

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

The Teton County Board of Commissioners met in regular meeting on **November 1, 2022** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:02 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

County Commission: Natalia Macker, Chairwoman, Vice-Chairman, Mark Barron, Mark Newcomb and Greg Epstein were present. Luther Propst was present via Zoom.

ADOPTION OF AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt today's agenda as presented. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the 10-10-2022, 10-17-2022, and 10-18-2022 minutes. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

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

1. Consideration of a State Homeland Security Program Grant Award for Hazardous Materials Equipment and Training
2. Consideration of Subdivision Plat for 445 E. Kelly Avenue
3. Consideration of Adams Canyon Employee Housing Lease
4. Consideration of Holiday Lighting Contract
5. Consideration of Winter Snowplowing Contracts
6. Consideration of Sole Source Playground Repair and Maintenance Contract

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

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

MATTERS FROM COMMISSION AND STAFF

1. Consideration of a State Homeland Security Program Grant Award for Hazardous Materials Equipment and Training

To approve the 2022 SHSP Grant Award Agreement between the Wyoming Office of Homeland Security and Teton County's Regional Emergency Response Team #8 for the purchase of allowable hazardous materials equipment and training in the amount of \$101,988.00.

2. Consideration of Subdivision Plat for 445 E. Kelly Avenue

To approve the Affidavit of Acknowledgement and Acceptance of Final Plat, termination instrument for existing access and utility easement, new sewer easement to Town of Jackson, and new electrical easement to Lower Valley Energy, as presented by staff, thereby authorizing the six-lot subdivision of the property located at 445 E Kelly Avenue and owned by Teton County

3. Consideration of Adams Canyon Employee Housing Lease

To approve the Lease Renewal Agreement for 3182 South Adams Canyon with Teton County employee Corrina Dorman.

4. Consideration of Holiday Lighting Contract

To award bid and approve contract to Teton Mountain Lights, LLC for Town Square Holiday Lighting services in the amount of \$ 60,910.00 for Fiscal Year 2023 through Fiscal Year 2025.

5. Consideration of Winter Snowplowing Contracts

To approve the award of contract for East/West Bank Pathway Snow Plowing to Yellow Iron Excavation and for an amount not to exceed \$16,000 for the 2022-2023 winter season.

To approve the award of contract for the South area Pathway Snow Plowing to Fish Creek Excavation for an amount not to exceed \$8,000 for the 2022-2023 winter season.

6. Consideration of Sole Source Playground Repair and Maintenance Contract

To approve the Service Agreement between Teton County and Great Western Installations in the amount of \$73,340.08, as a sole source award.

DIRECT CORRESPONDENCE

1. Meghan Quinn 10/11/2022 email regarding State Trust Land Parcels
2. WY Office of State Lands 10/12/2022 email regarding Parcel Lease 549
3. Chris Laing 10/12/2022 email regarding Alta Courts
4. Jean Day 10/13/2022 email regarding Age Friendly Access to Parks
5. Franz Camenzind 10/13/2022 email regarding E-biking and TOJ
6. Jan Lovett 10/14/2022 email regarding Rafter J Lot 333
7. Camille Obering 10/14/2022 email regarding Letter to Transportation Admin. Re: Wilson Speeds
8. Kathy Tompkins 10/14/2022 email regarding Transportation SPET
9. Laura Soltau 10/14/2022 email regarding Rafter J Lot 333
10. Margaret Creel 10/14/2022 email regarding Rafter J Lot 333
11. Bobby Thomson 10/14/2022 email regarding Rafter J Lot 333
12. Stan Steiner 10/14/2022 email regarding Rafter J Lot 333
13. Mark Lovett 10/14/2022 email regarding Rafter J Lot 333
14. Valerie Ehrich 10/17/2022 email regarding Rafter J Lot 333
15. Joe Demarsh 10/15/2022 email regarding Rafter J Lot 333
16. Nancy Zawacki 10/14/2022 email regarding Rafter J Lot 333
17. Karilyn Brodell 10/15/2022 email regarding Rafter J Lot 333
18. Sally Linhardt 10/16/2022 email regarding Demographic Change
19. Donald D cooke 10/16/2022 email regarding Rafter J Lot 333
20. Sue Perkins 10/16/2022 email regarding Rafter J Lot 333
21. Kathy Greger 10/16/2022 email regarding Rafter J Lot 333
22. Spencer Nurse 10/16/2022 email regarding Jet Engines at JH Airport
23. Mandy Lowe 10/16/2022 email regarding Rafter J Lot 333
24. Mark Schultheis 10/17/2022 email regarding Rafter J Lot 333
25. Pam Weiss 10/16/2022 email regarding Rafter J Lot 333
26. Jackie Baxa 10/17/2022 email regarding Rafter J Lot 333
27. David Baxa 10/17/2022 email regarding Rafter J Lot 333
28. John Lotshaw 10/17/2022 email regarding Rafter J Lot 333
29. Bobbie Dailey 10/17/2022 email regarding Rafter J Lot 333
30. Gina Lipp 10/17/2022 email regarding Rafter J Lot 333
31. Laura West Soltau 10/17/2022 email regarding Rafter J Lot 333
32. Will Soltau 10/17/2022 email regarding Rafter J Lot 333
33. Michele Dorsey 10/17/2022 email regarding Rafter J Lot 333
34. Mary Riemondy 10/17/2022 email regarding Rafter J Lot 333
35. Megan Quinn 10/17/2022 email regarding Glamping on State Lands
36. Tom Patterson 10/17/2022 email regarding Rafter J Lot 333
37. Arthur Denton 10/17/2022 email regarding Rafter J Lot 333
38. Christine Denton 10/17/2022 email regarding Rafter J Lot 333
39. Amberley Baker 10/17/2022 email regarding AMD2022-0003
40. Bruce Burkland 10/17/2022 email regarding Rafter J Lot 333
41. Pat Weber 10/17/2022 email regarding Rafter J Lot 333
42. George Putnam 10/17/2022 email regarding AMD2022-0003
43. Pam McIntosh 10/17/2022 email regarding Rafter J Lot 333
44. Katie Murphy 10/18/2022 email regarding Rafter J Lot 333
45. Keelan Schupman 10/19/2022 email regarding Highway Safety at Transfer Station
46. Douglas Mayes 10/19/2022 email regarding BLM Sage Grouse Conservation
47. Mark Lovett 10/20/2022 email regarding Rafter J Lot 333
48. Case Brown 10/20/2022 email regarding Rafter J Lot 333
49. Jan Lovett 10/20/2022 email regarding Rafter J Lot 333
50. Brian Merritt 10/20/2022 email regarding Rafter J Lot 333
51. Chris Peck 10/21/2022 email regarding Huffsmith Hill Neighborhood
52. Jan Lovett 10/21/2022 email regarding Rafter J Lot 333
53. Ann Goodell 10/21/2022 email regarding Alta Courts
54. Margaret Creel 10/21/2022 email regarding Rafter J Lot 333
55. Janice Smith 10/21/2022 email regarding Rafter J Lot 333
56. Mandy Lowe 10/22/2022 email regarding Rafter J Lot 333
57. Russell Scott 10/23/2022 email regarding Mountain Neighbor Handbook
58. Amy Runkel 10/23/2022 email regarding Affordable Housing Proposed Changes
59. Mitch Dann 10/23/2022 email regarding State Lands on HWY 390
60. Jared Smith 10/24/2022 email regarding State Lands on HWY 390 - Water Quality
61. Greg Bigler 10/24/2022 email regarding Zoning for CWC Campus
62. Heidi Leeds 10/24/2022 email regarding Glamping/State Land Parcel
63. Michael Kroposki 10/25/2022 email regarding Building Permits

PUBLIC COMMENT

Public comment was given by Brian Smith regarding Teton County Affordable Housing Rules and Regulations.

MATTERS FROM PLANNING AND DEVELOPMENT

Findings of Fact, Conclusions of Law, and Order:

- i. DEV2022-0003 – CS Jackson Group, LLC

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for DEV2022-0003, upon the application of CS Jackson Group LLC, pursuant to Section 8.3.2 of the Teton County Land Development Regulations (LDRs), to review the proposed Development Permit for a 11,647 sf light industrial warehouse project with four Accessory Residential Units (ARUs) at 3555 South Park Drive within the Business Park zone of Teton County. This item was approved by the Board on October 18, 2022.

A motion was made by Commissioner Epstein and seconded by Commissioner to Barron approve the findings of fact and conclusions of law for DEV2022-0003. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

New Business

1. **Permit Number** SD2022-0007
Applicant Jorgensen Associates, PC
Presenter Chandler Windom
Request A Final Subdivision Plat Request pursuant to LDR Section 8.5.3 for the Shooting Star East 2nd Filing.
Location Lot 1 of Shooting Star East is located adjacent to Crystal Springs & Four Pines Road in Teton Village Area II. The site is zoned Planned Resort and is in the Scenic Resources Overlay.

Chandler Windom, Senior Planner, presented to the Board for consideration of approval a Subdivision Plat pursuant to Section 8.5.3 of the Teton County Land Development Regulations (LDRs) for the 7- lot subdivision of Shooting Star East 2nd Filing.

The proposal is to complete the final platting of Shooting Star East. The original 2005 Teton Village PUD Expansion Resort Master Plan approved 166 free market dwelling units in the South Residential Area (South of McCollister Drive). The approval specifically was for 100 single family lots and 66 Townhomes/Golf Cabins. The South Residential Area of the Teton Village Resort Zone is nearing complete build out with the most recent platting of The Homesites at Shooting Star West (Plat 1387) and the Homesteads & The Lodges at Shooting Star West (Plat 1400). The division of Lot 1 of Shooting Star East into 7 single family lots will be the last division in the South Residential Area and will complete the Shooting Star Development. This division follows the approval of DEV2006- 0033 which was for the initial phase of the Shooting Star subdivision. This Development Plan is considered valid and not expired because the required infrastructure was installed in Shooting Star East, even though the subject Lot 1 was not fully subdivided at that time.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve SD2022-0007, dated October 22, 2022, for the final plat of Shooting Star East 2nd Filing, based on the recommended findings. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

2. **Permit Number** CUP2021-0005 - **CONTINUED FROM OCTOBER 18, 2022**
Applicant HH Land Strategies
Presenter Chandler Windom
Request Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for Workforce Apartments at the Legacy Lodge.
Location 3000 W Big Trail Drive, or Lot 333, is situated in the northeast corner of the Rafter J Ranch Subdivision. The property is zoned Planned Unit Development Rural-3 and is not within any Overlays.

Chandler Windom, Senior Planner, presented to the Board for consideration of approval the changes in the conditions of approval that resulted from the last two hearings of this item on October 4th, 2022 and October 18th, 2022.

This is an application for a Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations (LDRs) to allow for Workforce Apartments at the Legacy Lodge.

Public comment was taken at the October 18th, 2022 meeting and was not reopened at this meeting.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve CUP2021-0005, for the proposed Apartments, with the following recommended conditions, based on the recommended findings.

1. Prior to the issuance of the Certificate of Occupancy for the units within each building wing (4 wings in total), the owner shall restrict the occupancy of the apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department. The form of each occupant lease and master lease shall require review and approval by the Housing Department prior to applicant use for the purpose of determining compliance with the Teton County Housing Rules and Regulations and applicable conditions.
2. The minimum lease period for apartment occupants shall be 6 months in accordance with the Jackson/Teton County Affordable Housing Rules & Regulations. The minimum lease period for any master leases shall be consistent with the occupant leases to which they apply.
3. At least 50% of the units, rounding down in the case of a fractional unit, shall be occupied by qualifying members of the workforce who also meet one of the following criteria:
 - a. An employee or volunteer of an organization that has a position on the Critical Service Providers list (or successor list) as approved by the Jackson/Teton County Affordable Housing Department. If the Housing Department no longer maintains such a list, the approved organizations shall be those on the final version of the list;
 - b. An employee of Teton County School District #1 or a private school in Teton County, WY;
 - c. An employee of a Wyoming state licensed child-care or adult care provider; or
 - d. An employee of an organization that is an active member of the Human Services System of Care in Teton County.
 - e. An employee of a public or private utility provider who provides utility services in Teton County, Wyoming;
 - f. An employee of a medical provider.

At any time less than 55% of units are occupied by Community Service Providers, the Owner shall provide written notice (email is acceptable) to the above employers of a vacancy and the employers shall have 15 days from the date of such notice to provide the contact information of any interested employee. If after 45

days from notice of vacancy, the unit remains unfilled by a CSP or from this list, the Owner shall be entitled to fill such vacancy with a qualified household on the same terms and conditions offered to the Community Service Providers and the above process shall be repeated at the next vacancy. The applicant shall provide records demonstrating compliance with this requirement with the annual monitoring report and/or at the request of the Planning Director.

4. Annual monitoring reports shall be submitted by the owner to the Teton County Planning Director prior to January 31st of each year, which at minimum shall demonstrate compliance with the conditions of approval including the occupancy restriction. These reports may be elevated to the Board of County Commissioners if deemed the monitoring report warrants a public review. If new issues of negative impacts arise or changing conditions cause unanticipated consequences associated with the use, the Board may impose additional mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit through a conditional use permit amendment.
5. The owner/operator shall supply all occupants of the apartment building with START Bus passes annually, at no cost to the occupant. Should individual occupants choose not to receive a pass, then the owner/operator shall make a contribution to START in an amount equal to the cost of the unused passes to support START service to the property. In the event START or a public transit entity does not provide service to the Rafter J neighborhood, the owner shall provide its own transit service for occupants of the apartment building providing shuttle services from 7am to 6 pm. During Peak Periods (7:00 am to 10 am and 3 pm to 5 pm) the shuttle service will be dedicated routes at specified times. During off hour times, the shuttle service will be on demand, similar in style to the proposed START service for Rafter J, South Park, and Melody Ranch. The owner/operator shall report information on such private transit service, including shuttle usage, routes, and average daily trips, in its annual monitoring report to Teton County.
6. Within six (6) months of permit issuance, the owner of Lot 333 shall apply to the Rafter J HOA for approval of the pathway crossing improvements in a manner that is acceptable to the Teton County Pathways Coordinator. The owner of Lot 333 shall complete the pathway crossing improvements within one (1) year if the landowner (Rafter J Ranch Homeowners Association) approval is granted.
7. Prior to the issuance of any Certificates of Occupancy, the applicant shall request and pass the required Jackson Hole Fire Department inspections.
8. Prior to occupancy of any individual apartment unit, the owner shall install the additional required vehicle parking equal to a minimum of one parking space per unit occupied and 1 additional guest space per 10 occupied units.
9. Within six (6) months of permit issuance, the owner shall apply to the Rafter J Development Review Committee for approval to install a minimum of one (1) bicycle parking/storage space per Apartment Unit. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval. If outdoor covered bicycle parking cannot be accommodated, an equivalent space for indoor bike storage shall be provided.
10. Prior to occupancy of each building wing (4 wings in total), each unit shall, at minimum, include complete kitchen facilities as defined in LDR Division 9.5., and Livability Standard components of the Housing Department Rules & Regulations for existing units, though the owner can still apply for and receive administrative variances to the Livability Standards in the Rule and Regulations pursuant to standard Housing Department administrative procedures, and be inspected by Teton County Staff.
11. Maximum occupancy of the apartment building shall be a total of 99 individuals.
12. The applicant shall provide an on-site 24-hour property manager whose responsibilities include parking enforcement. It is the responsibility of the landowner, and by proxy the property manager, to inform, monitor and enforce parking restrictions that prohibit any resident, visitor or employee of the site from parking on any Rafter J roads or rights-of-way or anywhere on site that is not in a designated paved and lined parking space.
13. This permit does not authorize use of the existing commercial kitchen by apartment occupants or for any commercial operation. The kitchen and common areas may however be utilized for activities that directly serve the tenants of the apartments as an incidental use limited to group meal service or private gatherings for residents. Only licensed caterers or food service providers may operate the kitchen.

Commissioner Newcomb suggested a friendly amendment to the motion to include Transportation Demand Management language in condition 5.a.

Commissioner Epstein did not accept the friendly amendment as it was made

The Board suggested and discussed the following friendly amendments to the conditions in Commissioner Epstein's motion:

CONDITION 5 AMENDMENT

To include only the first sentence of condition 5.a. so that it reads:

"An alternative option for this condition #5 is presented below in accordance with direction from the BCC: Prior to issuance of this permit, the applicant shall obtain Board of County Commissioners approval of a written Transportation Demand Management Plan (TDM Plan) presented in the form of a Miscellaneous Planning Request."

Commissioner Epstein, the motion maker, and Commissioner Barron, the second, accepted the friendly amendment to condition 5.

The meeting recessed at 10:32 a.m. and reconvened at 10:40 a.m.

CONDITION 3 AMENDMENT

To revise the list of qualifying members so that condition 3 reads:

“At least 50% of the occupied units, rounding down the case of a fractional unit, shall be occupied by qualifying members of the workforce who also meet one of the following criteria

- a. An employee or member of an organization that has a position on the Critical Service Providers list as approved by the Jackson/Teton County Affordable Housing Department;
- b. An employee of Teton County School District #1 or a private school in Teton County, WY;
- c. An employee of a Wyoming state licensed child-care, adult care provider, or the Senior Center of Jackson Hole; or
- d. An employee of Licensed medical providers.

At any time less than 55% of units occupied by Community Service providers (the above list), the owner shall provide written notice (email or mail) to the above employers of a vacancy and the employers shall have 15 days from the date of such notice to provide the contact information of any interested employee. If after 45 days from notice of vacancy, the unit remains unfilled by a Community Service Provider (the above list) the owner shall be entitled to fill such vacancy with a qualified household on the same terms and conditions offered to the Community Service Providers, and the above process shall be repeated at the next vacancy. The applicant shall provide records demonstrating compliance with these requirements with the annual monitoring report and/or at the request of the Planning Director.

Commissioner Epstein, the motion maker, and Commissioner Barron, the second, accepted the friendly amendments to condition 3.

NEW CONDITIONS

The Board considered two additional conditions:

14. This Conditional Use Permit shall not be issued until the current legal action regarding the decision of PUD2021-0001, Brazinski et al v. Teton County, is fully and finally resolved beyond all applicable appeal periods.
15. If any condition is found to be invalid by a Court of competent jurisdiction, the entire Conditional Use Permit shall be brought back before the Board of County Commissioners for review.

Commissioner Epstein, the motion maker, accepted the friendly amendment to include the new condition 14, but did not accept condition 15. Commissioner Barron, the second, did not accept the addition of 14 or 15.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb and seconded by Commissioner Newcomb to amend the motion to include condition 15. Chairwoman Macker called for a vote. The vote showed three in favor and the motion carried 3-2 with Commissioners Barron and Epstein opposed.

The Board removed the last words of condition #4: “through a conditional use permit amendment.”

The meeting recessed at 11:15 a.m. and reconvened at 11:28 a.m.

The Board reviewed the motion on the floor and corrected the percentages in condition 3 to be 50% and 50% instead of 50% and 55%.

Commissioner Epstein made a friendly amendment to his motion to amend 14 to allow the application for and issuance of building permits in the interim (until the legal action is resolved). Commissioner Barron accepted the friendly amendment. The Board agreed that condition 14 should read:

“This Conditional Use Permit shall not be issued until the current legal action regarding the decision of PUD2021-0001, Brazinski et al v. Teton County, is fully and finally resolved beyond all applicable appeal periods. Submittal and issuance of the required building permits may still proceed in the interim.”

THE FINAL AMENDED MOTION:

To approve CUP2021-000S, for the proposed Apartments, with the following recommended conditions, based on the recommended findings.

1. Prior to the issuance of the Certificate of Occupancy for the units within each building wing (4 wings in total), the owner shall restrict the occupancy of the apartment units to members of the Teton County Workforce, in a deed restriction form that is acceptable to the Jackson/Teton County Affordable Housing Department. Each occupant lease and master lease shall require review and approval by the Housing Department prior to applicant use for the purpose of determining compliance with the Housing Rules and Regulations and applicable conditions.
2. The minimum lease period for apartment occupants shall be 6 months in accordance with the Jackson/Teton County Affordable Housing Rules & Regulations. The minimum lease period for any master leases shall be consistent with the occupant leases to which they apply.
3. At least 50%, of the occupied units, rounding down in the case of a fractional unit, shall be occupied by qualifying members of the workforce who also meet one of the following criteria
 - a) An employee or member of an organization that has a position on the Critical Service Providers list as approved by the Jackson/Teton County Affordable Housing Department;
 - b) An employee of Teton County School District #1 or a private school in Teton County, WY;
 - c) An employee of a Wyoming state licensed child-care, adult care provider, or the Senior Center of Jackson Hole; or
 - d) An employee of a licensed medical provider.

If at any time less than 50% of the units are occupied by Community Service providers (the above list), the owner shall provide written notice (email or mail) to the above employers of a vacancy and the employers shall have 15 days from the date of such notice to provide the contact information of any interested employee. If after 45 days from notice of vacancy, the unit remains unfilled by a Community Service provider (the above list) the owner shall be entitled to fill such vacancy with a qualified household on the same terms and conditions offered to the Community Service Providers, and the above process shall be repeated at the next vacancy. The applicant shall provide records demonstrating compliance with this requirement with the annual monitoring report and/or at the request of the Planning Director.

4. Annual monitoring reports shall be submitted by the owner to the Teton County Planning Director prior to January 31st of each year, which at minimum shall demonstrate compliance with the conditions of approval including the occupancy restriction and analysis of the Transportation Demand Management plan. These reports may be elevated to the Board of County Commissioners if deemed the monitoring report warrants a public review. If new issues of negative impacts arise or changing conditions cause unanticipated consequences associated with the use, the Board may impose additional mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit.
5. Prior to issuance of this permit, the applicant shall obtain Board of County Commissioners approval of a written Transportation Demand Management Plan (TOM Plan) presented in the form of a Miscellaneous Planning Request.
6. Within six (6) months of permit issuance, the owner of Lot 333 shall apply to the Rafter J HOA for approval of the pathway crossing improvements in a manner that is acceptable to the Teton County Pathways Coordinator. The owner of Lot 333 shall complete the pathway crossing improvements within one (1) year if the landowner (Rafter J Ranch Homeowners Association) approval is granted.
7. Prior to the issuance of any Certificates of Occupancy, the applicant shall request and pass the required Jackson Hole Fire Department inspections.
8. Prior to occupancy of any individual apartment unit, the owner shall install the additional required vehicle parking equal to a minimum of one parking space per unit occupied and 1 additional guest space per 10 occupied units.
9. Within six (6) months of permit issuance, the owner shall apply to the Rafter J Development Review Committee for approval to install a minimum of one (1) bicycle parking/storage space per Apartment Unit. The applicant shall install the required bicycle parking within one (1) year of the Rafter J Development Review Committee approval. If outdoor covered bicycle parking cannot be accommodated, an equivalent space for indoor bike storage shall be provided.
10. Prior to occupancy of each building wing (4 wings in total), each unit shall, at minimum, include complete kitchen facilities as defined in LOR Division 9.5., and Livability Standard components of the Housing Department Rules & Regulations for existing units, (though the owner can still apply for and receive administrative variances to the Livability standards in the Rules and Regulations pursuant to the standard Housing Department procedures), and be inspected by Teton County staff.
11. Maximum occupancy of the apartment building shall be a total of 99 individuals.
12. The applicant shall provide an on-site 24-hour property manager whose responsibilities include parking enforcement. It is the responsibility of the landowner, and by proxy the property manager, to inform, monitor and enforce parking restrictions that prohibit any resident, visitor or employee of the site from parking on any Rafter J roads or rights-of-way or anywhere on site that is not in a designated paved and lined parking space.
13. This permit does not authorize use of the existing commercial kitchen by apartment occupants or for any commercial operation. The kitchen and common areas may however be utilized for activities that directly serve the tenants of the apartments as an incidental use limited to group meal service or private gatherings for residents. Only licensed caterers or food service providers may operate the kitchen.
14. This Conditional Use Permit shall not be issued until the current legal action regarding the decision of PUD2021-0001, Brazinski et al v. Teton County, is fully and finally resolved beyond all applicable appeal periods.
15. If any condition is found to be invalid by a Court of competent jurisdiction, the entire Conditional Use Permit shall be brought back before the Board of County Commissioners for review.

APPROVAL OF CUP2021-0005

Chairwoman Macker called for a vote on Commissioner Epstein’s motion to approve CUP2021-0005 as amended and written above. The vote showed four in favor and the motion carried 4-1 with Commissioner Newcomb opposed.

The meeting recessed at 11:39 a.m. and reconvened at 1:27 p.m.

3. Permit Number	CUP2022-0003
Applicant	SCHROTH, ROBERT E. & LINDA M. TRUSTEES
Presenter	Hamilton Smith
Request	A Conditional Use Permit request pursuant to Land Development Regulation Section 8.4.2 to amend the Jackson Hole Winery Home Business CUP.
Location	2800 Boyles Hill Road, Lot 3B, of the Dairy Subdivision, generally located 1.4 miles west of the South Park Loop and Highway 89 intersection. The property is zoned Planned Unit Development - Rural 2 and is not within the Scenic Resources Overlay or the Natural Resources Overlay.

Hamilton Smith, Principal Planner, presented to the Board for conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations for a Home Business Winery. The request is to amend an existing Conditional Use Permit (CUP) for the Jackson Hole Winery (JHW) on a private lot within the Dairy Subdivision of 16.82 acres in the PUD-Rural-2 (R-2) zone. The applicant currently has an existing CUP (CUP2015-0008) and a Teton County Winery License to produce wine on the subject property.

The application is to amend an existing Accessory Use, Home Business Winery, Conditional Use Permit for the Jackson Hole Winery (JHW) in the Dairy Subdivision. The applicant seeks to continue making and bottling wine on the residential parcel of 16.82 acres and offering private wine tastings. There is a detached single-family residence with a guest house accessory residential unit (ARU) on the site, that constitutes the primary use in this location. No new permanent structures were approved through the original CUP or are proposed through this amendment. The CUP approved in 2016 did not include any specific Conditions of Approval. Constraints on the operation were identified in the application at that time (CUP2015-0008), and certain of those parameters were referenced in the Conclusions of Law, as components of the Findings to approve the original CUP.

Robert Schroth, the Applicant, and Nicole Kreiger of Hess D’Amores & Krieger LLC, representing the Applicant, commented on the application.

The meeting recessed at 2:44 p.m. and reconvened at 2:51 p.m.

In-person public comment was given by Anthony Puccia, Nicole Kreiger of Hess D'Amores & Krieger LLC, representing the Applicant, and Anthony Schroth. Online public comment was given by Kenny Bozorgi, Ellen Carter-Tracy, and Christine Watkins.

Mr. Shroth, the Applicant, responded to public comment, and Linda Schroth, Applicant, answered questions from the Board.

The Board discussed possible amendments to the conditions.

A motion was made by Commissioner Newocmb and seconded by Commissioner Barron to continue CUP2022-0003 to the December 6th, 2022 Board of County Commissioners meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

4. Permit Number	MSC2022-0023
Applicant	TETON COUNTY PARKS & REC.
Presenter	Hamilton Smith
Request	Miscellaneous Planning Request to amend the Wilson Boat Ramp Outdoor Recreation Use Conditional Use Permit (CUP2016-0002) Conditions of Approval. This application has been continued to the November 1st Hearing of the BCC, to consider in addition to the initial request, the amendment or removal of CUP Condition of Approval #2, being: "Construction shall not occur between November 1 - May 15 to protect wintering wildlife."
Location	BLM Parcel at the intersection of Highways 22 and 390, commonly known as the Wilson Boat Ramp property. Tract 51A, Sec. 23, Twp. 41, Rng. 117. The property is zoned Public/Semi-Public and is within the Natural Resources Overlay.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to continue MSC2022-0023 to the December 6, 2022 Board of County Commissioners meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:29 p.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk