

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

The Teton County Board of Commissioners met in regular session on **August 25, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:03am 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 Epstein to adopt today's agenda with the following change:

TO POSTPONE: Action Item #5 - Consideration of Approval of a Contract Award for Gros Ventre Road Snow Removal to the September 15, 2020 BCC Hearing

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

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the **08/03/2020, 08/04/2020, 08/06/2020 BOE, 08/07/2020 BOE, 08/10/2020, 08/10/2020 BOE, 08/11/2020 BOE, 08/12/2020 BOE,** and **08/17/2020** 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 Propst to place the following Matters from Staff on a Consent Agenda:

2. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #10
3. Consideration of Approval of an Employee Housing Lease for 380 S. Jackson Street
4. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #6
8. Consideration of Approval of Amendment 1 to Contract with Clean Harbors Environmental Services, Inc. for Household Hazardous Waste Disposal Services
9. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #8
11. Consideration of Approval to Fill State Employed Public Health Nurse
15. Consideration of Approval of Datacenter Change Order 1

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

A motion was made by Commissioner Newcomb 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:

2. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #10

To approve the Lease Agreement for Hoback Cabin #10, located at 11055 S highway 89, with County employee Nahum E. Moreno Pasten.

3. Consideration of Approval of an Employee Housing Lease for 380 S. Jackson Street

To approve the Lease Agreement for 380 Jackson Street, with County employee Shane Yu.

4. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #6

To approve the Lease Agreement for Hoback Cabin #6, located at 11055 S highway 89, with county employee Bridget Bottomley.

8. Consideration of Approval of Amendment 1 to Contract with Clean Harbors Environmental Services, Inc. for Household Hazardous Waste Disposal Services

To approve Contract Amendment #1 with Clean Harbors Environmental Services, Inc. for the transportation and disposal of household hazardous waste from Integrated Solid Waste and Recycling.

9. Consideration of Approval of an Employee Housing Lease for Hoback Cabin #8

To approve the Lease Agreement for Hoback Cabin Transitional Unit #8 located at 11055 S highway 89, with County employee McKinnley Cox.

11. Consideration of Approval to Fill State Employed Public Health Nurse

To authorize the Wyoming Department of Health to fill the vacant State Public Health Nurse position.

15. Consideration of Approval of Datacenter Change Order 1

To approve Datacenter Change Order 1 in the amount of \$10,690.00 to Brookhurst Construction and Development.

DIRECT CORRESPONDENCE

1. Nicole Giambastiani 7/28/2020 email regarding COVID-19
2. Robert Frodeman 7/28/2020 email regarding Hoback / Snake Confluence
3. Leah Duke, Mountain Property Management 7/28/2020 email regarding Willowbrook Water & Sewer District Final Budget
4. Standard Drywall Inc 7/29/2020 letter regarding Preliminary Notice of Right to Lien - JH Firehouse and Fire Admin Building
5. Federal Emergency Management Agency 7/29/2020 email regarding Flood Insurance Study Report and Rate Map
6. Kristan Burba 7/29/2020 email regarding COVID 19
7. Leigh Reagan Smith 7/29/2020 email regarding COVID 19
8. Alexis Smith 7/29/2020 email regarding COVID 19
9. Tim Linger, Indian Paintbrush Water District 7/29/2020 email regarding Indian Paintbrush Water District final budget 2020-2021
10. Bruce Hawtin 7/29/2020 email regarding Northern South Park
11. Pete Muldoon, Mayor, Town of Jackson 7/29/2020 email regarding ZMA2020-0002 - Zoning Map Amendment – JHHR Holdings I, LLC - High School Road Housing
12. Tom Hogan 7/29/2020 email regarding Books for Urban Planning
13. Housing Department 7/30/2020 email regarding Mid-Year Report
14. Mike Hardaker 7/30/2020 email regarding RE: press release: Teton District Health Recommendation #9 Early Closure for All Restaurants and Bars
15. Steve Feldman 7/30/2020 email regarding Outdoor Event Sites
16. Skyline Ranch ISD 7/31/2020 email regarding Final Budget
17. Andy Schwartz, Wyoming Legislature 7/31/2020 email regarding Housing Mitigation Rates
18. Melissa Shinkle, County Assessor 7/31/2020 email regarding Mill Levies
19. Kristin Shean 7/31/2020 email regarding COVID 19
20. Teton County Historic Preservation Board 7/31/2020 email regarding Relocation of the Historic Structure at 230 E. Pearl Avenue
21. Steve Feldman 7/31/2020 email regarding Outdoor Events
22. Emily Hagedorn, Teton Conservation District 7/31/2020 email regarding Final Budget
23. Sue Cedarholm 7/31/2020 email regarding COVID 19
24. Nicole Krieger, Hess Damours and Krieger 7/31/2020 email regarding Special Events
25. Melissa Shinkle, County Assessor 8/2/2020 email regarding Mill Levy 2020
26. Wayne Grim 8/2/2020 email regarding COVID 19
27. Deanne Hunter 8/3/2020 email regarding Budget
28. Julianne Fries, Human Resources 8/3/2020 email regarding Letter to BCC from Library Director
29. Anne Marie Wells, Community Entry Services 8/4/2020 email regarding Increasing Accessibility in Town Parks
30. Anna Olson, Jackson Hole Chamber of Commerce 8/5/2020 email regarding LVE Housing Rezone
31. Eileen Prugh 8/5/2020 email regarding Northern South Park
32. Brooke Sausser, Jackson Hole Alliance 8/5/2020 email regarding Northern South Park
33. Joe Larrow 8/6/2020 email regarding Hoback Landing
34. Carol Linton 8/6/2020 email regarding Northern South Park
35. Jeremy Barnum, Grand Teton National Park 8/6/2020 email regarding Grand Teton National Park -- Nonnative Mountain Goat Culling Program Using Qualified Volunteers
36. Sandra Brown 8/7/2020 email regarding Camp Jackson
37. Barbara and John Simms 8/6/2020 email regarding Northern South Park
38. Cindy Stone 8/6/2020 email regarding Northern South Park
39. Kris Berge 8/6/2020 email regarding Northern South Park
40. Stan Morgan 8/7/2020 email regarding Northern South Park
41. Lauren Leoni 8/7/2020 email regarding Northern South Park
42. Meagan Piker 8/7/2020 email regarding Northern South Park
43. Kyle Kissock 8/7/2020 email regarding Northern South Park
44. Josh Frappart 8/7/2020 email regarding Northern South Park
45. Jan Momchilovich 8/7/2020 email regarding Northern South Park
46. Chad Repinski 8/7/2020 email regarding Northern South Park
47. Annie Band 8/7/2020 email regarding Northern South Park
48. Matthew Trucco 8/7/2020 email regarding Northern South Park
49. Leslie Roth 8/7/2020 email regarding COVID 19
50. AJ Cargill 8/7/2020 email regarding Northern South Park
51. Nash Doughman 8/7/2020 email regarding Northern South Park
52. Kris Greenville 8/7/2020 email regarding Northern South Park
53. John Wright 8/7/2020 email regarding Northern South Park
54. Shirley Thomas 8/7/2020 email regarding Northern South Park
55. Paige Byron Curry 8/8/2020 email regarding Northern South Park
56. Chris Moran 8/8/2020 email regarding Northern South Park
57. Christie Watts 8/8/2020 email regarding Northern South Park
58. Andrew Salter 8/8/2020 email regarding Northern South Park
59. Ken Bowen 8/8/2020 email regarding Dangerous Drivers
60. Jim Thompson 8/8/2020 email regarding Northern South Park
61. Joey Sackett 8/8/2020 email regarding Northern South Park
62. Linda Aurelio 8/8/2020 email regarding Northern South Park
63. Kirk Davenport 8/8/2020 email regarding Northern South Park
64. Matthew Hall 8/9/2020 email regarding Northern South Park
65. Geoff Gottlieb 8/9/2020 email regarding Northern South Park
66. Jody Garland 8/9/2020 email regarding Northern South Park
67. Jennifer Ross 8/9/2020 email regarding Northern South Park
68. Charles Daval 8/9/2020 email regarding Northern South Park
69. Debby Hopkins 8/9/2020 email regarding Northern South Park
70. Paul Hansen 8/9/2020 email regarding Northern South Park
71. Diane Hazen 8/9/2020 email regarding Northern South Park
72. Joe Albright 8/9/2020 email regarding COVID 19
73. Jim Thompson 8/9/2020 email regarding Northern South Park

74. Shirley Timmerman 8/9/2020 email regarding Northern South Park
75. Leslye Hardie 8/9/2020 email regarding Northern South Park
76. John Campbell 8/9/2020 email regarding Northern South Park
77. Jean Barash 8/19/2020 email regarding Northern South Park
78. Nancy Shea 8/9/2020 email regarding Northern South Park
79. Pat Butts 8/9/2020 email regarding Northern South Park
80. Louis Wang 8/9/2020 email regarding Northern South Park
81. James Goralski 8/9/2020 email regarding Northern South Park
82. Robbi Farrow 8/9/2020 email regarding Northern South Park
83. Lea Bonnecaze 8/9/2020 email regarding Northern South Park
84. Mary Lynn Callahan 8/9/2020 email regarding Northern South Park
85. Lorie Cahn 8/9/2020 email regarding Northern South Park
86. Chris Attias 8/9/2020 email regarding Northern South Park
87. Gillian Chapman, Teton County School District 8/9/2020 email regarding Back to School
88. Armond Acri 8/9/2020 email regarding Northern South Park
89. Dennis Jesse & Donna Baur 8/9/2020 email regarding Northern South Park
90. Wendy Guido 8/9/2020 email regarding Northern South Park
91. Mary Patno 8/9/2020 email regarding Northern South Park
92. Julia Heilesen 8/9/2020 email regarding Northern South Park
93. Cate Miller 8/10/2020 email regarding Northern South Park
94. Arthur Greger 8/10/2020 email regarding Northern South Park
95. John and Mary Kay Turner 8/10/2020 email regarding Northern South Park
96. David Sollitt 8/10/2020 email regarding Northern South Park
97. Travis Ward 8/10/2020 email regarding Northern South Park
98. Hank Phibbs 8/10/2020 email regarding Northern South Park
99. Leslie Petersen 8/10/2020 email regarding Northern South Park
100. Kristin Vito 8/10/2020 email regarding Northern South Park
101. Dominique Brough 8/10/2020 email regarding Northern South Park
102. Dave Larson 8/10/2020 email regarding Northern South Park
103. Dan and Christina Feuz 8/10/2020 email regarding Northern South Park
104. Margaret Creel 8/10/2020 email regarding Northern South Park
105. Donaldson Miele 8/10/2020 email regarding Northern South Park
106. Richard Uhl 8/10/2020 email regarding Northern South Park
107. Marvin Heilesen 8/10/2020 email regarding Northern South Park
108. Peter Moyer 8/10/2020 email regarding Village Road Corridor
109. Nikki Kaufman 8/10/2020 email regarding Northern South Park
110. Lela Hebard 8/10/2020 email regarding Northern South Park
111. Carolyn Ripps 8/10/2020 email regarding Northern South Park
112. Ariel Kazunas 8/10/2020 email regarding Northern South Park
113. Samantha Ritchie 8/10/2020 email regarding Northern South Park
114. Chris Christian 8/10/2020 email regarding Squaw Creek Road name
115. Alexa Hofmann 8/10/2020 email regarding Northern South Park
116. Anna Olson, Jackson Hole Chamber of Commerce 8/10/2020 email regarding Northern South Park
117. Mike Yin, Wyoming Legislature 8/10/2020 email regarding Northern South Park
118. Lauren Bain 8/10/2020 email regarding Northern South Park
119. Katie Lozancich 8/10/2020 email regarding Northern South Park
120. Emily Coleman 8/10/2020 email regarding Northern South Park
121. David Cernicek 8/10/2020 email regarding Northern South Park
122. Alex Freeburg 8/10/2020 email regarding Northern South Park
123. Mikey Hemkens 8/10/2020 email regarding Northern South Park
124. Seana Minuth 8/10/2020 email regarding Northern South Park
125. Ali Shafranek 8/10/2020 email regarding In-Person Schooling
126. Jamie Graham 8/11/2020 email regarding Northern South Park
127. Jeff Roush 8/11/2020 email regarding COVID 19
128. Elana Selinger 8/11/2020 email regarding Northern South Park
129. Kevin Grange 8/12/2020 email regarding Northern South Park
130. Jake Nichols 8/12/2020 email regarding Northern South Park
131. Rose Caiazzo 8/12/2020 email regarding Northern South Park
132. Peter Moyer 8/13/2020 email regarding Hwy 22/390
133. Leigh Reagan Smith 8/13/2020 email regarding COVID 19
134. Michelle Melehes 8/14/2020 email regarding Northern South Park
135. Nicole Krieger, Hess Damours and Krieger 8/14/2020 email regarding August 17, 2020 Workshop -- Proposed Amendment to
Water Resource Development Act
136. Laurie Bay 8/15/2020 email regarding Teton County Library and Board
137. Steve Feldman 8/16/2020 email regarding Giltner Event - Moose
138. Scott Fossil 8/16/2020 email regarding COVID 19
139. Nicole Krieger, Hess Damours and Krieger 8/16/2020 email regarding Additional Information for August 17 Workshop
140. CE Tyree 8/16/2020 email regarding Law Enforcement
141. Kathleen Belk Doffermyre 8/17/2020 email regarding COVID 19
142. Anna Olson, Jackson Hole Chamber of Commerce 8/17/2020 email regarding Housing Mitigation Fees
143. Doreen Tome' 8/17/2020 email regarding Law Enforcement
144. Len Carlman 8/17/2020 email regarding Sewell Park / BLM Transfer
145. Julie Scharnhorst 8/17/2020 email regarding COVID 19

PUBLIC COMMENT

Public comment was given by Nicole Krieger regarding the Hansen/Lucas levee workshop.

MATTERS FROM COMMISSION AND STAFF:

1. Consideration of Approval of 105 Mercill Avenue Housing Development Ground Lease First Amendment

April Norton, Housing Director, presented to the Board for consideration of approval an amendment to the ground lease for the workforce housing development located at 105 Mercill Avenue. On February 18, 2020 the Board executed a ground lease with Mercill Partners to develop 105 Mercill Avenue. The finished project will include 30 condominiums with Workforce Ownership deed restrictions and four commercial units that are not restricted, although Teton County has the first right to purchase the units at \$800/square foot if desired. The development also includes five First Rights of Purchase for Teton County Employees. The Board also voted to allow the developer to sell up to 12 of the units to local businesses that can then rent them to employees who qualify (work full time locally, earn 75% of household income locally, do not own property within 150 miles).

Since executing the ground lease, the developer's lender has requested several amendments to the ground lease. These changes are necessary to secure sufficiently advantageous lending terms to justify the development financially. These changes include Escrow and Deed Conveyance, Date of Initial Sale, Lenders' Transfer and Foreclosure Rights, Permitted Delays, and Benefit of Arrangement as to Commercial Space. A Workforce Ownership "Business Option" restriction has also been drafted and will be used on the up to 12 units the developer is allowed to sell to local businesses for the purposes of housing their employees. The restriction requires that the units be rented to Qualified Households.

Public comment was given by Stefan Fodor.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the First Amendment to the Ground Lease for Mercill Avenue Condominiums. I further move to approve the revised Workforce Ownership Restriction and Workforce Ownership Restriction – Business Option. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

6. Consideration of Approval of a Contract for Jail Generator

Paul Cote, Facilities Manager, presented to the Board for consideration of approval of a contract for the replacement of the emergency power generator at the jail. The Jail facility has a select-circuit emergency power generator that provides electricity during power outages. Circuits served include the 911 Dispatch Center and the emergency response radio network. In December 2019, the State of Wyoming DEQ red-tagged the petroleum Underground Storage Tank (UST) which provided fuel to the generator due to a number of statutory violations. That tank, in compliance with the red tag order, was removed in July 2020. A new fuel tank could not be attached to the old generator, which had been in place for over 35 years. Therefore, a temporary generator was installed to provide emergency power until such time as a new generator and fuel storage tank can be installed.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to approve the contract for the Jail Generator Replacement Project with West Fork, LLC in the amount of \$357,462.00. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

7. Consideration of Approval of a Proposed Scope of Work and Contract for Phase II.A of the BLM Land Transfer Project

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval a scope of work and contract for Phase II.A of the Bureau of Land Management (BLM) Land Transfer Project. The scope of work outlines the entirety of Phase II, captured in six (6) tasks. The Phase II.A contract is for the completion of tasks 1 and 2, which can be accomplished within the approved FY21 budget. This work will focus on filling data gaps on the BLM Parcels. Task 1 is to compile baseline data for each BLM Parcel and task 2 will address miscellaneous legal and policy issues that may have a bearing on a legislative proposal. At the completion of Phase II.A, it is anticipated that the contractor will present the BCC with a Phase II.B contract for consideration.

Public comment was given by Kathrine Dowson, Stefan Fodor, Jared Baecker, Len Carlman, Turner Resor, and John Wasson.

Todd Robertson, Western Land Group, addressed the Board regarding the scope of work and contract.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the scope of work and contract with Western Land Group, Inc. for Phase II.A of consulting services related to the Bureau of Land Management land transfer project, in an amount not to exceed \$20,000.00 and direct staff to schedule a workshop with WLG as soon as possible to move forward on the remaining contract. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

10. Consideration of Approval of an Agreement with St. John's Health for COVID-19 Testing Services

Jodie Pond, Health Director, presented to the Board for consideration of approval an agreement with St. John's Health for the provision of COVID-19 surveillance testing. The Teton County Health Department will be offering large scale surveillance testing to eligible businesses and organizations. This surveillance testing is for people without symptoms. This is good for the community because it will enable us to better understand how COVID-19 is currently affecting our community. Surveillance testing not only provides us with a better picture of our community, but it also helps us to identify people who have COVID-19 and who are asymptomatic and pre- symptomatic. This early detection is essential to eventually containing COVID-19.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Agreement with St. John's Health for COVID-19 surveillance testing services for the period August 17, 2020 – December 30, 2020, in an amount not to exceed \$179,000. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 10:20am and reconvened at 10:28am.

12. Consideration of Approval to Apply for a State Grant to Update Community Wildfire Protection Plan

Keith Gingery, Chief Deputy County Attorney on behalf of the Fire Chief and Fire Warden, presented to the Board for consideration of approval a grant application with the Wyoming State Forestry to fund consultant services for the revision of our Community Wildfire Protection Plan (CWPP). Teton County completed its original countywide CWPP in 2005. Teton Area Wildfire Protection Coalition (TAWPC), an interagency working group, determined in 2013 the original document needed revision. The 2014 Teton County CWPP was designed to be a programmatic document that utilizes a prioritization process that facilitates and maximizes fuels mitigation efforts within the County. In June of 2020, District Forester for Teton County, Barry Tye, advised Jackson Hole Fire/EMS and TAWPC that the 2014 CWPP is outdated and no longer meets the criteria of the Healthy Forests Restoration Act and Wyoming Forest Action Plan. Much of the fuels work that has been accomplished in Teton County and our neighboring forest lands would not have occurred without funding support from Wyoming State Forestry Division, and in order to be applicable for future funding, it is important that the CWPP meets all the criteria set forth by the Healthy Forest Restoration Act. Updating the CWPP also allows us to track fuels projects, reassess our priority neighborhoods, assess the growth in our Wildland Urban Interface and continue work to mitigate hazards related to wildfire. Staff propose retaining consultant services to accomplish the required revisions to the CWPP.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Western States Wildland Urban Interface Grant Program application in the amount of \$200,000 to hire a third-party consultant to prepare the CWPP. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

13. Consideration of Approval to Enact Partial Burn Restrictions in Teton County

Keith Gingery, Chief Deputy County Attorney on behalf of the Fire Chief, presented to the Board for consideration of approval to implement a partial fire closure for unincorporated areas of Teton County, prohibiting open fires. In considering the need for open burning restrictions a number of factors are taken into account, including but not limited to the predicted fire potential, the number of regional fire starts, the condition of the fuels, available firefighting resources, predicted human activity, weather forecasts, and the status of partner agencies and lands.

Teton County Fire Warden Brady Hansen has assessed local risk factors and believes there is a need for fire restrictions in order to help mitigate the risk of significant fire developments that may exceed the capacity of local and regional firefighting resources. Some of the current considerations include:

- Bridger Teton Forest was declared to be in "Very High" fire danger on August 18, 2020.
- Local resources have been drawn down due to other fires outside of our area.
- We are starting to see local fire starts that are human caused.
- Bridger Teton Forest implemented fire restrictions August 13.
- The long-term forecast is for more hot/dry weather.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the resolution implementing a partial fire closure for the unincorporated area of Teton County, prohibiting open fires. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

14. Consideration of Approval to Revise Families First Coronavirus Response Act (FFCRA) Policy

Keith Gingery, Chief Deputy County Attorney on behalf of the Director of Human Resources, presented to the Board for consideration of approval to amend the County's FFCRA Emergency Paid Sick Leave and Family Leave Policy to minimize the negative impacts related to school district hybrid in-home classroom schedules or childcare facility closures related to COVID-19. The County's FFCRA policy currently restricts the use of intermittent leave for childcare or school closures related to COVID-19. With the recent discussions in our school district related to classroom schedules and implementation of a expected hybrid in-home/in-school classroom model, staff wish to revise the current policy to allow for intermittent leave and to support our employees need to care for their child(ren) whose school or place of care is unavailable because of COVID-19. Intermittent leave would be allowable in full week increments or full day increments effective September 1, 2020 until the federal provision expires December 31, 2020.

Additional changes were made to clarify the exemption for Firefighter/EMS shift personnel allotment of hours from 80 hours to 96 hours in a two-week period due to their 24 hours shift schedule. While the federal act does not allow employers to receive tax credit reimbursement for critical infrastructure personnel, including but not limited to Firefighters and EMS employees, the County did elect to provide COVID benefits for this category of 'Critical Infrastructure Employees' only for the purpose of quarantine orders or illness of self; childcare leave and pay benefits are not allowable under this policy.

Additional edits were made to correct the terminology related to 'Isolation' (applied when ill) and 'Quarantine' (applied when not symptomatic).

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adopt the County's revised FFCRA Emergency Sick Leave and Extended Family Paid Leave policy and further move that this adoption will supersede previous versions of the same policy effective September 1, 2020. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT:

1. **Applicant:** JACKSON HOLE MOUNTAIN RESORT CORP.
Presenter: Andrew Bowen
Permit No.: PUD2019-0001 **POSTPONED TO THE OCTOBER 6, 2020 BCC HEARING**
Request: Request for text amendment pursuant to Div. 8.7.1 of the Teton County LDR's, to

amend Section VII. A: Provision of Employee Housing of the Teton Village PUD Master Plan., to enable the use of dormitory style dwellings in order to satisfy employee housing requirements.

Location: Applies to Teton Village Area One; zoned Planned Unit Development-Planned Resort with no overlay.

Per the applicant's request and to better clarify the proposed amendment, the application referenced below has been postponed. The Planning Commission will hold their Public Hearing for this Item on August 24, 2020, with the Board of County Commissioners holding Public Hearing on October 6, 2020.

- 2. Applicant: AJL DUERSCH, LLC**
Presenter: Chandler Windom
Permit No.: DEV2016-0002
Request: Request for a 4-unit Subdivision Planned Residential Development pursuant to Section 2320 of the 4th 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.

Chandler Windom, Planning Staff, presented to the Board for consideration of approval a Development Permit pursuant to Section 2320 of the 2015 Teton County Land Development Regulations (LDRs) for a 4-unit Subdivision Planned Residential Development. The applicant, Y2 Consultants, on behalf of the property owners, AJL Duersch, LLC and PWD Duersch, LLC, are requesting a Development Permit to subdivide a 48.03-acre parcel into 4 lots using the Planned Residential Development (PRD) option. This original application was submitted in March of 2016. It was put on hold in February of 2017 in order for the applicant to work on outstanding requirements and to collaborate with neighbors to address their concerns. It was deemed that the applicant was not unresponsive, and instead was actively working on resubmittal requirements. The applicant waived the timeline for review of the application as outlined in the LDRs. Since this application was deemed sufficient on March 26, 2016 the project is to be reviewed under the PRD standards effective at that time. This was prior to the adoption of the most recent Teton County Land Development Regulations on April 1, 2016.

The applicant is proposing 4 lots, three of which will be 13 acres and a fourth lot of 9.05 acres. The open space proposed is a majority of each lot, totaling 35.24 acres or 74.68% of the base site area. The applicant has requested a new conservation easement from the Teton County Scenic Preserve Trust, EAS2019-0002, which will be brought before the Board of County Commissioners concurrent with this application. The open space is valued for its agricultural activities and scenic views.

The recommended findings are:

1. The proposed Development Plan shall be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan, including standards for building and structural intensities and densities and intensities of use. – Can be made.
2. The proposed Development Plan shall not have a significant adverse impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMT facilities. – Can be made.
3. The proposed Development Plan shall achieve the standards and objectives of both the NRO, pursuant to Division 3200, Natural Resources Overlay (NRO), and the SRO, pursuant to Division 3300, Scenic Resources Overlay (SRO) District. – Can be made.
4. The proposed Development Plan shall comply with all standards imposed on it by all other applicable provisions of these Land Development Regulations for use, layout, and general development characteristics. – Can be made.
5. The proposed Development Plan shall comply with the conditional or special use standards, as applicable, pursuant to Section 5140.B.Conditional Use Standards, if the proposed use is specified as a Conditional or Special use in Table 2200, Use Schedule. – Not applicable.

Hal Hutchinson, on behalf of the applicant, addressed the Board regarding fee-in-lieu and public comment. Mr. Hutchinson requested a continuation to the October 6, 2020 BCC hearing.

Public comment was given by Richard Weinbrandt, Gigi Hendricks, Greg Such, Shawn Hill, Bart Burch, Earl Laysen, and Kevin Oleson.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to continue DEV2016-0002 to the October 6, 2020 BCC hearing. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

- 3. Applicant: AJL DUERSCH, LLC AND PWD DUERSCH, LLC**
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.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue EAS2019-0002 to the October 6, 2020 BCC hearing. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 11:04am and reconvened at 11:09am.

4. **Applicant:** LOWER VALLEY ENERGY, INC.
Presenter: Kristi Malone
Permit No.: ZMA2020-0001
Request: Request to amend the Official Zoning Map, pursuant to Section 8.7.2, Zoning Map Amendment, to rezone 7.14 acres owned by Lower Valley Energy, Inc. at the southern end of the South Park Business Park from Rural-3 to Suburban.
Location: The subject parcel does not have an assigned street address but is generally located just south of the Lower Valley Power and Light office and substation at 4000 S Highway 89 on the east side of Highway 89 approximately three miles south of the Town of Jackson boundary. The parcel is adjacent to the Little Horsethief Canyon Subdivision (Plat #366). The property is currently zoned Rural-3 and is within the Natural Resources.

Chris Neubecker, Director of Planning and Building Services, presented to the Board for consideration of approval a Request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, to rezone the 7.14 acres owned by Lower Valley Energy, Inc. at the southern end of the South Park Business Park from Rural-3 to Suburban. The applicant and landowner are requesting a rezone of a 7.14-acre vacant parcel situated along the east side of Highway 89 between the South Park Business Park and the Little Horsethief Canyon neighborhood. This request is for the subject parcel to be rezoned from Rural-3 (R3), which is primarily intended for development of detached single-family residential neighborhoods, to Suburban (S), which is intended for higher density single-family residential neighborhoods or limited nonresidential uses. This rezone application is for increased intensity of use and development beyond what the current R-3 zone allows. This rezone would facilitate the landowner's desire to subdivide the site and construct higher density detached single family dwelling units for use as workforce housing.

The recommended findings are:

1. Is consistent with the purposes and organization of the LDRs – Can be made.
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan – Can be made (Planning Commission). Cannot be made (Planning Director).
3. Is necessary to address changing conditions or a public necessity - Can be made (Planning Commission). Cannot be made (Planning Director).
4. Is consistent with the other adopted County Resolutions – Can be made.

Bill Collins, on behalf of Lower Valley Energy, addressed the Board regarding the application.
Jim Webb, CEO Lower Valley Energy, addressed the Board regarding the application.

The meeting was recessed at 12:00pm for lunch and reconvened at 1:30

Public comment was given by Kim Harrower, Jake Hanson, Wendy Meyring, Trish Williams, and Anna Olson.

Bill Collins addressed the Board regarding deed restrictions on the parcels.

The meeting was recessed at 2:55pm and reconvened at 3:00pm.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve ZMA2020-0001, application received March 19, 2020 to rezone the subject lot of record from Rural-3 to Suburban, considering the factors of LDR Section 8.7.2 as recommended by the Teton County Planning Commission, with the following conditions of approval.

1. This Zoning Map Amendment shall not become effective until a deed restriction requiring that the 2019 Special Restrictions for Workforce Ownership Housing provided by the Jackson/Teton County Housing Department be recorded on 100% of future subdivided lots has been approved by the Board of County Commissioners and recorded in the land records for the subject parcel.
2. *This Zoning Map Amendment shall not become effective until a **special deed** restriction limiting future use and development of the property to a density and intensity that improves implementation of the desired future character defined in Subarea 7.1 South Park Business Park of the 2012 Jackson/Teton County Comprehensive Plan. This restriction shall limit future use of the property to residential only, **and** limit development of the subject parcel to a level that is secondary and subordinate to existing industrial uses of the Subarea, **and maximum floor area of future development shall not exceed 50,000 sf, including garages, and each developed lot shall have a maximum area of 12,000 sf with no minimum lot area.** This restriction shall be approved by the Board of County Commissioners and be recorded in the land records for the subject parcel to be applicable to all future development of the parcel.*
3. **The BCC recommends that when the Applicant submits the Sketch Plan, the following items should be included: a site plan showing clustering options and an analysis of wildlife movement and wildlife fencing.**
4. ~~Maximum floor area of future development shall not exceed 50,000 sf, including garages.~~

The meeting was recessed at 3:16pm and reconvened at 3:23pm.

The prior motion was withdrawn by Commissioner Barron.

A motion was made by Commissioner Propst and seconded by Commissioner Barron to approve ZMA2020-0001, application received March 19, 2020 to rezone the subject lot of record from Rural-3 to Suburban, considering the factors of LDR Section 8.7.2 as recommended by the Teton County Planning Commission, with the following conditions of approval.

1. This Zoning Map Amendment shall not become effective until a deed restriction requiring that the 2019 Special Restrictions for Workforce Ownership Housing provided by the Jackson/Teton County

Housing Department be recorded on 100% of future subdivided lots has been approved by the Board of County Commissioners and recorded in the land records for the subject parcel.

2. *This Zoning Map Amendment shall not become effective until a deed restriction limiting future use and development of the property to a density and intensity that improves implementation of the desired future character defined in Subarea 7.1 South Park Business Park of the 2012 Jackson/Teton County Comprehensive Plan. This restriction shall limit future use of the property to residential only, and limit development of the subject parcel to a level that is secondary and subordinate to existing industrial uses of the Subarea, and maximum floor area of future development shall not exceed 50,000 sf, including garages, and a maximum of 17 dwelling units including Accessory Residential Units and each developed lot shall have a maximum area of 12,000 sf with no minimum lot area. This restriction shall be approved by the Board of County Commissioners and be recorded in the land records for the subject parcel to be applicable to all future development of the parcel.*
3. The BCC recommends that when the Applicant submits the Sketch Plan, the following items should be included: a site plan showing clustering options and an analysis of wildlife movement and wildlife fencing.

Chair Macker called for the vote. The vote showed 4-1 in favor with Commissioner Newcomb opposed and the motion carried.

- 5. Applicant: HIRSCHLAND, ELIZABETH TRUSTEE**
Presenter: Taylor Cook
Permit No.: BDJ2020-0002
Request: A Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations to re-configure Lots 1 and 2 of the Hirschland Subdivision.
Location: 45 S. Fall Creek Road.

Taylor Cook, Associate Planner, presented to the Board for consideration of approval a Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations to re-configure two platted lots. A Zoning Compliance Verification (ZCV2019-0028) was recently completed for the proposed reconfiguration of Lots 1 & 2 in the Hirschland Subdivision, to review for compliance with the Land Development Regulations (LDRs). The intent of this boundary adjustment is to adjust the common line between Lots 1 & 2. This proposal changes the size of Lot 1 (proposed Lot 5) from 0.70 acres to 2.07 acres and Lot 2 (proposed Lot 6) will go from 2.01 acres to 0.64 acres. The purpose of this proposal is to include the horse facility portion of the property entirely on proposed Lot 5 as it currently splits both Lots 1 & 2.

The recommended findings are:

1. No additional lots of records are created – Can be made.
2. Each of the resulting lots of record complies with the zone in which it is located as approved through a zoning compliance verification – Can be made as conditioned.
3. The applicability and required document provisions of this Section are met – Can be made.
4. The application complies with all other relevant standards of the LDRs and other County Resolutions – Can be made as conditioned.
5. The application is in substantial conformance with all standards or conditions of any prior applicable permits or approvals – Can be made as conditioned.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve BDJ2020-0002 based upon the application for Boundary Adjustment dated March 12, 2020 to replat and reconfigure Lots 1 and 2 of the Hirschland Subdivision, based on the findings Section 8.5.5, and the standards of Section 8.2.13.C of the Teton County Land Development Regulations as recommended by the Planning Director, and being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 00294, and request the Teton County Clerk write "Vacate" on Lot 1 and Lot 2 of Plat No. 00294 upon filing of a new plat, with following two conditions of approval:

1. The Applicant shall provide evidence to the Planning & Building Services Department that 1,854 of site development has been reclaimed on the proposed Lot 5, such that a determination that the surface no longer meets the LDR definition of Site Development, prior to recording the new plat.
2. Prior to, or concurrent with recording the new plat, the Applicant shall record the proposed leach field easement.

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

- 6. Applicant: WACHTER, ROBERT D. REVOCABLE LIVING TRUST**
Presenter: Hamilton Smith
Permit No.: S/D2020-0003
Request: Partial Vacation Without Replat, pursuant to Section 8.2.13.C.5 of the Teton County Land Development Regulations, Amendment of Permits or Approvals, to vacate an interior lot line.
Location: Lot 2 and Lot 3, The Canyon Homes, Plat No. 1040, Snake River Canyon Ranch Sub Area II. The properties are zoned PUD-PR and are within the Natural Resources Overlay and Scenic Resources Overlay.

Hamilton Smith, Senior Planner, presented to the Board for consideration of approval a Partial Vacation of Plat, pursuant to the standards of Section 8.2.13.C. of the Teton County Land Development Regulations (LDRs) for the partial vacation of an interior lot line on Plat No. 1040, without replat, processed pursuant to Section 8.5.3 of the LDRs, *Subdivision Plat*. The applicant is requesting a plat amendment to vacate the common lot line between Lot 2 and Lot 3 of Snake River Canyon Ranch, The Canyon Homes. The combined lot, identified as Lot 3-2, would have an area of 2.13 acres. Development entitlements on the single lot will remain at one dwelling unit, with a maximum floor area of 10,000 sf. Residences within Sub Area II have an allowance for short-term lodging. There is no change in development density that would result from this action.

The recommended findings are:

1. Is in substantial conformance with an approved development plan or development option plan or is a condominium or townhouse subdivision of existing physical development – Can be made.
2. Complies with the standards of this Section – Can be made.
3. Complies with the subdivision standards of Division 7.2 – Not applicable.
4. Complies with all other relevant standards of these LDRs and other County Resolutions – Can be made.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve S/D2020-0003, for the partial vacation of an interior lot line between Lot 2 and Lot 3 of the Snake River Canyon Ranch, The Canyon Homes, Plat No. 1040, with no conditions, being able to make the four (4) findings of Teton County Land Development Regulations Section 8.5.3, and being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 1040, and request the Teton County Clerk to write “Vacated” across the interior lot line between Lot 2 and Lot 3 of Plat No. 1040 in accord with this approval of partial vacation.

- 7. Applicant: CASA ALTA, LLC**
Presenter: Chandler Windom
Permit No.: S/D2020-0004 **POSTPONED TO THE SEPTEMBER 15, 2020 BCC HEARING**
Request: Plat Amendment, pursuant to Section 8.2.13 of the Teton County Land Development Regulations (LDRs), to vacate a building envelope on Plat No. 852 and re-plat an amended building envelope pursuant to Section 8.5.3 of the LDRs.
- Location: The subject property is located at 275 Altamont Road, Alta. The property is located approximately ¼ mile east from the intersection with Stateline Road. It is zoned Rural-Legacy and is not within any Overlays.**

The above-referenced application, SD2020-0004, was scheduled to be heard before the Board of County Commissioners at their August 25, 2020 meeting. However, staff is requesting a postponement due to a delay in obtaining final affidavits required by the owners.

MATTERS FROM COMMISSION

ADJOURN

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:10pm.

Respectfully submitted,
Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

ATTEST: _____
Luther Propst

Maureen E. Murphy, County Clerk