

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

The Teton County Board of Commissioners met in special session on **October 4, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:03am

ROLL CALL

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

MATTERS FROM PLANNING & DEVELOPMENT (Continued from September 18, 2018 BCC Meeting)

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 a review of the subject matter continued from the September 18, 2018 meeting. This is 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.

Roby Hurley, Planning Staff, addressed the Board with an explanation of staff memo, recommended conditions of approval are as follows:

1. All approved conditions shall be incorporated in the associated sections of the Master Plan, or in an appendix to the Master Plan, with final hard and electronic copies provided to the Planning Department no later than forty-five (45) days after approval by the Board. Subject to approval by the Teton County Planning Director and the Teton County Attorney's Office, the final Master Plan and Appendix shall be recorded in the Office of the Teton County, Wyoming Clerk within ninety (90) days of Board approval.
2. The Teton County Road and Levee Supervisor shall establish annually an annual fee to be paid by Grand Targhee Resort to be used to offset Operations and Maintenance costs and other impacts to Ski Hill Road. The fee shall represent proportionally these impacts created by development during the construction phase. The impact area shall be defined as Ski Hill Road beginning at Stateline Road to the termination of the public portion of the road at the Resort boundary. Prior to the earlier of either the first Development Plan approval or the issuance of any building permits at Grand Targhee Resort, Grand Targhee shall present to the Teton County Engineer a proposal -- prepared by an independent, qualified engineering firm with staff experienced in road design, construction and maintenance -- for a fee to represent the proportional impacts of construction development beyond that which would ordinarily occur on a county road, subject to final approval by the County Engineer. The County expects the independent engineer shall consider, at a minimum, the following elements in their analysis:
 - Average Daily Traffic (ADT)
 - o Consultant shall determine current ADT for Ski Hill Road, at locations to be determined by the Consultant and the County Engineer. Any traffic counts required for these calculations will be conducted in February and August - consistent with Condition #2.
 - o Consultant shall calculate the total projected traffic (ADT) for Ski Hill Road that will be generated by this development.
 - Costs
 - o Consultant shall calculate the proportionate share of traffic generated by the proposed development.
 - § Consultant shall identify the cost per linear foot to build any road improvement that may be required to comply with County Road standards as well as any additional operations and maintenance costs, because of this development.
 - § The road impact fee shall be based on the proportionate share of the road upgrade and maintenance costs that are attributable to the development.
3. Prior to the issuance of the first Development Plan for the Grand Targhee Resort, and in advance of any sale of any lot or unit subject to the Transfer Fees identified in PUD2017-0005, a "Community Services Transfer Fee Agreement" which imposes a two percent (2%) transfer fee on all initial gross sales of residential and conventional lodging units sold within the Resort, and which imposes a one percent (1%) transfer sale on all subsequent gross sales (ie: re-sales) of residential and conventional lodging units within the Resort shall be required between the Applicant and Teton County, subject to review and approval by the Teton County Attorney's Office.

The Community Services Transfer Fee Agreement shall reflect the lots, parcels or units subject to the Agreement, the amount of the transfer fee obligation, and the structure of payments and disbursement of funds. Disbursement of funds shall be to the Teton Creek Corridor Project, to fund, promote, or ensure stewardship of projects within any of the five (5) established project goal categories of: (i) preservation of agricultural farmlands along the Teton Creek corridor; (ii) preservation and restoration of in-stream and riparian habitat along Teton Creek; (iii) preservation and restoration of upland habitat along Teton Creek; (iv) community development to protect wildlife habitat, reduce and reshape excess lot supply, and enhance scenic quality; and (v) a pathways/public access project.

The Community Services Transfer Fee Agreement shall be subject to the approval and signature by the Teton County Board of County Commissioners as a part of review and approval of the Development Plan for the Grand Targhee Resort as allowed under the Amended Master Plan.
4. The Community Services Transfer Fee Agreement, which shall be considered a restrictive covenant, shall be recorded against all properties at Grand Targhee Resort subject to the Community Services Transfer Fee Agreement, to ensure payment of fees as required. The transfer fee obligations will be included in any Declaration of Covenants, Conditions and Restrictions established for the Resort and approved by the Teton County Board of County Commissioners.
5. The Community Services Transfer Fee Agreement shall make clear that this transfer fee is separate from any other transfer fee obligation.
6. (iv) acres of land protected by easement or fee simple acquisition to date of report;
(v) level to which stream flow has been restored to Teton Creek;
(vi) distances of stream bank restoration achieved; and
(vii) distances of pathway constructed;
This Teton Creek Corridor Project Monitoring Report shall be included in the Grand Targhee annual monitoring plan as described in Master Plan Section 3.10. Master Plan Section 3.10 shall be amended to include new section D.7 Teton Creek Corridor Project Monitoring Report.
7. In the event that either (a) the Teton Creek Corridor Project no longer exists; (b) the funding is no longer being distributed by TCCP to fund or promote or ensure stewardship of projects within any of the five (5) project goal categories as set forth in Condition of Approval No. 3; or (c) the Teton County Board of County Commissioners determines after public hearing that the projects of the Teton Creek Corridor Project are no longer providing a sufficient Public Benefit as that Benefit is defined in the Community Services Element standard applying to all Planned Resorts (LDR Sec. 4.3.1.F.12.) or other applicable sections of the then-current Teton County Land Development Regulations, the Board of County Commissioners may consider an amendment to the Master Plan to ensure ongoing restoration, conservation, preservation and stewardship of the Teton River Watershed and its surrounding ecosystem and the goals of the Community Services Element.

8. Prior to approval of the first development plan, a system must be in place to provide oversight on restricted housing units. The Jackson/Teton County Affordable Housing Department will work with Teton County, Idaho to develop a system of oversight. The applicant shall make the Teton County Housing Department aware when it is preparing to submit its application. As restricted units are proposed, the Housing Department shall review plans and materials to ensure that the units comply with the Livability Standards in the Housing Rules and Regulations in use at the time the units are proposed to be built. The Housing Department and/or its agents shall inspect the units to ensure compliance with the Livability Standards prior to issuance of Certificate of Occupancy. The Housing Department will provide a standard restriction for the Employee and /or Affordable units and will work with the applicant to record the restriction prior to issuance of Certificate of Occupancy. If the Teton County, Wyoming Housing Department cannot reach an agreement for a system of compliance and oversight with Teton County, Idaho for any reason, the approval to build the housing requirement in Teton County, Idaho will be null and void and a revised system shall be approved by the Board prior to approval of the first development plan. Section 3.4 of the Amended Master Plan will be modified to reflect that the formation of, and oversight by a Teton County, Idaho nonprofit housing organization is not contemplated or required.

Discussion between the Board and staff included Teton Creek Corridor Project, community services element, conditions are after the fact, what happens if they don't meet the conditions, environmental mitigation conditions representing the LDRs.

Brendon Schulte, Jorgenson Associates on behalf of the applicant addressed the Board regarding memo 1 included timeline requirement and transportation. Memo 2 included background and the importance of the Teton Creek Corridor Project.

Hal Hutchison on behalf of the applicant talked about the Teton Creek Corridor Project (TCCP). The TCCP's data-driven approach revealed not only that the Teton Creek Corridor is a singularly important community and natural resource in Teton Valley, but also that it is the single most important stream in the upper Teton River watershed. It is an important migration corridor containing valuable riparian and upland habitat that connects the regionally significant wetlands along the Teton River with the protected federal lands in the Caribou-Targhee National Forest and Grand Teton National Park. Teton Creek itself provides important spawning habitat for Yellowstone cutthroat trout, designated a species of "Greatest Conservation Need" for both Idaho and Wyoming. The Teton Creek Corridor supports many animal species, ranging from big game such as elk, bears, and moose, to iconic bird species such as the sandhill crane.

Discussion between the Board, Mr. Hutchinson, Mr. Schulte, Nicole Krieger, Geordie Gillett, Max Ludington, and Planning and Legal staff included ability for contiguous habitat and environmental mitigation, 600 acres for project and connection of orphan conservation easements – why not part of discussion, not just about quantity of acreage but about benefits and impacts of the project, acreage for the conservation easement and flexibility of addressing needs when they arrive, each component and goal will happen it's just a matter of when during the project, funds integrity when transferred, transfer fees continually feed the project, 600 acres equal to what \$100,000 for pathways, easements in place, transfer fees in perpetuity, sequencing of the TCCP, platted developments already in corridor, changes to development plan, background on conservation easements and funding, overall price for 400 acres can fluctuate depending on the time of purchase, pool of funding-restrictions by donors/donations, non-profits guided by funding going to actual projects rather than staff, Phase 1 of the pathway is 2.5 miles, gravel pathway to be paved at a later date, pathway maintenance, schedule of pathway completion based on funding and grant cycles, priorities of TCCP for Alta connectivity, pathway connection to Alta and public lands, influence project to continue connectivity, monitoring and reporting on progress of partnership, all non-profits have ties in Idaho and Wyoming.

The meeting recessed at 10:39am and reconvened at 10:52am.

Discussion between the Board, Mr. Schulte, Ms. Krieger, Mr. Hutchinson, Mr. Gillett, and staff included a detailed transfer fee agreement, transfer fee agreement is not drafted yet - it will be brought before the Board in a different process, include the TCCP in the Master Plan to reference and make a part of the Teton County documents, condition 3 can include BCC goals and be locked in, initial discussion and conditions from 2008 and what has transpired since then, number of extensions on original Master Plan in 2008, extension expired February 2018 but this application was filed before the expiration, condition 7 as proposed gives the Board a lot of discretion in subsection C to allow Grand Targhee to come back with progress reports, metrics 3A-D (from Jorgensen Memo 2 dated October 2, 2018) should be in the conditions, LDR Community Service developments, clarity of 4 partners in projects and if a new partner joins BCC would be notified, tracking of progress, awareness of who fiscal agent is, need approval of transfer fee agreement to move forward, new master plan expires 5-7 years, connectivity to pathway, long-term maintenance of pathway and funding, physical point-to-point where pathway goes, fiscal agent, environmental mitigation funding, Mr. Gillett would not support limiting only to conservation easements, initial \$100,000 to pathway is because it is shovel ready, bring conditions with more specific parameters to the October 16th meeting, final approval at a regular meeting, detailing the Master Plan conditions and create a transfer fee agreement based off of the conditions, specificity of community service element – not micromanage the project, conservation goals – prioritize, add, or remove, concerns with public access if pathway is eliminated, minimum of acreage of conservation, exactions after Phase 2, development exaction phasing.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to continue this item until October 16, 2018. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

There will be a special meeting on October 5, 2018 at 9:00am to lift fire ban.

ADJOURN

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:57am.

Respectfully submitted,

Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Mark Newcomb, Chair

Natalia D Macker, Vice-Chair

Greg Epstein

Paul Vogelheim

ATTEST:

Kathleen "Smokey" Rhea

Sherry L. Daigle, County Clerk