

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

The Teton County Board of Commissioners met in regular session on **July 7, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:04am and the Pledge of Allegiance was recited.

**ROLL CALL**

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

**ADOPTION OF AGENDA**

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to adopt today's agenda as presented. Chair Macker 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 Barron to approve the **06/15/2020, 06/16/2020, 06/19/20, 06/22/2020, 06/29/2020, and 06/30/2020** minutes. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

**CONSENT AGENDA**

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

1. Consideration of Approval of an Employee Lease Agreement for 1120 Meadowlark Lane
5. Consideration of Approval of an Employee Lease Agreement for 1230 W. Fresno Drive
6. Consideration of Approval of an Employee Lease Agreement for 245 E. Karns Avenue
8. Consideration of Approval of a Lease Agreement with the State of Wyoming for Office Space for the State Engineer
9. Consideration of Approval of a Hold Harmless Agreement with R Park
10. Consideration of Approval of the Fair Construction Contract
11. Consideration of Approval of the Fair Cleaning Contract
13. Consideration of Approval of a Contract with the Wyoming Department of Health, Public Health Division for County Health Officer Public Health Preparedness, and Response Activities
14. Consideration of Approval of a Grant Agreement Between the Wyoming Department of Health, Public Health Division and Teton County for Activities Designed to Prevent the Use, Misuse, or Abuse of Tobacco, or Controlled Substances, and Activities Designed to Prevent Suicide
15. Consideration of Approval of a Sole Source Agreement with St. John's Health for the Provision of Active Disease Rapid Testing for SARS-CoV-2
16. Consideration of Approval of a Contract with Curran Seeley Foundation to Provide Prevention Services Related to Alcohol, Tobacco, and Other Drugs
17. Consideration of Approval of a Contract with Jackson Hole Community Counseling Center to Provide Services for Suicide Prevention
18. Consideration of Approval of a Contract with Jackson Police Department to Provide Prevention Services Related to Alcohol and Tobacco
20. Consideration of Approval of a Copier Lease Agreement for the Emergency Operations Center
23. Consideration of Approval of Contract Wyoming Department of Health and Teton County WIC Program
24. Consideration of Approval of a FY21 Treatment Court Contract with Curran Seeley
25. Consideration of Approval of a FY21 Treatment Court Contract with Jackson Hole Community Counseling Center
26. Consideration of Approval for Permission to Use a Teton County Road
27. Consideration of Approval of a Contract for Bat Remediation at Station 4 in Moran

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

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

**MATTERS FROM COMMISSION AND STAFF:**

**1. Consideration of Approval of an Employee Lease Agreement for 1120 Meadowlark Lane**

To approve the Lease Agreement for 1120 Meadowlark Lane with Justin Miller.

**5. Consideration of Approval of an Employee Lease Agreement for 1230 W. Fresno Drive**

To approve the Lease Agreement with Oscar Gittemeier for 1230 W. Fresno Drive.

**6. Consideration of Approval of an Employee Lease Agreement for 245 E. Karns Avenue**

To approve the Lease Agreement for 245 East Karns Avenue #4 with Chandler Windom.

**8. Consideration of Approval of a Lease Agreement with the State of Wyoming for Office Space for the State Engineer**

To approve the amendment to the lease agreement with the State of Wyoming for office space for the State Engineer's office.

**9. Consideration of Approval of a Hold Harmless Agreement with R Park**

To approve the 2020 Hold Harmless Agreement between Teton County and Rendezvous Park for ramp maintenance and gravel extraction.

**10. Consideration of Approval of the Fair Construction Contract**

To approve the contract with Todd Taylor for the 2020 Fair construction contract in the amount of \$27,500.00.

**11. Consideration of Approval of the Fair Cleaning Contract**

To approve the contract with TM Commerical Cleaning, LLC for the 2020 Fair cleaning in the amount of \$12,476.70.

**13. Consideration of Approval of a Contract with the Wyoming Department of Health, Public Health Division for County Health Officer Public Health Preparedness, and Response Activities**

To approve the Contract between the Wyoming Department of Health, Public Health Division and Teton County for the Teton District Health Officer for the period July 1, 2020 – June 30, 2021.

**14. Consideration of Approval of a Grant Agreement Between the Wyoming Department of Health, Public Health Division and Teton County for Activities Designed to Prevent the Use, Misuse, or Abuse of Tobacco, or Controlled Substances, and Activities Designed to Prevent Suicide**

To approve the grant agreement between the Wyoming Department of Health, Public Health Division and Teton County for the period July 1, 2020 – June 30, 2022.

**15. Consideration of Approval of a Sole Source Agreement with St. John's Health for the Provision of Active Disease Rapid Testing for SARS-CoV-2**

To approve the pricing agreement letter with St. John's Health for rapid testing for COVID-19 for the period July 1, 2020 – December 31, 2020.

**16. Consideration of Approval of a Contract with Curran Seeley Foundation to Provide Prevention Services Related to Alcohol, Tobacco, and Other Drugs**

To approve the contract with Curran Seeley Foundation to provide prevention services related to alcohol, tobacco and other drugs in the amount not to exceed \$52,860.00 for the period July 1, 2020 – June 30, 2021.

**17. Consideration of Approval of a Contract with Jackson Hole Community Counseling Center to Provide Services for Suicide Prevention**

To approve the contract with Jackson Hole Community Counseling Center to provide prevention services for suicide prevention in an amount not to exceed \$21,500.00 for the period July 1, 2020 – June 30, 2021.

**18. Consideration of Approval of a Contract with Jackson Police Department to Provide Prevention Services Related to Alcohol and Tobacco**

To approve the contract with the Jackson Police Department to provide prevention services related to tobacco youth use and adult overconsumption and youth not to exceed \$4,700.00 for the period July 1, 2020 – June 30, 2021.

**20. Consideration of Approval of a Copier Lease Agreement for the Emergency Operations Center**

To approve the lease agreement with Rocky Mountain Competitive Solutions for copier and service in the amount of \$6,960 located at the Emergency Operations Center.

**23. Consideration of Approval of Contract Wyoming Department of Health and Teton County WIC Program**

To approve the WIC Agreement with the State of Wyoming

**24. Consideration of Approval of a FY21 Treatment Court Contract with Curran Seeley**

To approve the FY 21 Treatment Court Contract with Curran-Seeley Foundation in an amount, not to exceed \$36,300.

**25. Consideration of Approval of a FY21 Treatment Court Contract with Jackson Hole Community Counseling Center**

To approve the FY 21 Treatment Court Contract with Jackson Hole Community Counseling Center in an amount, not to exceed \$9,000.

**26. Consideration of Approval for Permission to Use a Teton County Road**

To approve the attached correspondence granting permission for use of a private road on Teton County property.

**27. Consideration of Approval of a Contract for Bat Remediation at Station 4 in Moran**

To approve the contract between Teton County and BlueSky Service & Restoration for bat guano remediation in the amount of \$23,850.00.

**DIRECT CORRESPONDENCE**

- 1.Gloria Courser 6/9/2020 email regarding COVID-19
- 2.Rebecca Wertheimer 6/9/2020 email regarding Budget
- 3.Robert Biolchini 6/9/2020 email regarding COVID-19
- 4.Joseph Sackett 6/9/2020 email regarding Budget
- 5.Seana Minuth 6/9/2020 email regarding Budget
- 6.Julie Scharnhorst 6/10/2020 email regarding Budget
- 7.Tyler Schwab 6/10/2020 email regarding Budget
- 8.Candra Day 6/10/2020 email regarding COVID-19
- 9.Sophia Schwartz 6/11/2020 email regarding Budget
- 10.Mitch Dann 6/11/2020 email regarding Budget
- 11.Kellie Dickerson, Deputy County Clerk 6/11/2020 email regarding 2020 Primary Election Vote Center Locations
- 12.Jared Baecker, Snake River Fund 6/11/2020 email regarding Hwy 22/390 Snake River Bridge Transit and Pathway

Recommendations letter to WYDOT

13. James Lewis 6/12/2020 email regarding COVID-19
14. Anna Olson, Jackson Hole Chamber of Commerce 6/12/2020 email regarding Rec Center Expansion Project
15. Inger Hanson 6/14/2020 email regarding Budget
16. Janet Evans 6/14/2020 email regarding Budget
17. Chris Woolley 6/14/2020 email regarding Budget
18. Kathy Tompkins 6/15/2020 email regarding Tribal Trail Connector
19. Natalie McBranch 6/15/2020 email regarding Budget
20. Chris Colligan 6/15/2020 email regarding Snake River Bridge/HWY22-390 Wildlife Crossings Support Letter
21. Samuel Singer 6/15/2020 email regarding Budget
22. Nina Lenz 6/15/2020 email regarding Library Board
23. Amanda Graff 6/15/2020 email regarding Budget
24. Keith Ohnmeis 6/15/2020 email regarding Proposed Fencing Highway 22/390
25. Audrey Cohen-Davis 6/15/2020 email regarding Budget
26. Max Martin 6/15/2020 email regarding Budget
27. Act Now JH 6/15/2020 email regarding Budget
28. Tim Young 6/16/2020 email regarding Snake River Bridge 22/390
29. Golden Garnick 6/16/2020 email regarding Budget
30. Dana Cohn 6/16/2020 email regarding Budget
31. Barbara Carlson 6/17/2020 email regarding COVID19
32. Peter Stalker 6/17/2020 email regarding Volunteer Board
33. Maeve Stewart 6/17/2020 email regarding Budget
34. Phoebe Hanley 6/17/2020 email regarding Budget
35. Sarah Fischel 6/18/2020 email regarding Budget
36. Ariel Kazunas 6/18/2020 email regarding Budget
37. Eliza Bradford 6/18/2020 email regarding Budget
38. Seana Minuth 6/18/2020 email regarding Budget
39. Kyle Kissock 6/18/2020 email regarding Budget
40. Todd Parfitt, Director, Department of Environmental Quality 6/18/2020 email regarding Hoback Water Quality
41. Frankie Gibbs 6/18/2020 email regarding Budget
42. Hillary Bean 6/19/2020 email regarding Budget
43. Michaela Ellingson 6/19/2020 email regarding Budget
44. Hannah Roush 6/19/2020 email regarding Budget
45. Teton County Library 6/19/2020 email regarding Library Summer Fun Free Book Fair
46. Tony Lewis, Leasing Manager, Department of Administration and Information 6/19/2020 email regarding Wyoming State Engineer Lease Renewal
47. Jill Stephenson 6/20/2020 email regarding COVID-19
48. Tony Batey 6/20/2020 email regarding Budget
49. Brianna Moteberg 6/20/2020 email regarding COVID-19
50. Kelsey Johnson 6/21/2020 email regarding Budget
51. Kelsey Johnson 6/21/2020 email regarding Law Enforcement
52. Lacey Lukas 6/21/2020 email regarding Law Enforcement
53. Robin Dziezyc 6/21/2020 email regarding COVID-19
54. Keith Benefiel 6/22/2020 email regarding Fencing and cattle guards
55. Elana Selinger 6/22/2020 email regarding Budget
56. Rebecca Wertheimer 6/22/2020 email regarding Budget
57. Olivia Anastasia 6/22/2020 email regarding COVID-19
58. Whitney Oppenhuizen 6/22/2020 email regarding COVID-19
59. Wendy Guido 6/22/2020 email regarding Budget
60. Robin Judd 6/22/2020 email regarding COVID-19
61. Kelsey Johnson 6/22/2020 email regarding Budget
62. Bill McPeak 6/23/2020 email regarding Budget
63. Keith Benefiel 6/23/2020 email regarding Fencing
64. Kristen Pope 6/23/2020 email regarding COVID-19
65. Steve Elam 6/23/2020 email regarding Budget
66. Paul O'Brien 6/24/2020 email regarding COVID-19
67. Gary Kofinas 6/24/2020 email regarding Teton Pass Corridor
68. Zahan Billimoria 6/24/2020 email regarding Budget
69. Stan Pugmire 6/24/2020 email regarding Budget
70. Jeff Roush 6/24/2020 email regarding COVID-19
71. Stephen McDonald 6/25/2020 email regarding Tribal Trail Connector
72. Jim Lewis 6/25/2020 email regarding COVID-19
73. Bill Ollar 6/25/2020 email regarding Budget
74. Jim Lewis 6/25/2020 email regarding COVID-19
75. Yves Desgouttes 6/25/2020 email regarding Budget
76. Maria Rachal 6/25/2020 email regarding Budget
77. Christine Watkins 6/25/2020 email regarding Tribal Trail Connector
78. Tara McDonald 6/25/2020 email regarding Budget
79. Cassie Elliott 6/26/2020 email regarding COVID-19
80. Susan Johnson 6/26/2020 email regarding AMD2020-0001 Special Events / Receptions Amendment
81. Jr. Rodriguez, Jackson Hole Land Trust 6/26/2020 email regarding AMD2020-0001 Special Events / Receptions Amendment
82. Kip MacMillan 6/27/2020 email regarding Law Enforcement Support
83. Christine Kiely 6/28/2020 email regarding Budget
84. ActNow JH 6/28/2020 email regarding Budget
85. Nikki Kaufman 6/28/2020 email regarding Budget
86. Mark Henderson 6/28/2020 email regarding Budget
87. Gabriel Allen 6/29/2020 email regarding Budget
88. Alexandra Fuller 6/29/2020 email regarding Budget
89. Michelle Rooks 6/29/2020 email regarding Budget
90. Corey Milligan 6/29/2020 email regarding COVID-19
91. Dagmar Josie Wittner 6/29/2020 email regarding COVID-19

92. Dan Brophy 6/29/2020 email regarding COVID-19
93. Wendell Field 6/29/2020 email regarding Budget
94. Anne Marie Wells 6/29/2020 email regarding Budget
95. Anton Wahlman 6/29/2020 email regarding COVID-19
96. Lindsay Jones 6/29/2020 email regarding Budget
97. Anna Kerr 6/29/2020 email regarding Budget
98. Kay Stratman 6/29/2020 email regarding COVID-19
99. Marion Thurston 6/29/2020 email regarding Budget
100. Melissa Turley, Teton Village Association 6/29/2020 email regarding FY21 START Bus Budget
101. Stacie Bellairs 6/29/2020 email regarding Budget
102. Theresa Bruncker 6/30/2020 email regarding Budget
103. Ellen Bruncker 6/30/2020 email regarding Budget
104. Charles Thomson 6/30/2020 email regarding COVID-19

#### **PUBLIC COMMENT**

There was no public comment.

#### **MATTERS FROM COMMISSION AND STAFF:**

##### **2. Consideration of Approval to Begin 45-Day Public Comment Period for Updates to Title 1 Facilities Rules and Regulations**

Sarah Mann, Director of General Services, presented to the Board for consideration of approval to proceed with 45-day public noticing for possible adoption of revisions to Teton County Rules & Regulations Title 1 – Facilities.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve proceeding with the 45-day public comment period for revisions to the Title 1-Facilities of the Teton County Rules and Regulations. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

##### **3. Consideration of Approval to Begin 45-Day Public Comment Period for Updates to Title 2 Procurement Rules and Regulations**

Sarah Mann, Director of General Services, presented to the Board for consideration of approval to proceed with 45-day public noticing for possible adoption of revisions to Teton County Rules & Regulations Title 2- Procurement

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve to approve proceeding with the 45-day public comment period for the revisions to Title 2- Procurement of the Teton County Rules and Regulations. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

##### **4. Consideration of Approval of a Grant from Community Foundation of Jackson Hole for Census 2020 Public Awareness Campaign**

Sarah Mann, Director of General Services, presented to the Board for consideration of approval of a microgrant from Community Foundation of Jackson Hole for 2020 Census Public Outreach/Engagement.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Barron to approve the grant award in the amount of \$3000 from Community Foundation of Jackson Hole for Census 2020 public awareness campaign. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

##### **7. Consideration of Approval for a Construction Contract for County Datacenter**

Paul Cote, Facilities Manager, presented to the Board for consideration of approval a contract for the construction of a County datacenter room in the General Services Building.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the contract for the construction of a Datacenter in the General Services Building to Brookhurst Construction and Development in the amount of \$101,015.00. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

##### **12. Consideration of Approval of a Memorandum of Understanding with the Wyoming Department of Health, Public Health Division, and Teton County for COVID-19 Outbreak Services**

Jodie Pond, Health Department Director, presented to the Board for consideration of approval an agreement is to set forth the terms and conditions by which the County shall utilize grant funds for public health personnel salaries to support contact tracing and other outbreak response activities, County Health Officer pay for outbreak response activities, and human SARS-CoV-2 active disease testing costs.

Public comment was given by Candra Day.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the MOU with the Wyoming Department of Health, Public Health Division and Teton County for COVID-19 Public Health outbreak response services for the period March 13, 2020 to December 31, 2020. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

##### **19. Consideration of Approval of an Agreement to Render Services with Wyoming Department of Transportation for Wildlife Crossings at 22/390 Intersection**

Amy Ramage, County Engineer, presented to the Board for consideration of approval an Agreement to Render Services (ARS) that will allow WYDOT to conduct the planning, engineering, design, permitting and construction of two wildlife crossings near the intersection of WY-22 and WY-390, which are to be funded by Teton County.

Stakeholder group comment was given by Aly Courtemanch-Wyoming Game & Fish, Jack Koehler-Friends of Pathways, Chris Colligan-Greater Yellowstone Coalition, Ross MacIntyre, and Renee Seidler-Jackson Hole Wildlife Foundation

Public comment was given by Brooke Sausser-Jackson Hole Conservation Alliance and Hamish Tear.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Authority to Render Services with WYDOT for the construction of two county-funded wildlife crossings in the vicinity of the WY22-390 intersection, with an estimated project cost of \$3,066,455.00. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 10:23am and reconvened at 10:29am.

## 21. Consideration of Approval of a Change Order for the Jail Lobby Remodel

Matt Carr, County Sheriff, presented to the Board for consideration of approval the final contract change order to the jail lobby remodel contract with ACM Construction Management.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve Change order #4 for \$4,979.00 with ACM Construction Management resulting in a new contract price of \$249,163.11 for the jail lobby remodel. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

## 22. Consideration of Approval of the Recreation Center Renovation/Expansion RFP Award Recommendation

Steve Ashworth, Director of Parks and Recreation, presented to the Board for consideration to reject all proposals for Construction Manager at Risk, Owners Representative, Design Services, and Commissioning Agent Services for the 2019 SPET Recreation Center Renovation and Expansion Project.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to reject all proposals for the 2019 SPET Recreation Center Renovation and Expansion Project to include Construction Manager at Risk, Owners Representative, Design Services, and Commissioning Agent. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

### MATTERS FROM PLANNING & DEVELOPMENT:

1. Applicant: AJL DUERSCH, LLC **POSTPONED TO THE JULY 21, 2020 BCC HEARING**  
Presenter: Chandler Windom  
Permit No.: DEV2016-0002  
Request: Request for a 4-Unit Subdivision Planned Residential Development pursuant to Section 2320 of the 4<sup>th</sup> Printing of the 1994 LDRs.  
Location: The subject property is located east of N State Line Road in Alta. The land is zoned Rural and is not within any overlays.
2. Applicant: AJL DUERSCH, LLC & PWD DUERSCH, LLC **POSTPONED TO THE JULY 21, 2020 BCC HEARING**  
Presenter: Chandler Windom  
Permit No.: EAS2019-0002  
Request: Request to accept a new easement to the Teton County Scenic Preserve Trust to allow approval of a Planned Residential Development  
Location: The subject property is located east of N State Line Road in Alta. The land is zoned Rural and is not within any overlays.

The above-referenced applications, DEV2016-0002 and EAS2019-0002, were scheduled to be heard before the Board of County Commissioners at their May 19, 2020 meeting. The Board approved a postponement to their July 7, 2020 meeting at the request of the applicant. However, due to a change in a recommended condition of approval by the Planning Commission made at their June 8, 2020 meeting, Staff is requesting a second postponement so that the applicant can comply with the requirements of that revised condition, a request for an independent calculation for affordable housing, and allow for sufficient review time by Staff.

Staff respectfully requests that the Board postpone these items to their **July 21, 2020** hearing, so the applicant can revise their application per the request of the Planning Commission and for staff to review and provide a recommendation.

3. Applicant: FRODEMAN, ROBERT L.  
Presenter: Taylor Cook  
Permit No.: VAR2020-0002  
Request: A Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations, to vary Section 5.1.1.D.2.a of the Teton County Land Development Regulations, to allow reduction of a river setback to permit the construction of an addition to a single-family home.  
Location: 1660 E J-W Drive. Lot 10, J-W Subdivision. Generally located adjacent to the Lower Valley Energy substation 800 feet southeast of Hoback Junction. The property is zoned Neighborhood Conservation and is located within the Natural Resource Overlay.

Taylor Cook, Planning Staff, presented to the Board for consideration of approval a Variance pursuant to Section 8.8.2 of the Teton County Land Development Regulations (LDRs) to vary Section 5.1.1.D.2.a of the Teton County Land Development Regulations, to allow a reduction of the river setback from 150 feet to 110 feet to permit the construction of a 215 square foot (sf) addition to a single family home and a 100 sf covered deck addition.

Recommended findings include:

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood – can be made.
2. The special circumstances and conditions have not resulted from any willful modification of the land or building – can be made
3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community – can be made.
4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant – can be made.
5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed and is otherwise not detrimental to the public welfare – can be made.
6. The granting of the variance is consistent with the general purpose and intent of these LDRs – can be made.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve VAR2020-0002 dated February 26, 2020, for a reduction to the 150-foot river setback from 150 ft to 110 ft for a 215 habitable sf addition and a 100 sf covered deck addition, as set forth in the application materials dated February 26, 2020 and being able to make the six (6) findings of Section 8.8.2 of the Teton County Land Development Regulations as recommended by the Planning Commission and the Planning Director, with one condition as follows:

1. Prior to submittal of physical development permits the applicant shall demonstrate compliance with the structural setback on the west boundary of the property by the removal of the temporary shed.

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

4. Applicant: TETON COUNTY  
Presenter: Ryan Rooney  
Permit No.: AMD 2019-0006  
Request: Amendments to the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1 of the LDRs, regarding correction of typos/grammatical mistakes; clarification of existing regulatory standards and definitions; codification of existing practices regarding the fulfillment of miscellaneous planning requests and limitations on new permit issuance to parcels with unremediated violations; addition of regulations regarding sprinklers and modifications within levee easements; regulations regarding maximum noticing periods for public meetings, and changes to campground regulations. These are new Land Development Regulations which are authorized pursuant to Wyoming Statute § 18-5-201.  
Location: County-wide

Rian Rooney, Planning Staff, presented to the Board for consideration of approval a Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to address a variety of issues throughout the text, including typos and corrections, clarifications, compliance with other laws and regulations, codification of existing practice for transparency and clarity, and minor policy modifications. The Teton County Planning Department has complied with the requirements of Wyoming State Statute § 9-5-304.

The proposed amendment is composed of 49 modifications to the LDRs. The description of each change can be found in the table in the accompanying guide dated June 1, 2020 (Attachment #1 to this report). The linked redlined version of the LDRs dated June 29, 2020 (Attachment #6) shows the complete set of proposed changes to the text.

Planning Staff regularly prepares “cleanups” of the LDRs to ensure that they are maintained, remain accurate and current, and are compliant with relevant updates to other laws and regulations. The County’s goal is to complete these cleanup amendments every two years so that implementation of the LDRs remains consistent with the Comprehensive Plan and so the LDRs are as clear as possible. The last LDR Cleanup Amendment was adopted in December 2016 and became effective January 1, 2017. This 2019-2020 Cleanup was directed through the FY 20 Implementation Work Plan.

The proposed amendments in this cleanup fall into 5 categories:

1. Typos & Corrections. These are insubstantial changes for misspellings and typographical errors, incorrect internal references, resolving unintentional omissions, and updating language for consistency.
2. Clarification. These updates are meant to clarify the text of LDRs without making any policy changes. These types of changes may enhance organization of the LDRs, rephrase existing language to clarify intent, add language to close loopholes or clarify regulations and definitions that are vague, or reference state statutes that inform the regulation in question.
3. Compliance. These updates reflect legal rulings, changes to state or federal law, or directives from other entities that impact our LDRs. They may indicate potential changes in policy.
4. Codification of Existing Practice. These changes are meant to incorporate existing practice and policy into the text of the LDRs for transparency and clarity. These changes do not indicate a shift in practice or policy.
5. Policy. These changes are distinct, but minor, changes in policy that are being introduced in this LDR text amendment. They are only included as cleanup items because they improve consistency of the LDRs with other regulatory standards already vetted by the Board or have minimal impact, such as the streamlining of review processes.

Recommended findings include:

1. Is consistent with the purposes and organization of the LDRs – can be made.
2. Improves the consistency of the LDRs with other provisions of the LDRs – can be made.
3. Provides flexibility for landowners within standards that clearly define desired character – can be made.
4. Is necessary to address changing conditions or a public necessity and/or state or federal legislation – can be made.
5. Improves implementation of the Comprehensive Plan – can be made.
6. Is consistent with the other adopted County Resolutions – can be made.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve AMD2019-0006, as presented in the amendment draft dated June 29, 2020, being able to make the findings of Section 8.7.1., subject to the changes requested at this hearing:

- Removal of the revised modification #48, regarding ARU restrictions for ARUs accessory to non-residential uses
- Removal of the revised modification #28, regarding Livability Standards for exempt restricted units.

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

The meeting was recessed at 11:54am and reconvened at 1:02am.

5. Applicant: TETON COUNTY  
Presenter: Kristi Malone  
Permit No.: AMD2020-0001  
Request: Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to update standards of Division 6.1. Allowed Uses that regulate outdoor reception events and to update any references to outdoor reception events that occur throughout LDRs as necessary. Teton County has complied with the requirements of Wyoming Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.  
Location: County-wide

Kristi Malone, Planning Staff, presented to the Board for consideration of approval a proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to update standards of Division 6.1. Allowed Uses that regulate outdoor reception events and to update any references to outdoor reception events that occur throughout LDRs, as necessary.

The Board of County Commissioners (BCC) requested that Planning Staff prepare an amendment to the Teton County Land Development Regulations (LDRs) to better define the permits required and standards applicable to special events that take place outdoors. With the growing interest in outdoor festivals occurring on private land within Teton County, the BCC has expressed a need to revisit land use standards for outdoor events.

The BCC first directed Planning Staff to craft a proposed LDR text amendment last year as an item identified in the BCC's Areas of Focus for the LDRs. The Teton County Planning Commission reviewed and made a recommendation on Staff's proposed LDR text amendment on April 13, 2020. On May 5, 2020, the BCC reviewed the Staff and Planning Commission analysis of this item and requested that more community outreach be conducted (specifically focusing on the special event business sector) and that more alternatives to the initial amendment proposal be presented. The resulting outreach efforts and amendment alternatives are discussed as Key Issues in this staff report.

This proposed LDR text amendment is comprised of three revisions:

1. **Add "Special Event" as a Temporary Use.** This addition is intended to clarify that a Special Event Compliance Certificate must be issued by the County Commissioners' Administrator for any event to occur in Teton County that meets the definition of "Special Event" as defined in County Resolution 17-033. It also distinguishes between a temporary special event use and an outdoor reception site use. This is not a change in County standards; this is codification of current standards into the text of the LDRs.
2. **For outdoor reception sites, clarify the definition of "private" and "non-profit" event exemptions.** This also is not a change in County standards; exemptions for private and non-profit events are currently represented in the LDR section for Outdoor Receptions. This amendment defines the type of events that qualify as private or non-profit. Upon further consideration since the May BCC meeting, Staff recommends simplifying the definition of "non-profit" to events hosted by organizations that demonstrate they are tax-exempt under section 501(c)(3) of the Internal Revenue Code.
3. **For outdoor reception sites, expand the threshold for the requirement to obtain a Conditional Use Permit to include a single event annually that exceeds 300 attendees or an event that proposes on-site overnight camping** as an incidental component of the primary reception site use. This amendment proposes a change to the LDRs that would require more Outdoor Reception sites to obtain a Conditional Use Permit—those that are large in number of attendees or incorporate overnight camping as a component. Upon further consideration since the May BCC meeting, Staff recommends adding an exemption to any zone-based minimum site area requirement for outdoor reception sites if the event is limited to a one-time or annual occurrence. This way, infrequent large events are not inadvertently prohibited based on site size limitations and applicants have access to the CUP process for a site-specific determination of the appropriateness of proposed site.

The objective in crafting this initial amendment proposal was to bring additional intensity of use metrics into consideration for outdoor events using the review and permitting constructs already available in the LDRs. The purpose of a Conditional Use Permit is to individually and publicly review the configuration, density, and intensity of a use that is generally compatible with the character of a zone, but requires additional, site-specific conditions to limit and mitigate effects that may be adverse to the desired character of the zone. Currently, the **frequency** of outdoor events on a site is the only intensity of use metric that differentiates events allowed outright on any property in any zone from a higher intensity of use that would benefit from public review through the CUP process. Only when more than three events are held on a site are zone-based restrictions applied and an approved CUP required. This proposal asks if additional metrics, such as **size** of an event and **duration** of an event, are meaningful in ensuring that the level of intensity of use is compatible with the proposed site and surrounding community character. In other words, could a single large event or an event in which attendees occupy the site overnight generate a higher intensity of use that compromises the desired character of the area? At what point would the community benefit from zone-based restrictions, a public process, review of findings specific to intensity of use, and application of the authority of the BCC to conditionally mitigate those use impacts or deny the use?

Recommended findings include:

1. Is consistent with the purposes and organization of the LDRs – can be made.
2. Improves the consistency of the LDRs with other provisions of the LDRs – can be made.
3. Provides flexibility for landowners within standards that clearly define desired character – can be made.

4. Is necessary to address changing conditions or a public necessity and/or state or federal legislation – can be made.
5. Improves implementation of the Comprehensive Plan – can be made.
6. Is consistent with the other adopted County Resolutions – can be made.

Public comment was given by Jeremy Walker-Fire in the Mountains, Len Carlman, Si Matthies, and Anna Olson.

A motion was made by Commissioner Newcomb and seconded by Commissioner Propst to approve AMD2020-0001, as presented in the draft dated April 6, 2020, to update standards of Division 6.1. Allowed Uses that regulate outdoor reception events and to update any references to outdoor reception events that occur throughout LDRs, being able to make the findings of Section 8.7.2 as recommended by the Planning Commission and Planning Director with the following conditions

1. Change the definition of “non-profit” to events hosted by organizations that demonstrate they are tax-exempt under section 501(c)(3) of the Internal Revenue Code.
2. Add an exemption to any zone-based minimum site area requirement for outdoor reception sites if the event is limited to a one-time or annual occurrence.
3. Apply a January 1, 2021 effective date for this LDR text amendment.
4. This text amendment shall have no effect to any and all events issued Special Event Compliance Certificates pursuant to Teton County Resolution 17-033 in 2020, in which the event was cancelled 2020 because of the COVID Pandemic, and those events shall be allowed to hold their event in 2021 under their 2020 Special Event Compliance Certificate, with the exception that liquor catering permits must be re-applied for in 2021.
5. Add an exemption for resort zones.
6. Change from 300 to 500 attendees.

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

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to direct staff and the County Attorney’s Office to look into a separate process for a threshold of 300-999 people that has a separate permitting process.

Commissioner Epstein withdrew the motion.

**EXECUTIVE SESSION**

There was no executive session today.

**MATTERS FROM COMMISSION**

**ADJOURN**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 3:06pm.

Respectfully submitted,

Shelley Fairbanks  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Natalia D. Macker, Chair

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Greg Epstein, Vice-Chair

\_\_\_\_\_  
Mark Barron

\_\_\_\_\_  
Mark Newcomb

ATTEST: \_\_\_\_\_  
Luther Propst

\_\_\_\_\_  
Maureen E. Murphy, County Clerk