen (17) lots, each to house a single-family residential unit with a workforce housing deed restriction. Lower Valley Energy is also proposing the addition of six (6) Accessory Residential Units on 4000 S Hwy 89 which is to be reviewed separately, but concurrently, as DEV2022-0011. Concurrent with the Development Plans is this Administrative Adjustment request to reduce the width of the right-of-way for the minor local roadway within the subdivision. The County Engineer chose to elevate this Administrative Adjustment to public hearing concurrent with the Development Plans. The roadway subject to the exception request would serve the subdivision and the Accessory Residential Units.

- 6. Permit:** ADJ2022-0012
Applicant: Collins Planning Associates
Presenter: Chandler Windom
Request: An Administrative Adjustment request pursuant to Section 8.8.1 of the Teton County Land Development Regulations for structure setback reductions.
Location: Subject parcel, PIDN 22-40-16-21-2-00-005, has no street address but is located directly south of 4000 S Hwy 89, on the east side of the Highway. The parcel is zoned Suburban and is in the Natural Resources Overlay.

Lower Valley Energy (LVE) is proposing, with DEV2022-0010, to divide the subject property in seventeen (17) lots, each to house a single-family residential unit with a workforce housing deed restriction. Concurrent with that request is this Administrative Adjustment request to reduce the street and side setbacks for some of these future lots. The Planning Director chose to elevate this Administrative Adjustment to public hearings concurrent with the Development Plan for the subdivision. Lower Valley Energy is also proposing the addition of six Accessory Residential Units on 4000 S Hwy 89 which is to be reviewed separately, but concurrently, as DEV2022-0011.

The meeting recessed at 10:07 a.m. and reconvened at 10:16 a.m.

Jim Webb, Lower Valley Energy, commented on their applications and answered questions from the Board.

Bill Collins, Collins Planning Associates, Inc. for Lower Valley Energy, commented on the applications.

Public comment was given via Zoom by Justin Daraie with the Melody Ranch ISD board.

MOTION FOR ADJ2022-0011

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve ADJ2022-0011 dated October 4, 2022, for the proposed roadway exception request with the following conditions, based on the recommended findings.

1. The future roadway shall be paved.

Commissioner Gardner proposed a friendly amendment to include a condition: "The speed limit shall be posted at a maximum of 20 mph."

Commissioner Newcomb, the motion maker, and Commissioner Epstein, the second, accepted the friendly amendment.

Chair Propst Called for a vote on the amended motion. The vote showed all in favor and the motion carried. ADJ2022-0001 was approved with the following conditions:

1. The future roadway shall be paved.
2. The speed limit shall be posted at a maximum of 20 mph.

MOTION FOR ADJ2022-0012

A motion was made by Commissioner Newcomb and seconded by Commissioner Macker to approve ADJ2022-0012 dated October 4, 2022, for the proposed setback reduction with the following conditions, based on the recommended findings.

1. This approval shall expire within 18 months of approval unless a subdivision plat has been recorded with the County Clerk. Once the subdivision plat is recorded this approval shall never expire.
2. No structure shall be less than 25 feet from the Highway 89 Right-of-way.

Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

MOTION FOR DEV2022-0010

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to approve DEV2022-0010 dated October 4, 2022, for the proposed 17-Lot Subdivision with the following conditions, based on the recommended findings.

1. Prior to permit issuance, the applicant shall obtain a utility easement from Teton County, WY for the crossing of Lot 1 Sage Meadows for connection to the Town of Jackson Sewer.
2. Prior to the issuance of any future physical development permits, a final mitigation plan prepared by an environmental professional shall be submitted by the applicant for the impacts to high priority vegetative cover types within the NRO. A financial assurance for 125% of the cost of implementing the mitigation plan shall also be required.
3. Domestic pets (e.g., dogs and cats) shall be physically restrained (i.e., leashed, chained, fenced) at all times. Cats and dogs shall not be allowed to roam. The applicant shall post signage within the subdivision with this requirement.
4. Fire sprinklers shall be required in all future structures within the subdivision. A note stating this condition shall be included on the subsequent subdivision plat.

5. A subdivision improvements agreement shall be required with the future subdivision permit which shall include at minimum the installation of required roadway and utility systems, and a 10,000-gallon buried cistern for firefighting water supply.
6. The applicant shall inform all future homeowners of the December 1 - May 1 winter wildlife closure on the adjacent Bridger-Teton National Forest in accordance with Order Number 04-03-333. Signage is recommended to communicate the closure. Enforcement of said closure on the Bridger-Teton National Forest is the responsibility of the US Forest Service.

Commissioner Epstein suggested a friendly amendment to the motion which would remove condition #3.

Commissioner Newcomb, the second to the motion, did not accept the friendly amendment.

Commissioner Macker suggested using the language from the LDRs which says "Domestic pets (e.g., dogs and cats) shall be physically restrained (i.e., leashed, chained, fenced), or accompanied by a person who has strict voice control over the animal at all times..." This was not a friendly amendment and the language was considered but not implemented.

Chair Propst Called for a vote on the original motion. The vote showed all in favor and the motion carried.

MOTION FOR DEV2022-0011

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to approve DEV2022-0011 dated October 4, 2022, for the proposed 6 Accessory Residential Units with the following conditions, based on the recommended findings.

1. Prior to permit issuance, the applicant shall obtain a utility easement from Teton County, WY for the crossing of Lot 1 Sage Meadows for connection to the Town of Jackson Sewer.
2. Prior to the issuance of any future physical development permits, a final mitigation plan prepared by an environmental professional shall be submitted by the applicant for the impacts to high priority vegetative cover types within the NRO. A financial assurance for 125% of the cost of implementing the mitigation plan shall also be required.
3. Domestic pets (e.g., dogs and cats) shall be physically restrained (i.e., leashed, chained, fenced) at all times. Cats and dogs shall not be allowed to roam. Signage shall be posted adjacent to the ARUs with this requirement.
4. Prior to the issuance of certificate of occupancy for each of the future Accessory Residential Units, a workforce housing deed restriction in a form that is acceptable to the Jackson/Teton County Affordable Housing Department shall be recorded in the Teton County Clerk's Records.
5. The applicant shall inform future occupants of the ARUs of the December 1 - May 1 winter wildlife closure on the adjacent Bridger-Teton National Forest in accordance with Order Number 04-03-333. Signage is recommended to communicate the closure. Enforcement of said closure on the Bridger-Teton National Forest is the responsibility of the US Forest Service.

Chair Propst Called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION

A. Geographic Information System (GIS)

Keith Murley, Teton County Information Technology Manager, presented to the Board replacement options for mapping services.

ADJOURN

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to adjourn. Chair Propst called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:44 a.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk