

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

The Teton County Board of Commissioners met in special session on **November 14, 2018** in the Town Council Chambers located at 150 E. Willow in Jackson, Wyoming. The meeting was called to order at 9:01am

ROLL CALL

County Commission: Mark Newcomb Chair (arrived at 9:03am), Natalia Macker Vice Chair, Smokey Rhea, Greg Epstein, and Paul Vogelheim.

MATTERS FROM STAFF

1. Consideration of Approval of State Historic Preservation Office (SHPO) Grant

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval the application for the State Historic Preservation Grant.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve the grant application to the Wyoming State Historic Preservation Board in the amount of \$24,900 as presented. Vice Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT (Continued from September 18, 2018. October 4, October 16, and October 30, 2018 BCC Meetings)

1. Applicant: GRAND TARGHEE RESORT, LLC
Presenter: Roby Hurley
Permit No.: PUD2017-0005
2. Permit No.: AMD2017-0006
3. Permit No.: SKC2017-0007
Request: Amend the Grand Targhee Master Plan pursuant to Section 8.7.3, Planned Unit Development, LDR Text Amendment and Sketch Plan pursuant to 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.
4. Applicant: GRAND TARGHEE RESORT, LLC
Presenter: Roby Hurley
Permit No.: MSC2018-0006
Request: Miscellaneous permit pursuant to Section 4.3.1.E.8.c Master Plan Extension, of the Teton County Land Development Regulations, to extend the master plan for 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, provided an overview and summary of the pending applications to the Board. On October 30, 2018 the Board of County Commissioners heard from the applicant regarding the application to amend the Grand Targhee Master Plan. The applicant responded to public comment from the October 16, 2018 meeting. The Board focused their review on the Teton Creek Corridor Project and the Community Services Element of the Master Plan, proposed to replace conditions 6, 7 and 34 of the 2008 Master Plan approval. Planning and Legal staff and the applicant team responded to the Board's inquiries during the review. The Board indicated interest in combining options 2 and 3 from the October 23, 2018 memo. Those two options are as follows:

2. Approve the amendments to the currently proposed Master Plan, including the attached list of conditions with \$100,000 payment from Grand Targhee and 2% and 1% Transfer Fees for TCCP (applicant's proposal, no change to staff/applicant recommended conditions).
3. Approve the proposed amendments to the current Master Plan, with proposed amended conditions based on the required mitigation determined by Planning Staff in 2006, based on the LDRs in place at the time of approval (Attachment 5) as follows:
 - a. Applicant to acquire 134.5 acres of fee simple or conservation easement land in Teton County, Wyoming or Teton County, Idaho.
 - b. Acquired land shall be of equal or greater value to the undeveloped land on the Grand Targhee parcel.
 - c. Acquired land shall be within 50 miles of Teton County, Wyoming or Teton County, Idaho.

The Board indicated interest in directing land conservation to the Alta area and eliminating pathways from the list of project goals funded by transfer fees. The Board directed staff to explore conservation acreage availability in the Alta area and confirm the intention of TCCP to carry their mission into Wyoming. The Board approved continuing the applications to a special meeting on November 14, 2018.

Since the October 30, 2018, meeting, Planning Staff has corresponded with the Teton Valley Land Trust's (Land Trust) Executive Director, Joselin Matkins. The Land Trust's conservation work includes projects in both Wyoming and Idaho. Staff stated that Ms. Matkins believed that it is unlikely that there is 134 acres of ordinal value habitat of six or higher in the Teton Creek corridor in Wyoming, but if migration is considered high value habitat, there may be available land. There may be acreage on the western slope of the Tetons in Wyoming. The Land Trust Director also confirmed

TCCP's intention to proceed with its mission, which includes stream restoration and conservation easement acquisition in Wyoming. This plan was confirmed by Max Ludington in an email attached to the staff report dated 11/14/2018.

On November 1, 2018, planning staff received revised conditions from the applicant, based upon discussion by the Board during their October 30th meeting. The applicant is proposing the following:

- An initial \$100,000 and a 1% transfer fee that shall be directed to TCCP for all of the project's stated goals, with the exception of pathways.
- The applicant acquiring 134.5 acres of conservation easements in Wyoming, funded in part or in full through the 2% transfer fee, which shall occur no later than 10 years after the first development plan is approved.

The applicant provided a statement regarding justification for funding and support of TCCP, which is included as the third attachment to the staff report dated 11/14/18.

Staff has provided an implementation comparison of the 2008 approved conditions and the applicant's revised conditions as follows:

2008 Condition #6:

Environmental mitigation shall include the acquisition of a Conservation Easement over or Fee Simple Acquisition of at least 299 acres with habitat priority ranking 6 or higher or land that would qualify for Natural Resources Overlay status, as defined by the Land Development Regulations. Land shall be preserved within a distance of 50 miles from the Resort and within Teton County, Idaho and/or Teton County, Wyoming. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 299 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 299 acres per each of the four development phases. All acquisitions shall be subject to the approval of the Board of County Commissioners, with an emphasis on high value habitat that has development potential.

2008 Condition #6 Phasing:

Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 299 acres per each of the four development phases. All acquisitions shall be subject to the approval of the Board of County Commissioners, with an emphasis on high value habitat that has development potential.

2008 Condition #7:

The 1% transfer fee proposed by the applicant shall be granted annually by the applicant and their successors and assigns to fund and support the acquisition of lands or conservation easements with a habitat priority ranking of 6 or higher or land that would qualify for Natural Resources Overlay status, as defined by the Land Development Regulations. Provided a qualified third party, such as Teton Regional Land Trust or Friends of the Teton River or similar conservation organization, verifies the need, river or stream restoration, acquisition of water rights, long term water right leases, and programs that will increase in-stream water flows are qualified for this program. Acquisitions or easements may only be located in Teton County, Wyoming or Teton County, Idaho. Any funds in excess of 1% each year shall be granted to the Teton Regional Land Trust or other 501c3 organization, whose primary purpose is land conservation, for conservation purposes in Teton County, Idaho and Teton County, Wyoming.

2008 Condition #7 Phasing:

The 1% transfer fee proposed by the applicant shall be granted annually. (No other implementation direction)

2008 Condition #34:

A voluntary environmental mitigation shall include fee simple acquisition of, or the acquisition of a conservation easement over, at least 301 acres of land within Teton County, Wyoming, generally in the vicinity of Alta, having agricultural, habitat, open space and/or scenic values. The applicant shall also contribute stewardship costs calculated by an objective formula approved by the Planning Director to cover the cost of the baseline inventory and to ensure long-term monitoring and legal defense of any conservation easement associated with the 301 acres. Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 301 acres per each of the four development phases.

2008 Condition #34 Phasing:

Acquisition of all land shall occur commensurate with development of the Resort, which shall be defined as 25% of the total 301 acres per each of the four development phases.

Proposed Condition #3- \$100,000 payment

To the Teton Creek Corridor project to fund, promote or ensure stewardship of environmental mitigation within any of the 4 established project goals:

- Preservation of agricultural farmland along Teton Creek Corridor
- Preservation and restoration of in-stream and riparian habitat along Teton Creek
- Preservation and restoration of upland habitat along Teton Creek

Protection of wildlife habitat through redesign of existing platted subdivisions, with preservation/restoration of high value habitat being prioritized when possible

Proposed Condition #3 Phasing

Within five (5) business days of the recordation of the Amended Master Plan, the applicant shall make a payment. Funds shall be used only to meet project goals, not for non-project or administration.

Proposed Condition #4- Conservation of 134.5 acres

The applicant shall ensure that 134.5 acres of land are protected in conservation easement in Teton County, Wyoming on the west slope of the Tetons. This condition shall be met in part or in full through a 2% transfer fee.

Proposed Condition #4 Phasing

Conservation of the 134.5 acres of land described herein shall occur no later than ten (10) years after the first Development Plan is approved for any of the 450 units allowed under the Amended Master Plan.

Proposed Conditions #5-9- TCCP Funding

A Community Services Transfer Fee shall be imposed on all initial and subsequent gross sales of all residential units, conventional lodging units (as defined by the then-current Teton County Land Development Regulations), short-term rental units, and vacant land with development rights for the aforementioned units, that are sold within the Resort.

Proposed Conditions #5-9

- 2% transfer fee to be used for acquisition of conservation easement of 134.5 acres
- After 134.5 acres protected, then 2% transfer fee shall be directed to TCCP
- After initial sale, then a 1% transfer fee shall be collected and directed to TCCP
- Transfer Fee Agreement to be provided to BCC by 12/18/18

5 years after first development plan issued or 2 years after first transfer fees collected and disbursed (whichever comes first) Grand Targhee shall submit an annual report to the BCC detailing progress of conservation easement acquisition & 4 goal areas of TCCP

As outlined in the September 18, 2018 Staff Report, the 120-acre parcel was configured in such a way to minimize night lighting viewable from Teton Valley and reduce natural resources impacts. The land exchange of 400 acres (Squirrel Meadows) was considered by the Forest Service to be fair mitigation for the 120 acres of lower value habitat at the base of the Grand Targhee ski area. As stated in the August 10, 2006 Planning Staff Memo, the LDRs in 2006 required mitigation for undeveloped land, whether in the NRO or out. The current LDRs do not require mitigation for lands outside of the NRO. The lands comprising Grand Targhee are not within the NRO as they do not contain LDR protected crucial winter range, migration routes, nesting and winter habitat for swans and eagles, or cutthroat trout spawning areas. The Focal Species Habitat Map identifies the majority of the 120-acre parcel as either no or low value habitat.

Applicant's Recommended Conditions

Revised 11/1/2018

PUD2017-0005 & AMD2017-0006

1. Condition of Approval No. 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. Condition of Approval No. 2

Prior to the earlier of either Final Development Plan approval or the issuance of any physical development permit at Grand Targhee Resort that will utilize Ski Hill Road, 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. The proposal shall include a formula that calculates a road impact fee representing the proportional impacts of development during the construction phase beyond that which would ordinarily occur on a county road. The impact area for this fee 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. The proposal shall consider the proportionate share of traffic generated by the proposed construction, relevant ADT data, and a cost analysis, and is subject to final approval by the County Engineer.

3. Condition of Approval No. 3

Within five (5) business days of the recordation of the Amended Master Plan, the Applicant shall make a payment in the amount of one hundred thousand dollars (\$100,000.00) to the Teton Creek Corridor Project (the "TCCP"). The TCCP is a collaborative of the following organizations: Teton Regional Land Trust, Friends of the Teton River, Valley Advocates for Responsible Development, and Teton Valley Trails and Pathways. The Applicant is responsible for notifying the Teton County Planning Director of any change in the organizational structure of the TCCP, including if any partner organization is added to, or leaves the collaborative.

This payment to the TCCP shall be used to fund, promote, or ensure stewardship of environmental mitigation projects within any of the following four (4) established project goal categories of the TCCP: (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; and (iv) protection of wildlife habitat through redesign of existing/platted subdivisions. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible. Funds collected via the Agreement shall only be used by TCCP for the above-listed four (4) project goals, including ongoing stewardship and maintenance. Funds shall not be used for non-project or administration-only fees. The Community Foundation of Teton Valley is the fiscal agent of the TCCP funds, and shall manage disbursement of the restricted funds in accordance with its established rules and protocols.

4. Condition of Approval No. 4

The Applicant shall ensure that one hundred thirty-four and a half (134.5) acres of land are protected in conservation easement(s), which easement(s) shall be recorded in the Office of the Teton County, Wyoming Clerk. All of the 134.5 acres shall be located in Teton County, Wyoming on the west slope of the Tetons. This Condition may be met, in part or in full, through the two percent (2%) transfer fee, as described in Condition of Approval No. 5 below. Conservation of the 134.5 acres of land described herein shall occur no later than ten (10) years after the first Final Development Plan is approved for any of the 450 units allowed under the Amended Master Plan.

5. Condition of Approval No. 5

A Community Services Transfer Fee shall be imposed on all initial and subsequent gross sales of all residential units, conventional lodging units (as defined by the then-current Teton County Land Development Regulations), short-term rental units, and vacant land with development rights for the aforementioned units, that are sold within the Resort. The Community Services Transfer Fee shall bind the afore described Resort properties in perpetuity. Initial gross sales will be subject to a two percent (2%) transfer fee, and subsequent gross sales (i.e.: re-sales) will be subject to a one percent (1%) transfer fee.

A Community Services Transfer Fee Agreement (the "Agreement") shall be presented to the Board of County Commissioners no later than its December 18, 2018 regular meeting, subject to review and approval by the Teton County Attorney's Office. The Agreement shall reflect, at a minimum, the lots, parcels, and units subject to the Agreement; the amount of the transfer fee obligation; and the structure of payments and disbursement of funds.

The Transfer Fee Funds shall be restricted as follows:

(i) The two percent (2%) Transfer Fee shall be used for the acquisition of conservation easement over, or fee simple acquisition of, 134.5 acres of land located in Teton County, Wyoming.

(ii) At such time as 134.5 acres of land has been placed in conservation easement(s) as herein described, the two percent (2%) Transfer Fees shall be directed to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.

(iii) The one percent (1%) transfer fee shall be directed to the to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.

6. Condition of Approval No. 6

The Community Services Transfer Fee Agreement, which shall be considered a restrictive covenant, shall be recorded against all properties at Grand Targhee Resort that are 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.

7. Condition of Approval No. 7

The Community Services Transfer Fee Agreement shall make clear that this transfer fee is separate from any other transfer fee obligation and separate from the \$100,000.00 obligation set forth in Condition of Approval No. 3.

8. Condition of Approval No. 8

Beginning either five (5) years after the issuance of the first Development Plan for Grand Targhee Resort, or two (2) years after the collection and disbursement of the first Community Service Transfer Fees, whichever occurs first, Grand Targhee Resort shall submit an annual report to the Teton County Board of County Commissioners detailing the progress toward obtaining land in conservation easement(s), and of projects within the four (4) established project goal areas of the TCCP. The report shall be prepared by Grand Targhee, TCCP partner organizations, or an independent firm qualified and experienced in monitoring, and shall include, at a minimum, the following:

- (i) Amount of funds disbursed to TCCP;
- (ii) Project areas within the TCCP to which Community Service Transfer Fees have been dedicated;
- (iii) Acres of land protected by easement or fee simple acquisition by Grand Targhee and the TCCP to date of report, including:
 - a. Progress toward the goal of conserving approximately 800 acres
 - b. Holders of the easements or the fee simple land acquired
- (iv) Level to which stream health and stream flow has been restored to Teton Creek, including:
 - a. Progress toward goal of restoring an additional 25 cubic feet per second (cfs) of natural flow
 - b. Data on cutthroat trout abundance within Teton Creek
- (v) Distances of stream bank restoration achieved; including:
 - a. Progress toward goal of restoring and protecting approximately five miles of stream bank and associated riparian land

If the Resort has not made significant progress toward conserving 134.5 acres five (5) years after the issuance of the first Development Plan for Grand Targhee Resort, the Board may restrict future development plan permits until such time as part or all of the 134.5 acres are conserved. Significant progress includes acquisition of easements less than 134.5 acres or land or easements in any one of the multiple stages of the conservation acquisition process.

This TCCP 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.

9. Condition of Approval No. 9

In the event the Teton County Board of County Commissioners determines, after public hearing, that the Transfer Fees are not being used for projects that provide 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 require the Applicant to propose an amendment to the Master Plan to ensure ongoing restoration, conservation, preservation and

stewardship of the Teton River Watershed and its surrounding ecosystem or the goals of the Community Services Element.

10. Condition of Approval No. 10

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.

Topics of discussion between the Board and staff included proposed condition #4 related to acreage – use of language of shall vs. may, 7225 total acres on west side of Tetons, buildout potential in 2008 vs 2018, in Alta there is not a designation of a receiving zone for a complete neighborhood PRD that would apply, zones include R1, R2, R3, and R (rural rewrite in 2015/2016 areas left as placeholders for complete neighborhoods or for different kinds of zoning, possibility of rezone in areas, to protect the rural character of Alta what has substantially changed since 2008 to now, 3 types of tools – complete neighborhood tool, floor area tool, and Rural PRD tool – used to achieve conservation of some type of land, 1.5x multiplier is related to valuation of habitat, Grand Targhee is not in the NRO, requirements for developer to mitigate for more than two times what they are developing, one and a half times in place in 2008 was on all undeveloped land within the boundaries of Grand Targhee, results of current focal species habitat study for the west side of the Tetons, sense of where elk end up in winter – specific value of large ungulate movement, some areas show no value and the bulk of it at low value, conservation tool used in Teton County is rural PRD, deed restrict 49 acres, 3 units per 35 acres – clustered on 21 acres, correspondence from Teton Valley Land Trust and Jackson Hole Land Trust, 8700 gross acres – 1765 BLM acres = 7225 acres available, Teton Valley Land Trust has easements, habitat priority ranking 6 or higher is mature Aspen, Narrowleaf Cottonwood, Cottonwood Spruce mix, other mixed forest, Douglas Fir, Limber Pine, and Juniper; ranking 7 is immature Aspen, ranking 8 is immature Narrowleaf Cottonwood, tall shrub; and rankings 9 and 10 are wetlands; recognized as high value habitat (6 species, 10 layers), migration corridor would not necessarily look like habitat value 6 or higher, 600 acres = 300 acres ranking 6 or higher and 300 acres without the restriction, two different easements in terms of character, condition 34 is 600 acres = 300 acres within Alta and 300 acres within a certain distance, why is Grand Targhee not in the NRO - no crucial winter range for deer, elk, or moose, NRO stays on the lower elevation forest land, concern if looking at 134.5 acres to be conserved doesn't need to be valued 6 or higher, Teton Creek Corridor Project (TCCP) has been recognized by Teton Valley Land Trust, Valley Advocates for Responsible Development, Teton Valley Pathways, and Friends of the Teton River, should the 134.5 acres as proposed in the new condition #4 be more such as 300 within Alta and the remaining 300 acres in TCCP, is the 134.5 acres a single parcel, no requirement for one contiguous piece of property, conditions are outside the PUD – policy decision, sticking to the 2008 master plan of 299 and 301 acres, higher value of 150 acres in the riparian area, point of clarification – priority ranking of 6 or higher related to Idaho, condition #4 changed to include Teton County, ID, Alta, WY, or TCCP calling out additional acreage to be available, supportive of bringing back discussion of 300 acres in Wyoming and ordinal ranking of #6 opened up in Idaho as part of the TCCP with a reduced amount of 150 acres if it is a higher value of habitat, conservation easements are the priority within the TCCP and preserving open space and habitat in Alta, proposed condition #3 refers to the \$100,000 payment, proposed condition #4 refers to the conservation of 134.5 acres, and proposed conditions #5-9 refers to a community services transfer fee and how that should be used, how does this meet 8.2.8 – all decisions, conditions for a resort district are outside the LDRs, this should be an amendment to an agreement in place, TCCP has greater value and there could be some tradeoff, this is a proposed amendment to the conditions, justification of 600 acres in 2008 was based on impact of increasing the commercial square footage from 37,000sf to 150,000sf and in exchange for that the impact on wildlife and habitat and traffic there would be a set aside of 600 acres, the 299 could potentially offset the commercial impacts but the 301 had to do with the buildout potential in Alta before the rural tools were amended, phasing was not triggered, reduced development potential based on zoning which changes over time, permanent conservation easement, zoning changes can change over time, 2008 meeting – the justification is not related to commercial its related to a density neutral idea – 450 units of density, commercial mitigated through the jobs it creates and the need to house the workers, concern around increased residential density, Comp Plan – preserving and protecting our ecosystem is the core vision - best tool is conservation easements, increasing commercial square footage allowed in exchange of preserving 600 acres, forest service master plan allowed for commercial and residential, address Section 8.2.8 under today's LDRs, permanent conservation easement vs. relying on the downzone implemented, let the TCCP project go and focus on what the majority of the Board wants (conservation easements), where does the outcome of quality habitat stand in priority over conservation easements, there was so much community involvement along the way and now there is no community involvement, water rights, TCCP is a fabulous project, there is frustration over the process, would like to get to something that is fair and equitable, and get the conservation easements that are important, but don't forget about Alta.

The meeting was recessed at 10:18am and reconvened at 10:28am.

Discussion between the Board and staff continued on the following topics: streambed restoration, water rights, proposed conditions #3, 4, and 5-9, increasing 134.5 acres to 300 acres, leave TCCP as listed in chart, \$100,000 up front for the TCCP, progress report in 5 years, 1% fee collect and shall be directed to the TCCP, 134.5 acres vs 300 acres, balance of 600 acres = conserve 440 acres in TCCP and 160 acres in Alta, how phasing is structured, stick to the 2008 phasing plan, purchase 25% of required up front/25% for phase 2/25% for phase 3/25% for phase 4, language crafted in 2008 for phasing was open ended and ambiguous, staff has worked on a better phasing plan for current conditions, 300 acres of high value habitat and more broadly construe it, guarantee of land conservation in Alta within condition #4, amount of potential development is Alta because of the rural tools is less, broaden view of what

conservation is on both sides of the Tetons, commitment to Alta on acreage, TCCP is not just Targhee's responsibility, think outside the box in ecosystem stewardship, responsibility to citizens of Alta.

Nicole Krieger, on behalf of the applicant, asked for clarity that the only condition being revised is condition #4 and all references of 134.5 acres.

The meeting was recessed at 11:04am and reconvened at 11:39am.

Discussion between the Board and staff included changes to the conditions, it was noted that copies of the changed conditions were given to the public, and redlined changes to the conditions were emailed to the Board.

Nicole Krieger on behalf of the applicant spoke of the applicant's intent to remove the 2-year progress report from Condition #4 to create clarity and consistency, provides time that the goals are being met, identify what significant progress means, change from percentages of land as all land is not equal for conservation.

The Board reviewed the Conditions of Approval updated on November 14, 2018 and Chair Newcomb read the 10 proposed conditions as follows:

1. Condition of Approval No. 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. Condition of Approval No. 2

Prior to the earlier of either Final Development Plan approval or the issuance of any physical development permit at Grand Targhee Resort that will utilize Ski Hill Road, 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. The proposal shall include a formula that calculates a road impact fee representing the proportional impacts of development during the construction phase beyond that which would ordinarily occur on a county road. The impact area for this fee 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. The proposal shall consider the proportionate share of traffic generated by the proposed construction, relevant ADT data, and a cost analysis, and is subject to final approval by the County Engineer.

3. Condition of Approval No. 3

Within five (5) business days of the recordation of the Amended Master Plan, the Applicant shall make a payment in the amount of one hundred thousand dollars (\$100,000.00) to the Teton Creek Corridor Project (the "TCCP"). The TCCP is a collaborative of the following organizations: Teton Regional Land Trust, Friends of the Teton River, Valley Advocates for Responsible Development, and Teton Valley Trails and Pathways. The Applicant is responsible for notifying the Teton County Planning Director of any change in the organizational structure of the TCCP, including if any partner organization is added to, or leaves the collaborative.

This payment to the TCCP shall be used to fund, promote, or ensure stewardship of environmental mitigation projects within any of the following four (4) established project goal categories of the TCCP: (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; and (iv) protection of wildlife habitat through redesign of existing/platted subdivisions. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible. Funds collected via the Agreement shall only be used by TCCP for the above-listed four (4) project goals, including ongoing stewardship and maintenance. Funds shall not be used for non-project or administration-only fees. The Community Foundation of Teton Valley is the fiscal agent of the TCCP funds and shall manage disbursement of the restricted funds in accordance with its established rules and protocols.

4. Condition of Approval No. 4

The Applicant shall ensure that three hundred (300) acres of land are protected in conservation easement(s), which easement(s) shall be recorded in the Office of the Teton County, Wyoming Clerk. All of the 300 acres shall be located in Teton County, Wyoming on the west slope of the Tetons. This Condition may be met, in part or in full, through the two percent (2%) transfer fee, as described in Condition of Approval No. 5 below. Conservation of the 300 acres of land described herein shall occur no later than ten (10) years after the first Development Plan is approved for any of the 450 units allowed under the Amended Master Plan.

5. Condition of Approval No. 5

A Community Services Transfer Fee shall be imposed on all initial and subsequent gross sales of all residential units, conventional lodging units (as defined by the then-current Teton County Land Development Regulations), short-term rental units, and vacant land with development rights for the aforementioned units, that are sold within the Resort. The Community Services Transfer Fee shall bind the afore described Resort properties in perpetuity. Initial gross sales will be subject to a two percent (2%) transfer fee, and subsequent gross sales (i.e.: re-sales) will be subject to a one percent (1%) transfer fee.

A Community Services Transfer Fee Agreement (the "Agreement") shall be presented to the Board of County Commissioners no later than its December 18, 2018 regular meeting, subject to review and approval by the Teton County Attorney's Office. The Agreement shall reflect, at a minimum, the lots, parcels, and units subject to the Agreement; the amount of the transfer fee obligation; and the structure of payments and disbursement of funds.

The Transfer Fee Funds shall be restricted as follows:

(i) The two percent (2%) Transfer Fee shall be used for the acquisition of conservation easement over, or fee simple acquisition of, 300 acres of land located in Teton County, Wyoming.

(ii) At such time as 300 acres of land has been placed in conservation easement(s) as herein described, the two percent (2%) Transfer Fees shall be directed to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.

(iii) The one percent (1%) transfer fee shall be directed to the to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.

6. Condition of Approval No. 6

The Community Services Transfer Fee Agreement, which shall be considered a restrictive covenant, shall be recorded against all properties at Grand Targhee Resort that are 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.

7. Condition of Approval No. 7

The Community Services Transfer Fee Agreement shall make clear that this transfer fee is separate from any other transfer fee obligation and separate from the \$100,000.00 obligation set forth in Condition of Approval No. 3.

8. Condition of Approval No. 8

Beginning five (5) years after the issuance of the first Development Plan for any of the 450 units for Grand Targhee Resort, Grand Targhee Resort shall submit an annual report to the Teton County Board of County Commissioners detailing significant progress toward obtaining land in conservation easement(s), and of projects within the four (4) established project goal areas of the TCCP. If the Resort has not made significant progress toward conserving 300 acres five (5) years after the issuance of the first Development Plan for any of the 450 units, the Board may restrict future development plan permits until such time as part or all of the 300 acres are conserved. Significant progress includes acquisition of a minimum of 70 acres of land or easements.

The report shall be prepared by Grand Targhee, TCCP partner organizations, or an independent firm qualified and experienced in monitoring, and shall include, at a minimum, the following:

- (vi) Amount of funds disbursed to TCCP;
- (vii) Project areas within the TCCP to which Community Service Transfer Fees have been dedicated;
- (viii) Acres of land protected by easement or fee simple acquisition by Grand Targhee and the TCCP to date of report, including:
 - a. Progress toward the goal of conserving approximately 800 acres
 - b. Holders of the easements or the fee simple land acquired
- (ix) Level to which stream health and stream flow has been restored to Teton Creek, including:
 - a. Progress toward goal of restoring an additional 25 cubic feet per second (cfs) of natural flow
 - b. Data on cutthroat trout abundance within Teton Creek
- (x) Distances of stream bank restoration achieved; including:
 - a. Progress toward goal of restoring and protecting approximately five miles of stream bank and associated riparian land

This TCCP 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.

9. Condition of Approval No. 9

In the event the Teton County Board of County Commissioners determines, after public hearing, that the Transfer Fees are not being used for projects that provide 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 require the Applicant to propose an amendment to the Master Plan to ensure ongoing restoration, conservation, preservation and stewardship of the Teton River Watershed and its surrounding ecosystem or the goals of the Community Services Element.

10. Condition of Approval No. 10

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 among the Board included if each Commissioner can make the findings for the applications, specifically the PUD.

Commissioner Epstein stated, "Mr. Chair, I cannot make that finding. I feel that the nexus on the 300 acres does not align with what is currently on the ground. We don't necessarily know what is going to happen in the future, but we are putting a demand on the applicant for something that we don't know what is going to happen in the future. So that is where I can't make that finding.

Commissioner Vogelheim stated, "The amendments presented today do not honor the spirit or the terms of the 2008 Grand Targhee Master Plan. I am not able to make the findings #1 or #2 for the PUD Section 4.3.1.D per the proposed motion, so I will not support it.

- **#1 Not consistent with our Comp Plan** – Conservation Easements have been key to protecting habitat and to offset development density....I think the 2008 Master Plan's 600 acres of conservation easements are critical and consistent with our Comp Plan but are no longer being required or funded by the applicant.
- **#2 Not consistent with the Purpose and Intent:**
 - Transportation Element (#5) – the amended TDM is missing key elements and funding mechanisms for public transportation;
 - Phasing Plan (#8) – Missing **upfront conservation easement** spending to offset to wildlife and development impacts. The master plan needs to stick to the 2008 phasing plan (regardless of how its funded) and commensurate with the four phases of the resort's development.
 - Character Element (#8) – Not keeping with the community character – just look at all Alta residents' overwhelming public comments opposing this amendment."

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to approve PUD2017-0005 to amend the Grand Targhee Master Plan Planned Unit Development in accordance with Sections 8.7.3, of the Teton County Land Development Regulations, based upon the application dated December 5, 2017 and revised February 20, 2018, May 24, 2018 and August 6, 2018, after having fully considered the five (5) findings for approval under Section 8.7.3.D. which have been satisfied and met with ten (10) conditions 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. Prior to the earlier of either Final Development Plan approval or the issuance of any physical development permit at Grand Targhee Resort that will utilize Ski Hill Road, 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. The proposal shall include a formula that calculates a road impact fee representing the proportional impacts of development during the construction phase beyond that which would ordinarily occur on a county road. The impact area for this fee 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. The proposal shall consider the proportionate share of traffic generated by the proposed construction, relevant ADT data, and a cost analysis, and is subject to final approval by the County Engineer.
3. Within five (5) business days of the recordation of the Amended Master Plan, the Applicant shall make a payment in the amount of one hundred thousand dollars (\$100,000.00) to the Teton Creek Corridor Project (the "TCCP"). The TCCP is a collaborative of the following organizations: Teton Regional Land Trust, Friends of the Teton River, Valley Advocates for Responsible Development, and Teton Valley Trails and Pathways. The Applicant is responsible for notifying the Teton County Planning Director of any change in the organizational structure of the TCCP, including if any partner organization is added to, or leaves the collaborative.

This payment to the TCCP shall be used to fund, promote, or ensure stewardship of environmental mitigation projects within any of the following four (4) established project goal categories of the TCCP: (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; and (iv) protection of wildlife habitat through redesign of existing/platted subdivisions. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible. Funds collected via the Agreement shall only be used by TCCP for the above-listed four (4) project goals, including ongoing stewardship and maintenance. Funds shall not be used for non-project or administration-only fees. The Community Foundation of Teton Valley is the fiscal agent of the TCCP funds and shall manage disbursement of the restricted funds in accordance with its established rules and protocols.

4. The Applicant shall ensure that three hundred (300) acres of land are protected in conservation easement(s), which easement(s) shall be recorded in the Office of the Teton County, Wyoming Clerk. All of the 300 acres shall be located in Teton County, Wyoming on the west slope of the Tetons. This Condition may be met, in part or in full, through the two percent (2%) transfer fee, as described in Condition of Approval No. 5 below. Conservation of the 300 acres of land described herein shall occur no later than ten (10) years after the first Development Plan is approved for any of the 450 units allowed under the Amended Master Plan.
5. A Community Services Transfer Fee shall be imposed on all initial and subsequent gross sales of all residential units, conventional lodging units (as defined by the then-current Teton County Land Development Regulations), short-term rental units, and vacant land with development rights for the aforementioned units, that are sold within the Resort. The Community Services Transfer Fee shall bind the afore described Resort properties in perpetuity. Initial gross sales will be subject to a two percent (2%) transfer fee, and subsequent gross sales (i.e.: re-sales) will be subject to a one percent (1%) transfer fee.

A Community Services Transfer Fee Agreement (the "Agreement") shall be presented to the Board of County Commissioners no later than its December 18, 2018 regular meeting, subject to review and approval by the Teton County Attorney's Office. The Agreement shall reflect, at a minimum, the lots, parcels, and units subject to the Agreement; the amount of the transfer fee obligation; and the structure of payments and disbursement of funds.

The Transfer Fee Funds shall be restricted as follows:

- i. The two percent (2%) Transfer Fee shall be used for the acquisition of conservation easement over, or fee simple acquisition of, 300 acres of land located in Teton County, Wyoming.
 - ii. At such time as 300 acres of land has been placed in conservation easement(s) as herein described, the two percent (2%) Transfer Fees shall be directed to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.
 - iii. The one percent (1%) transfer fee shall be directed to the to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.
6. The Community Services Transfer Fee Agreement, which shall be considered a restrictive covenant, shall be recorded against all properties at Grand Targhee Resort that are 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.
 7. The Community Services Transfer Fee Agreement shall make clear that this transfer fee is separate from any other transfer fee obligation and separate from the \$100,000.00 obligation set forth in Condition of Approval No. 3.
 8. Beginning five (5) years after the issuance of the first Development Plan for any of the 450 units for Grand Targhee Resort, Grand Targhee Resort shall submit an annual report to the Teton County Board of County Commissioners detailing significant progress toward obtaining land in conservation easement(s), and of projects within the four (4) established project goal areas of the TCCP. If the Resort has not made significant progress toward conserving 300 acres five (5) years after the issuance of the first Development Plan for any of the 450 units, the Board may restrict future development plan permits until such time as part or all of the 300 acres are conserved. Significant progress includes acquisition of a minimum of 70 acres of land or easements. The report shall be prepared by Grand Targhee, TCCP partner organizations, or an independent firm qualified and experienced in monitoring, and shall include, at a minimum, the following:
 - i. Amount of funds disbursed to TCCP;
 - ii. Project areas within the TCCP to which Community Service Transfer Fees have been dedicated;
 - iii. Acres of land protected by easement or fee simple acquisition by Grand Targhee and the TCCP to date of report, including:
 - a. Progress toward the goal of conserving approximately 800 acres
 - b. Holders of the easements or the fee simple land acquired
 - iv. Level to which stream health and stream flow has been restored to Teton Creek, including:
 - (i) Progress toward goal of restoring an additional 25 cubic feet per second (cfs) of natural flow
 - (ii) Data on cutthroat trout abundance within Teton Creek
 - v. Distances of stream bank restoration achieved; including:
 - (i) Progress toward goal of restoring and protecting approximately five miles of stream bank and associated riparian land

This TCCP 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.

9. In the event the Teton County Board of County Commissioners determines, after public hearing, that the Transfer Fees are not being used for projects that provide 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 require the Applicant to propose an amendment to the Master Plan to ensure ongoing restoration, conservation, preservation and stewardship of the Teton River Watershed and its surrounding ecosystem or the goals of the Community Services Element.
10. 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.

Chair Newcomb called for the vote. The vote showed 3-2 in favor with Commissioners Epstein and Vogelheim opposed and the motion carried.

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to approve AMD2017-0006 to amend the Grand Targhee Master Plan Planned Unit Development in accord with Sections 8.7.1 of the Teton County Land Development Regulations, based upon the application dated December 5, 2017 and revised February 20, 2018, May 24, 2018 and August 6, 2018, after having fully considered all six (6) findings for approval under Section 8.7.1.C which have been satisfied and met with ten (10) conditions 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. Prior to the earlier of either Final Development Plan approval or the issuance of any physical development permit at

Grand Targhee Resort that will utilize Ski Hill Road, 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. The proposal shall include a formula that calculates a road impact fee representing the proportional impacts of development during the construction phase beyond that which would ordinarily occur on a county road. The impact area for this fee 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. The proposal shall consider the proportionate share of traffic generated by the proposed construction, relevant ADT data, and a cost analysis, and is subject to final approval by the County Engineer.

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5. A Community Services Transfer Fee shall be imposed on all initial and subsequent gross sales of all residential units, conventional lodging units (as defined by the then-current Teton County Land Development Regulations), short-term rental units, and vacant land with development rights for the aforementioned units, that are sold within the Resort. The Community Services Transfer Fee shall bind the afore described Resort properties in perpetuity. Initial gross sales will be subject to a two percent (2%) transfer fee, and subsequent gross sales (i.e.: re-sales) will be subject to a one percent (1%) transfer fee.

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 - vi. The one percent (1%) transfer fee shall be directed to the Teton Creek Corridor Project ("TCCP"), as restricted funds to promote, or ensure stewardship or ongoing maintenance of projects within any of the four (4) established project goal categories set forth in Condition No. 3 above. Distribution of funds shall prioritize preservation/restoration of high value habitat when possible and shall not be used for non-project or administration-only fees.
6. The Community Services Transfer Fee Agreement, which shall be considered a restrictive covenant, shall be recorded against all properties at Grand Targhee Resort that are 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.
 7. The Community Services Transfer Fee Agreement shall make clear that this transfer fee is separate from any other transfer fee obligation and separate from the \$100,000.00 obligation set forth in Condition of Approval No. 3.
 8. Beginning five (5) years after the issuance of the first Development Plan for any of the 450 units for Grand Targhee Resort, Grand Targhee Resort shall submit an annual report to the Teton County Board of County Commissioners detailing significant progress toward obtaining land in conservation easement(s), and of projects within the four (4) established project goal areas of the TCCP. If the Resort has not made significant progress toward conserving 300 acres five (5) years after the issuance of the first Development Plan for any of the 450 units, the Board may restrict future development plan permits until such time as part or all of the 300 acres are conserved. Significant progress includes acquisition of a minimum of 70 acres of land or easements. The report shall be prepared by Grand Targhee, TCCP partner organizations, or an independent firm qualified and experienced in monitoring, and shall include, at a minimum, the following:
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 - viii. Acres of land protected by easement or fee simple acquisition by Grand Targhee and the TCCP to date of report, including:
 - c. Progress toward the goal of conserving approximately 800 acres
 - d. Holders of the easements or the fee simple land acquired
 - ix. Level to which stream health and stream flow has been restored to Teton Creek, including:
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- x. Distances of stream bank restoration achieved; including:
 - (i) Progress toward goal of restoring and protecting approximately five miles of stream bank and associated riparian land

This TCCP 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.

- 9. In the event the Teton County Board of County Commissioners determines, after public hearing, that the Transfer Fees are not being used for projects that provide 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 require the Applicant to propose an amendment to the Master Plan to ensure ongoing restoration, conservation, preservation and stewardship of the Teton River Watershed and its surrounding ecosystem or the goals of the Community Services Element.
- 10. 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.

Chair Newcomb called for the vote. The vote showed 3-2 in favor with Commissioners Epstein and Vogelheim opposed and the motion carried.

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to approve SKC2017-0007 review physical development associated with the Grand Targhee Master Plan Planned Unit Development in accord with Sections 8.3.1 of the Teton County Land Development Regulations, based upon the application dated December 5, 2017 and revised February 20, 2018, May 24, 2018 and August 6, 2018, after having fully considered all five (5) findings for approval under Section 8.3.1.C which have been satisfied and met with no conditions. Chair Newcomb called for the vote. The vote showed 3-2 in favor with Commissioners Epstein and Vogelheim opposed and the motion carried.

Nicole Krieger, on behalf of the applicant, asked to postpone MSC2018-0006 to the December 18, 2018 BCC meeting.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to postpone MSC2018-0006 Grand Targhee Master Plan Expiration Extension until the December 18, 2018 BCC regular meeting. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

ADJOURN

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 12:13pm.

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