

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

The Teton County Board of Commissioners met in regular session on **September 18, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00am and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission: Mark Newcomb Chair, Natalia Macker Vice-Chair, Greg Epstein, Smokey Rhea, and Paul Vogelheim were present.

**MINUTES**

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve **8/29/18, 9/4/18, 9/6/18 BOE, 9/10/18, and 9/11/18** minutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**ADOPTION OF AGENDA**

A motion was made by Commissioner Macker, the motion was not seconded to adopt today's agenda as presented with the following changes:

**TO POSTPONE:** Action Item #8 –Consideration of Approval of Lease Agreement Between Teton County School District No. 1 and Teton County Regarding JES Modular Units (**Postponed to October 2, 2018**)

**TO POSTPONE:** Action Item #11 – Consideration of Approval of New Special Restriction Templates (**Postponed to October 1, 2018 JIM Meeting**)

**TO ADD:** Action Item #12 – Consideration of Approval of Resolution to Initiate Zoning Map Amendment Application for Stilson Lot 2

**TO POSTPONE:** VAR2017-0005 Fish Creek Investments, LLC (**postponed to October 2, 2018**)

**TO POSTPONE:** VAR2018-0001 Fish Creek Investments, LLC (**postponed to October 2, 2018**)

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

**CONSENT AGENDA**

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

4. Consideration of Approval of Park Shop Change Order #1-Demolition of Public Works Storage Building
5. Consideration of Approval of a Contract for the Horsethief Canyon Habitat Improvement Plan
7. Consideration of Approval of Affidavit of Amendment of Plat Condition regarding setbacks and building envelope at Bar B Bar Meadows Subdivision
9. Consideration of Approval of Cost of Living Change Orders for Teton County Snow Removal Contracts
10. Consideration of a Formal Bid Award and Purchase of a Compact SUV for the Health Department

Chair Newcomb 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 Rhea to approve the items on the Consent Agenda with the motion as stated in their respective motions of approval and recommended motions of approval from staff. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF:**

**4. Consideration of Approval of Park Shop Change Order #1-Demolition of Public Works Storage Building**

To approve Change Order #1 with RSCI, Inc. in the amount of \$15,648.00 for the demolition and disposal of the Public Works sign storage building.

**5. Consideration of Approval of a Contract for the Horsethief Canyon Habitat Improvement Plan**

To approve the Agreement with Inside Out Landscape Architecture, LLC for the Horsethief Canyon Vegetation Mitigation/Habitat Improvement Plan, with a total not-to-exceed cost of \$7,880.

**7. Consideration of Approval of Affidavit of Amendment of Plat Condition Regarding Setbacks and Building Envelope at Bar B Bar Meadows Subdivision**

To approve the Affidavit of Amendment of Plat Condition regarding Bar-B-Bar Meadows Planned Unit Development and direct the Chair to sign and request the County Clerk make the notations as described on Plat No.763.

**9. Consideration of Approval of Cost of Living Change Orders for Teton County Snow Removal Contracts**

To approve the cost of living increase for Teton County's snow removal contracts in the amount of \$14,019.58 for the 2018-19 season.

**10. Consideration of a Formal Bid Award and Purchase of a Compact SUV for the Health Department**

To award the formal bid and to approve the purchase of a compact SUV with Teton Motors in the amount of

\$26,545.00 for a 2019 Subaru Forester.

## DIRECT CORRESPONDENCE

- 1.Sarah Knowles 8/28/2018 email regarding WPLI Process
- 2.Todd Feldsted 8/28/2018 email regarding WPLI Process
- 3.Marilyn Couch 8/28/2018 email regarding WPLI Process
- 4.Ann Harvey 8/28/2018 letter regarding WPLI Process
- 5.Frances Clark 8/28/2018 letter regarding WPLI Process
- 6.Kathleen May 8/28/2018 email regarding WPLI Process
- 7.Roby Hurley 8/29/2018 email regarding Nautrual Rescources LDR Update
- 8.Karin Larson 8/29/2018 email regarding Grand Targhee Master Plan
- 9.Douglas Sobey 8/29/2018 email regarding WPLI Procces
- 10.Pegi Sobey 8/29/2018 email regarding WPLI Process
- 11.Fredereick Reimers 8/29/2018 email regarding Snow King Development
- 12.Bart Koehler 8/31/2018 email regarding WPLI Process
- 13.Franz Camenzind 8/29/2018 email regarding WPLI Process
- 14.R. Layne 8/30/2018 email regarding Lennox/Judge Business Application
- 15.James warner 8/30/2018 email regarding JH Classical Academy
- 16.Richard Grubman 8/30/2018 email regarding BOE Appeal - Grubman - 1625 N. Pratt Rd
- 17.Shirley Timmerman 8/27/2018 email regarding WPLI Process
- 18.Wes Timmerman 8/30/2018 letter regarding WPLI Process
- 19.Brian Schilling 8/30/2018 email regarding Bike Infrastructure
- 20.Sabrina Jourden 8/30/2018 email regarding New County Roads 22-16 A & 22-16 B
- 21.Kim Springer 8/30/2018 email regarding WPLI Process
- 22.Henry Phibbs 8/30/2018 email regarding WPLI Process
- 23.John Hisey 8/31/2018 email regarding Snow King Development
- 24.Anne Marie Wells 8/31/2018 email regarding Snow King Development
- 25.Richard Bloom 8/31/2018 email regarding WPLI Process
- 26.Whitney Wright 8/31/2018 email regarding Snow King Development
- 27.Richard Bloom 8/31/2018 email regarding JH Classical Academy
- 28.Kevin Proescholdt 8/31/2018 email regarding WPLI Process
- 29.Diana Birdsall 8/31/2018 letter regarding WPLI Process
- 30.Esther Judge-Lennox 8/31/2018 email regarding Invitation to party on Ross Lane
- 31.Leah Zamesnik 8/31/2018 email regarding Natural Resources LDR updates
- 32.Samuel Singer 8/31/2018 email regarding Snow King Development
- 33.Melissa Thomasma 8/31/2018 email regarding WPLI Process
- 34.Geneva Chong 8/31/2018 email regarding Snow King Development
- 35.A.Noland 8/31/2018 email regarding Snow King Development
- 36.A.Lippold 8/31/2018 email regarding Snow King Development
- 37.J.Tuthill 8/31/2018 email regarding Snow King Development
- 38.R.Robles 9/1/2018 email regarding Snow King Development
- 39.K.Springer 9/2/2018 email regarding JH Classical Academy
- 40.G.Smith 9/2/2018 email regarding JH Classical Academy
- 41.S.Taber 9/2/2018 email regarding WPLI Process
- 42.Dalton Family 9/2/2018 email regarding WPLI Process
- 43.ML.Callahan 9/2/2018 email regarding JH Classical Academy
- 44.H.Gussenhoven 9/2/2018 email regarding JH Classical Academy
- 45.S.Marsh 9/3/2018 email regarding JH Classical Academy
- 46.M.Taylor 9/3/2018 email regarding WPLI Process
- 47.S.Marsh 9/3/2018 email regarding Snake River Sporting Club
- 48.B.Smith 9/3/2018 email regarding JH Classical Academy
- 49.J.McDonald 9/3/2018 email regarding WPLI Process
- 50.J.Reed 9/4/2018 email regarding Snow King Development
- 51.B.Gunn 9/4/2018 email regarding WPLI Process
- 52.M.Taber-Thomas 9/4/2018 email regarding WPLI Process
- 53.L.Miller 9/4/2018 email regarding Ward Lane Variance Application
- 54.A.Jakovac 9/4/2018 email regarding Snow King Development
- 55.R.Newcomb 9/3/2018 letter regarding Snow King Development
- 56.C & B. Herz 11/7/2016 letter regarding WPLI Process
- 57.M.Dayton 9/4/2018 email regarding WPLI Process
- 58.K.Hueftle 9/4/2018 email regarding WPLI Process
- 59.S.Sturges 9/4/2018 email regarding WPLI Process
- 60.M.Newcomb 9/4/2018 email regarding WPLI Letters of Dissent
- 61.J.Eaton 9/5/2018 email regarding Traffice light at HWY 22 and Village Rd
- 62.R.Scott 9/5/2018 email regarding Snow King Development
- 63.J and A. Craig 9/5/2018 email regarding JH Classical Academy
- 64.S.Davenport 9/5/2018 email regarding JH Classical Academy
- 65.B.Schreiber 9/6/2018 email regarding BLM Greater Sage Grouse Preliminary Final EIS
- 66.H.Hancock 9/6/2018 email regarding JH Classical Academy
- 67.S.Yarrow 9/6/2018 email regarding JH Classical Academy
- 68.N.Dobric 9/6/2018 email regarding 4th Quarter BLM Energy Leases in Migration Corrido
- 69.R.Shaul 9/6/2018 email regarding MAWG Workshop 9-10-18
- 70.E.Balsa 9/6/2018 email regarding JH Classical Academy
- 71.L.Burbank 9/6/2018 letter regarding 4th of July Fireworks
- 72.John Borstelmann 9/6/2018 email regarding Rural Zoning Proposed Changes
- 73.Kim Springer 9/7/2018 email regarding WPLI
- 74.Jim Stewart 9/7/2018 email regarding JH Classical Academy
- 75.Roger Smith 9/7/2018 email regarding WPLI
- 76.Lyle Waggoner 9/7/2018 email regarding Snake River Sporting Club ISD
- 77.Shane Rothman 9/8/2018 email regarding Snow King Development
- 78.Larry Kummer 9/8/2018 email regarding JH Classical Academy

- 79. Aly Courtemanch, Wyoming Game & Fish Department 9/9/2018 email regarding Natural Resources Stakeholders Group
- 80. Ruth Hirsch 9/4/2018 letter regarding Snow King Development
- 81. Nick Grenoble 9/10/2018 email regarding Snow King Development
- 82. Shane Rothman 9/10/2018 email regarding Snow King Development
- 83. Wyoming Business Council 8/28/2018 email regarding Business Council seeks comment on broadband grant program
- 84. Geneva Chong 9/10/2018 email regarding Snow King Development
- 85. Timothy Brown 9/10/2018 email regarding Snow King Development
- 86. Hank Phibbs 9/11/2018 email regarding Walton Ranch
- 87. Shirley and Dan Thomas 9/11/2018 email regarding JH Classical Academy
- 88. Mercedes Huff 9/11/2018 email regarding Cell Service in Teton Pines

**PUBLIC COMMENT**

Public comment was given by Stefan Fodor, on behalf of The Walton Ranch, asking that the Board extend the 2008 Snake River Corridor Management Transfer Plan, there has been a lot of positive momentum during the last few years, Path 22 – burying power lines and management of Lots 9 & 10.

**MATTERS FROM COMMISSION AND STAFF:**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to convene as the Board of Equalization. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

**1. Consideration of Approval of Board of Equalization Remand Orders**

Sherry Daigle, County Clerk, presented for consideration of approval Assessor Appeal Findings of Fact and Conclusions of Law for the 2018 Property Tax Appeals. The hearings were held before the Teton County Board of Equalization on August 13, 14, 15, and 16, 2018 and September 6, 2018.

- Affirmation Orders: Joel Goldberg
- Dismissal Orders: Phenix Rising LLC
- Remand Orders: Kuvinka & Kuvinka Partnership aka Kuvinka & Kuvinka PC  
Richard Grubman  
Johnson Family Properties LLC, Lot 6F  
Johnson Family Properties LLC, Lot 2B

There was no public comment.

Keith Gingery, Chief Deputy Attorney, gave the final statistics on the Board of Equalization Hearings showing 20 affirmations, 21 dismissals, 24 withdrawals, and 10 remands.

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to approve the affirmation order in the matter of appeal of Joel Goldberg. Chair Newcomb 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 order of dismissal in the matter of the appeal with Phenix Rising LLC. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

Commissioner Macker abstained from the votes on the remands as she was not present for the hearings.

A motion was made by Commissioner Rhea and seconded by Commissioner Epstein to approve the findings of facts and conclusion of law for appeals of the Kuvinka & Kuvinka PC in the remand order. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried. Commissioner Macker abstained from the vote as she was not present for the hearing.

A motion was made by Commissioner Rhea and seconded by Commissioner Epstein to approve the findings of fact and conclusion of law for the remand order for the Richard Grubman Remand. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the findings of facts and conclusion of law for the for appeals of the remand orders for parcel 6F of the Johnson Family Properties LLC. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried. Commissioner Epstein abstained from the vote as he was not present at the hearing.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea and Commissioner Epstein to reconvene as the regular Board of County Commissioners. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

**2. Consideration of Approval of New Winery Liquor License for Beartrap Ciderworks**

Christine Windey, Deputy County Clerk, presented to the Board for consideration of approval an application for a new winery liquor license for Beartrap Ciderworks.

Ian McGreggor, on behalf of Beartrap Ciderworks, gave comment on the diversity of apples growing in Wyoming, and the history of cider making in Wyoming, this will be the first cidery in Wyoming since prohibition.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the request for a winery liquor license for Beartrap Ciderworks for the term of September 19, 2018 through January 6, 2019. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

### **3. Consideration of Approval of Notice of Award & Contract for RetroCommission in Phase 1 at CLC Rafter J**

Paul Cote, Facilities Manager, presented to the Board for consideration of approval a notice of award and contract for RetroCommissioning Phase 1 (investigation phase with repair recommendations) of HVAC (Heating, Ventilation, and Air Conditioning) systems at the Children's Learning Center at Rafter J. Due to the problematic history of the HVAC equipment, Facilities believes that the entire system needs a RetroCommissioning analysis to determine all system deficiencies and to correct them all in a systematic and complete method that will lead to higher system performance and few equipment failures.

Discussion between the Board and staff included clarification on Mercill HVAC project, at the time of the Mercill Property there was no HVAC in those plans, because of the way they built that structure we are unable to build a system compatible with our existing systems, we will have to go in a different direction. Plan to live with the system that is there and see if it will meet our needs. Ongoing issues with the property at Rafter J.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to give Notice of Award and Contract for RetroCommissioning Phase 1 of HVAC systems at the Children's Learning Center at Rafter J to Quantum Group Engineering in the amount of \$10,400.00. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

### **6. Consideration of Approval of Amendment #1 to the County's Contract with Westbank Sanitation for Food Waste Collection**

Heather Overholser, Solid Waste and Recycling Superintendent, presented to the Board for consideration of approval Amendment #1 to the County's Contract with Westbank Sanitation for food waste collection, which would extend the contract by two years and two-and-a-half months, expiring December 31, 2020. Westbank has held the contract for food waste collection in Grand Teton National Park for the food waste collection pilot program, which was competitively bid in May 2017. An additional two plus years of this contract will allow for the last year of the food waste collection pilot in Grand Teton to be completed (November 2019), and also allow Teton County ISWR to move into the first year of food waste collection in the Town of Jackson and Teton County with a hauler that has direct experience in food waste collection. The launch of the food waste program in spring 2020 is expected to be a complicated endeavor, and ISWR anticipates that there will be many issues to troubleshoot (i.e. composting techniques under a new compost contract, odor reduction, collection complications, vector/wildlife control, education and training, etc.). By allowing Westbank to hold the contract for an additional two years, ISWR will minimize many of the problems associated with food waste collection by working with a contractor that has proven success in this area and has been a cooperative partner for the two summer seasons of the pilot project. There was a change that came about yesterday, the fee for service will change from a fee per bin format, to a straight hourly rate of \$127 per hour. This amendment has not changed the cost for the pilot.

There was no public comment.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve Contract Amendment #1 to the County's Contract with Westbank Sanitation for food waste collection, which will extend the contract, with a new expiration date of December 31, 2020 and an estimated FY2019 line item expense of approximately \$60,000. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

### **12. Consideration of Approval of Resolution to Initiate Zoning Map Amendment Application for Stilson Lot 2**

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval a resolution to initiate a zoning map amendment for Stilson Lot 2 from Park to Public/Semi-Public (P/SP). After the special meeting on September 11, 2018 and considered a Memorandum of Understanding with the Jackson Hole Mountain Resort Corporation and Teton County School District No. 1, which is still being finalized, the Board desires to move forward with a zoning map amendment on Lot 2 of the Stilson Park Subdivision to possibly achieve a land exchange for a school at Stilson instead of Teton Village, whereby the School District would transfer the 3 acres at the Teton Village Park Parcel back to Teton County and Teton County would convey Lot 2 at Stilson to the School District. The zoning map amendment from Park to Public/Semi-Public (P/SP) is a step towards making that exchange a possibility.

Discussion between the Board and staff included in no way are we implying that we are making a decision to transfer this land today, this is a zone change only, changes to the resolution

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Vogelheim to approve the Resolution to Initiate Zoning Map Amendment Application for Stilson Lot 2 from Park to Public/Semi-Public (P/SP), with the additional amendment stated by Chair Newcomb that in the end of the second paragraph that it says acres of real property owned in Teton Village to Teton County. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

## **MATTERS FROM PLANNING & DEVELOPMENT**

### Findings of Fact and Conclusions of Law:

1. MSC2018-0036 Pratt, Richard Warren Jr. & Holly Johanna

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval of a Miscellaneous Planning Request (MSC2018-0036) to remove a condition of approval from Variance (VAR1990-0021).

Discussion between the Board and staff included that the shed in question was there prior to 1978.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Miscellaneous Planning Request (MSC2018-0036). Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

2. VAR2017-0005 Fish Creek Investments, LLC (postponed to October 2, 2018)
3. VAR2018-0001 Fish Creek Investments, LLC (postponed to October 2, 2018)
  
4. Applicant: TOWN OF JACKSON, TETON COUNTY  
Presenter: Tyler Sinclair  
Permit No.: PUD2018-0003  
Request: Snow King Master Plan Cross-Jurisdictional Hearing

Tyler Sinclair, Joint Planning Director, presented to the Board for review and consideration of recommendations the Snow King Resort Master Association has applied to the Town of Jackson to amend its Resort Master Plan pursuant to Section 8.7.3 Planned Unit Development of the Town Land Development Regulations. Although the proposed application is located in the Town of Jackson, pursuant to Section 4.3.1.E.4 of the Town LDRs, each jurisdiction (Town and County) shall receive and consider recommendations from the other jurisdiction when a Planned Resort application is submitted for review or amendment.

Following is a brief summary of the proposed amendments to the Snow King Planned Resort District Master Plan as submitted by the applicant:

- Maps and associated text have been updated to reflect development that has occurred since the original Master Plan was created in 2000.
- Additional employee housing complex, mountain sports training facility, and maintenance shop proposed.
- Platted condominium/housing indicated for lots 53, 57, and 58.
- A second sheet of ice and expansion of the existing Lodge Room represented for visual presentation, recognizing that they fall outside the area governed by the master plan.
- A gondola, zip-line landing, and changes to parking proposed in the Phil Baux Park area. While, increased green space, a concert pavilion, public art, and landscaping improvements are also shown, these proposals fall outside the area governed by the master plan.
- Sub-Areas 6 & 7 are removed from maps. Sub-areas were updated to be consistent with use within the sub area i.e. condo, hotel, recreation. Sub area 7 was removed from maps due to the limited part it plays in the master plan but remains referenced in text.
- Limited text updates were made to reflect general community developments and changes since 2000.
- References to a Mid-Mountain Lodge which was approved in the Master Plan have been deleted. This 25,000 square foot Lodge is proposed to be removed in exchange for support of a gondola and zip-line landing in the leased parking lot area of Phil Baux Park.

Changes by Chapter are summarized below:

- I. Statement of Purpose and Existing Conditions
  - ✓ Updated references to importance of conference business.
  - ✓ Updated reference to Pine Lodge (now One Town Hill Condominiums).
  - ✓ Updated references to Sub-Area 7.
  - ✓ Updated maps to include satellite imagery of existing conditions and ownership changes since 2000.
  - ✓ Updated ski area map and added map of accepted USFS Master Plan for the ski area.
  
- IV. Master Site Plans
  - ✓ Updated Proposed Master Plan Map & Sub-Area Maps.
  
- V. Land Use Plan
  - ✓ Updated references to a large daycare operation.
  - ✓ Updated uses permitted within the recreation land use zone.
  - ✓ Added a paragraph on uses not governed by this Master Plan.
  
- VI. Design Guidelines
  - ✓ Changes to section on roof materials and design.
  - ✓ Changes to reflect removal of sub-area 6 & 7 from maps.
  
- VII. Dimensional Limitations
  - ✓ Added specific considerations for sub-areas 3, 4, and 5 with respect to dimensional limitations.
  - ✓ Clarified FAR definition to reflect usage within the Master Plan.
  - ✓ Updated Sub-Area Maps.
  
- VIII. Housing Element
  - ✓ Updated housing mitigation plan to change from a static mitigation rate to one that mirrors current Land Development Regulations.
  - ✓ Added reference to proposed employee housing complex on Vine St.
  - ✓ Updated housing requirements to be in-line with other ski resort housing requirements in Teton County.
  
- IX. Transportation Elements
  - ✓ Updated section on street improvements to include reference to proposed improvements in the area of Phil Baux Park.
  - ✓ Added requirement for parking analysis associated with transportation demand monitoring requirement.
  
- XI. Phasing and the Snow King Resort Master Association

∇ Updated SKRMA requirements and role within the Resort District.

#### XII. Community Services Element

- ∇ Added proposals for mountain sports training complex, support for a second sheet of ice, and Lodge Room enhancements.
- ∇ Updated references to the community service elements that Snow King currently provides that were not noted on the prior master plan.
- ∇ Added information on winter/summer uphill travel policies.
- ∇ Updated trail system access support references.
- ∇ Updated references to how Snow King directly supports and caters to community non-profits.

Discussion between the Board and staff included additional expansion in sub-area, no changes to the KM6 area, advisory role only, seems like we are removing a lot of parking without adding any, allow lodging parking be used by recreation users, proposed loss of parking on the west side, formalize the existing gravel parking lots, how will Snow King's Transportation Demand Model (TDM) have to adjust, considering a requirement of Snow King to pay into the START program, density allowed in relation to amenities on the hill, 3% of required housing has to be within the resort boundary, the square footage for the mountain sports facility, purpose and intent of the allocation to economic benefits and other benefits to the community, how the 950,000 square feet was originally allocated, the overall vision was a world class convention center and ample lodging, proposed amendments around the convention center, maintaining the town hill, the work that needs to be done includes the Town Council and the applicant working together to come up with a Final Plan, the Board's role in how this master plan will impact Teton County, community character.

The meeting recessed at 10:20am and reconvened at 10:29am.

Ryan Stanley, General Manager of Snow King Mountain, presented to the Board the vision of the Snow King final development outcome.

Discussion between the Board and Ryan Stanley included possible enclosure of the additional sheet of ice, impacts to the TDM, increased need for labor and housing, Snow King is open to working with the START bus, why there is a driving need to amend the Master Plan of 2000, Ryan Stanley gave a brief history of the life of Snow King Mountain and Hotel, not proposing any new development rights, 2000 Master Plan on-mountain improvements, this is the first vision of a modern snow king ski hill, how does all of this fit in with the current comprehensive plan, base of Snow King Master Plan and Forest Service Master Plan, involvement of Wyoming Fish and Game.

Public comment was given by Mason Hill, Shane Rothman, Skye Schell with Jackson Hole Conservation Alliance.

Discussion among the Board included have the Parks and Recreation Department take a look at the alternatives proposed by the applicant and weigh in, references to the negotiations from 2000, the East side proposed condominium units possibly located on a 30 degree slope, current hillside regulations, mountain maintenance facility, Town Council discussion on this item starts November 12, 2018, planning commission recommendation, LDRs division 4.3, looking at the Town version of the LDRs as they would apply to the Snow King Master Plan, Comp Plan 2.1, impacts on neighboring jurisdictions, concerns about where the housing will be placed, reinforcing the overall cap on square footage, the TDM and what types of thresholds the town might want to look at, Parks and Rec board to review the alternatives and make a recommendation to the Board, increased demand on labor and how it will impact the Region, Town and County, community support, reviewing the past minutes, changes to the overall development cap, community benefit aspects of the plan, potential impacts outside of the Town boundary, the Board plans to review this item during the Monday meeting on 10/22/18.

There was no action taken.

5. Applicant: TAYLOR, MARCIA GARRISON REVOCABLE TRUST  
Presenter: Emily Cohen  
Permit No.: S/D2018-0008  
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13 Amendment of Permits or Approvals and pursuant to Section 8.5.3 Subdivision Plat of the Teton County Land Development Regulations, to relocate a driveway easement.  
Location: 13550 S. Bryan Flat Road (Lot 1, Knepshield Subdivision), immediately adjacent to the Hoback River, south of Highway 191. Zoned Rural 2 and within the Natural Resource Overlay and partially within the Scenic Resource Overlay.

Emily Cohen, Planning Staff, presented to the Board for consideration of approval a Partial Vacation of a Plat, pursuant to Section 8.2.13.C.5 and processed pursuant to Section 8.5.3 of the Teton County Land Development Regulations, to partially vacate and relocate an access and utility easement without a replat. This application follows the approval of a Building Permit (BDR2016-0099) on June 14, 2016, which conditioned the certificate of occupancy issuance on a relocated driveway easement to be recorded on Lot 1, Knepshield Subdivision benefitting Lot 2, Knepshield Subdivision reflecting the current location. The driveway easement will be recorded simultaneously with the Affidavit of Partial Vacation. The subject property (Lot 1) is owned by the same owner as Lot 2. The driveway easement on the plat is difficult for trailers and large vehicles to use and therefore the driveway was relocated, and a new easement is required for the owner of lot 2 to access their property.

There was no discussion among the Board and Staff.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Epstein to approve S/D2018-0008, submitted May 29, 2018 for a partial vacation of plat to vacate an access and utility easement on Lot 1 of Plat No. 1034, based on the Teton County Land Development Regulations, findings of Section 8.5.3. and the standards of Section 8.2.13.C., 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. 1034, with no conditions,

and request the Teton County Clerk to write vacate on the access easement of Lot 1 of Plat No. 1034. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 11:54am and reconvened at 1:32pm

Natalia Macker left the meeting at 11:54am

6. Applicant: LENNOX, PHILIP DAVID & JUDGE, ESTHER H.  
Presenter: Susan Johnson  
Permit No.: CUP2018-0001  
Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit two home businesses on Ross Lane.  
Location: 7925 South Ross Lane. Generally located on the west side of South Highway 89, approximately 1.5 miles south of the South Highway 89 Snake River Bridge. The property is zoned Rural and is in the Scenic Resources Overlay.

Susan Johnson, Planning Staff, presented to the Board for consideration of approval Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a home business for two contracting home businesses, both of which are owned by the applicants. The applicants are proposing to establish a home business use to accommodate two contracting businesses to be operated out of their garage/shop—Gus the Gutterman and Full House Radon Mitigation. The shop space to be used was completed in 2017 and is 1,200-square feet. In 2015, due to the use of the lot for storage of materials associated with a landscaping business, staff required the current owner to obtain a Conditional Use Permit for a home business. That Conditional Use Permit (CUP2015-0006) was approved for a landscaping home business in 2016. In December 2017, the owners met with staff to determine if the original CUP granted in 2016 was valid for the two new businesses or if the 2019 CUP could be amended. It was determined that a new CUP would be required as there are changes in the operational characteristics of the businesses. A Notice to Abate was sent to the owners by the Planning Director on January 18, 2018 giving notice that the gutter and radon businesses did not obtain the proper permits and was therefore a violation. On January 22, 2018, the owners submitted this CUP application. The gutter and radon business-related trailers have been present on the property since the original notices but are moving towards possible compliance with this application. The applicants would prefer that the Home Business Permit not be tied to the specific contracting businesses operating on the property: Gus the Gutterman and Full House Radon Mitigation, to allow flexibility should the businesses change again in the future. The applicants would prefer generic approval of two home businesses with parameters set on the businesses allowed through LDR Section 6.1.11.D, *Home Business*, and conditions placed on the Conditional Use Permit.

Discussion between the Board and staff included the timeline for non-compliance process, future non-compliance complaints, nuisance ordinance, abatement, neighbor's concerns, the ability of the county to enforce home businesses, compatibility with the surrounding neighborhood, clarifying what compliance looks like, Conditional Use Permit (CUP) Revocation process, possible annual report required on a CUP, abatement process is not a long process, ensuring compliance, timeline to look at district 7 in terms of LDRs.

Philip Lennox, Applicant, spoke to their full compliance and willingness to apply for a miscellaneous permit for the shed, happy to comply with the requirements placed on the property by the Board, several issues prevented them from coming into compliance sooner.

There was no public comment.

Discussion among the Board included CUP findings, current Planning Director recommendation, Planning Department is asking for specificity of individual businesses for the CUP, process to amend a CUP 8.2.13 in the LDR, miscellaneous permit for the shed, structures over 200 square feet require a building permit, assuring compliance going forward, vehicles on the property have been removed, 3 employees total including both businesses, the miscellaneous permit

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve CUP2018-0001, for a Conditional Use Permit for a Home Business for two contracting businesses which are gutter services and radon mitigation services, as set forth in the application dated January 22, 2018, with additional materials submitted April 2, 2018, May 29, 2018, and June 29, 2018, being able to make all eight (8) findings of Section 8.4.2. of the Teton County Land Development Regulations, with the following conditions:

1. Approval of CUP2018-0001 is specific to the following two contracting services as home businesses: gutter services and radon mitigation services.
2. All trailers and materials associated with the businesses shall be stored in a structure when on the subject property.

Chair Newcomb called for a vote. The vote showed 3-1 with Commissioner Vogelheim opposed, the motion carried.

The meeting recessed at 2:30 and reconvened at 2:37pm

7. Applicant: GRAND TARGHEE RESORT, LLC  
Presenter: Roby Hurley  
Permit No.: PUD2017-0005  
8. Permit No.: AMD2017-0006  
9. Permit No.: SKC2017-0007  
Request: Amend the Grand Targhee Master Plan pursuant to Section 8.7.3, Planned Unit Development, Sketch Plan pursuant to Section 8.3.1 of the Teton County Land Development Regulations on the 120-acre Grand Targhee Resort.  
Location: 3300 Ski Hill Road, Alta, WY, generally located 6.6 miles northeast of Alta, WY. A portion of Tract 39. The property is zoned Planned Resort and is not in an overlay.

Roby Hurley, Planning Staff, presented to the Board for consideration a request from Grand Targhee Resort, LLC amend the Resort Master Plan by submitting the following applications:

- Amend the Grand Targhee Master Plan (Master Plan) pursuant to Section 8.7.3, Planned Unit Development (PUD) (PUD2017-0005),
- Sketch Plan (SKC2017-0007) pursuant to Section 8.3.1, and
- LDR Text Amendment (AMD2017-0006) pursuant to Section 8.7.1 of the Teton County Land Development Regulations.

The application states that the applicant proposes to amend the Master Plan, based on the following goals:

- I. Submit one consolidated Amended and Restated Master Plan document that conforms to the format style, order and content of the current Teton County Land Development Regulations (LDRs) and other master plans recently approved by the Teton County Planning Department.
- II. Remove regulations contained in the 2008 Master Plan and 2009 Standards and Conditions that can be deferred to the LDRs, including certain use and development standards and definitions.
- III. Eliminate conditions and regulations contained in the approved 2008 Master Plan and 2009 Standards and Conditions that conflict with the Comprehensive Plan and LDRs or otherwise prevent Grand Targhee Resort from achieving the Comprehensive Plan's vision.
- IV. Incorporate all other relevant regulations and guidelines contained within the 2008 Master Plan and the 2009 Standards and Condition into the new Master Plan.
- V. Incorporate the most recent iteration of the Resort's phasing plan and site plan into the amended Master Plan.
- VI. Incorporate most of the original 36 conditions of approval of the PUD into the amended Master Plan as appropriate

The application includes 3 sets of findings (one set for each of the applications submitted), a final draft of the proposed Master Plan, a red lined/track change version of current Master Plan, a redlined/track change LDR Section 4.3.7, Grand Targhee, a condition tracking spread sheet and a Master Plan Map.

Grand Targhee has also applied for a miscellaneous application (MSC2018-0006) for the current Master Plan approval, to be extended 2 additional years, pursuant to LDR Section 4.3.1.E.8.c. in the event that this Master Plan amendment is not approved. The Planning Commission is not required to hear MSC2018-0006 for the Master Plan extension. The Master Plan technically expired during the processing of these applications, on February 4, 2018. Date. If the amendments are approved, then no action by the Board of County Commissioners will be required on MSC2018-0006. A separate staff report for MSC2018-0006 will be provided to the Board.

Grand Targhee is requesting to update their current 2008 Resort Master Plan to reflect the Resort's current economic operating conditions, update the Plan to reflect the 2012 Comprehensive Plan and 2016 LDRs, update the phasing plan and produce a viable Master Plan that does not contain separate conditions. The 2008 Master Plan was approved with 36 conditions. Grand Targhee updated its Caribou-Targhee National Forest Master Development Plan (MDP) in 2017. The Resort can now proceed with applications for specific improvements in the National Forest, identified in the MDP. These applications reflect changes which have already been accepted in the MDP.

According to the applicant, Grand Targhee has been unable to implement its Master Plan due to economic conditions related to the nationwide recession and the challenges of meeting the approval conditions. The application contends that satisfying all thirty-six conditions of the 2008 approval under current market conditions and zoning regulations have proved economically unviable. The application contends that mechanisms to meet the land conservation conditions, such as the previous PRD tool are no longer available.

No changes are proposed for the shape or size of the Resort parcel (120 ac.), number of dwelling units (450), total commercial square footage (150,000), transportation plan (70% ridership), or employee or affordable housing plans (Located in Driggs/Victor Area, built commensurate with Lodging at Resort). In addition to the organizational changes and updates, the major changes being proposed include a more detailed phasing plan, better coordination between improvements in the National Forest and the base area and an alternative Community Services Element.

The conditions have been revised and are different than the ones listed in the staff report, the planning director made the revisions based on the recent submittal from the applicants. Accepting in part the applicant's conditions and adding one additional condition. Staff requests that the Board schedule a special meeting prior to October 16, 2018 if they need more time to discuss this item.

Discussion between the Board and staff included the additional conditions, Teton Creek Corridor transfer fee agreement, expectations of START, in the past we have assessed road impact fees, fees on real estate transfer, natural resource values associated with the 299 acres or the Teton Creek Corridor, opportunity for START to run back and forth to Grand Targhee and the funding needed, fire services contract with Teton County, ID. Proposed mitigation plan for the environmental impacts of the resort, Natural Resources Stakeholder Group, updating the natural resources regulations, potential of START being the transportation up to Grand Targhee.

Brendan Schulte with Jorgensen Associates, presented to the Board an overview of the proposed Grand Targhee resort Master Plan and Teton Creek Corridor Project, also showing a video that can be found at [www.tetoncreekcorridor.org](http://www.tetoncreekcorridor.org).

Hal Hutchinson with HH Land Strategies gave comment on the Teton Creek Corridor Project, the project goals include—restoration of in stream habitat, restoration and conservation of both riparian and upland habitat, restoration of in stream flow, protection of the corridor from inappropriate development and providing public access to the corridor.

Brendan Schulte addressed some questions that came in earlier discussion, the Grand Targhee Master Plan has it written that it will cooperate with the public transit system, the door is open for discussions about transit, the Master Plan does include the development of a community service building as well as a medical facility, confusion over the level of service going from a C to a D.

Reed Armijo with Jorgensen Associates gave comment on the level of service going from a C to a D.

Discussion between the Board and Applicant included an explanation of a partnership with START, 299 acres of the conservation easement in regard to value, possible third party to value the natural resource values, assuring a fair exchange, transfer fee cap in terms of exchange has been removed in the new conditions, 299 acre conservation easement, ensuring that we are reviewing this according to the correct LDRs, staff to look back through the amendments to the conditions on the original staff report, employee and affordable housing, the contingency plan if Teton Creek Plan fails, when do we know this project is complete, annual project reporting, proposed corridor pathway and easements.

Nicole Krieger, Attorney representing the Applicant, gave comment on the monitoring reports given to Teton County including progress reports on the Teton Creek Corridor project, the Teton Creek Corridor Project does meet the Standards of the Teton County Land Development Regulations, gave an overview of the Applicant's recommended conditions, affordable and employee housing, contingency plan if the project fails, initial and long term funding.

Discussion among the Board included setting a special meeting prior to October 16, 2018, transfer fees 2% on initial sales 1% on resale, possibly rolling the 1% in perpetuity into the START program, thresholds that trigger change where funds are directed, Staff and the Applicant collaborate to come up with one set of conditions, natural resource values, transfer fees in perpetuity, specificity in how the applicant can attain sustainable transportation solutions through a Transportation Demand Management (TDM) program.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Vogelheim to continue to this item to October 4, 2018 at 9am, this item being the following: PUD2017-0005, AMD2017-0006, SKC2017-0007, and MSC2018-0006. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

#### **MATTERS FROM COMMISSIONERS**

#### **EXECUTIVE SESSION**

There was no executive session.

#### **ADJOURN**

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:52pmpm.

Respectfully submitted,

Kassie Hansen  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Mark Newcomb, Chair

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Natalia D Macker, Vice-Chair

\_\_\_\_\_  
Greg Epstein

\_\_\_\_\_  
Paul Vogelheim

ATTEST:

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Kathleen "Smokey" Rhea

\_\_\_\_\_  
Sherry L. Daigle, County Clerk