

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

The Teton County Board of Commissioners met in regular session on **August 7, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00am and the Pledge of Allegiance was recited.

ROLL CALL

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

MINUTES

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to approve the **7/16/18, 7/17/18, 7/23/18, 7/25/18, and 7/30/18** minutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

ADOPTION OF AGENDA

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to adopt today's agenda as presented with the following changes:

TO POSTPONE: MFS#14 - Change Order #1 to the Construction Contract with Wapiti Corporation for the Fairgrounds Pavilion/Temporary Fire Station to a date uncertain

TO POSTPONE: MFP #5 – S/D2018-0007 MOFFETT, DAVID M. 2008 REVOCABLE TRUST to the September 4, 2018 BCC Hearing

TO POSTPONE: MFP #6 - CUP2018-0001 LENNOX, PHILIP DAVID & JUDGE, ESTHER H. to the September 18, 2018 BCC Hearing

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

CONSENT AGENDA

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

2. Consideration of WellRight Agreement
3. Consideration of START Bike Program
4. Consideration of Approval of Quote for Outdoor Warning Siren Installation at Hoback Station 3 and County-wide Siren Annual Maintenance
5. Consideration of UW Agreement for 4-H Extension Educator
6. Consider of UW Agreement for 4-H Clerical
9. Consideration of First Amendment to Agreement for Tiered Mapping Project with EcoConnect Consulting, LLC
10. Consideration of Approval of Letter of Authorization to AT&T to Proceed with Filing an Application for a Cell Tower with the Planning Department for Land Owned by Teton County at the Fire Station Located on Teton Village Road
12. Consideration of Notice of Award for 2018 Pathways Sealcoating
13. Consideration of Old Library Door Access Upgrade

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

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

MATTERS FROM STAFF:

2. Consideration of WellRight Agreement

To approve the VirtuallyWell Statement of Work and Agreement as outlined in the attached document.

3. Consideration of START Bike Program

To approve the START Bike discounted fares program as an added benefit to the County employee benefit offerings.

4. Consideration of Approval of Quote for Outdoor Warning Siren Installation at Hoback Station 3 and County-wide Siren Annual Maintenance

To approve the quote from Federal Signal and Blue Valley Public Safety for the purchase and install of an outdoor warning siren and maintenance of the County's siren system in the total amount of \$35,926.08.

5. Consideration of UW Agreement for 4-H Extension Educator

To approve the Annual Compensation Agreement with the University of Wyoming for the 4-H Educator position, with the condition that no payments shall be made until the position has been filled.

6. Consider of UW Agreement for 4-H Clerical

To approve the Annual Compensation Agreement with the University of Wyoming for the UW Extension Clerical position.

9. Consideration of First Amendment to Agreement for Tiered Mapping Project with EcoConnect Consulting, LLC

To approve the First Amendment to Agreement for Tiered Mapping Project between Teton County and EcoConnect Consulting LLC for the term beginning on July 3, 2018 and ending on October 31, 2018.

10. Consideration of Approval of Letter of Authorization to AT&T to Proceed with Filing an Application for a Cell Tower with the Planning Department for Land Owned by Teton County at the Fire Station Located on Teton Village Road

To approve the Letter of Authorization to allow AT & T to file applications on a specific property owned by Teton County for a cell tower, specifically the county land currently housing the firehouse on Teton Village Road.

12. Consideration of Notice of Award for 2018 Pathways Sealcoating

To award and contract with R&D Sweeping and Asphalt Maintenance in an amount not to exceed \$106,663.15 for the 2018 Jackson Hole Community Pathways Sealing and Asphalt Repair project.

13. Consideration of Old Library Door Access Upgrade

To approve and sign the order from Silverstar for Door Access system in the Old Library for \$23,470.33.

DIRECT CORRESPONDENCE

1. Jeremy Walker 7/10/2018 email regarding Fire in the Mountains
2. Kate Mead, Teton County School District 7/11/2018 email regarding TCSD Response to BCC Letter regarding exaction parcel
3. Mary Martin, UW Extension Office 7/11/2018 email regarding Wyoming Tax Facts Bulletins
4. Roby Hurley, Planning & Development 7/11/2018 email regarding Ponds and Berms LDR Amendment
5. Skye Schell, Jackson Hole Conservation Alliance 7/11/2018 email regarding Housing Mitigation
6. Richard Bloom 7/11/2018 email regarding Housing Mitigation
7. Molly Watters 7/12/2018 email regarding Housing Mitigation
8. Andrew Salter 7/12/2018 email regarding Housing Mitigation
9. Heather Overholser, I S W and Recycling 7/12/2018 email regarding Food Waste Report 2017
10. Mark Newcomb, County Commissioners 7/12/2018 email regarding WPLI Charter
11. Bailey Schreiber, W C C A 7/12/2018 email regarding Sage Grouse Bulletin
12. David Sollitt 7/12/2018 email regarding Housing Mitigation
13. Alexander Muromcew 7/12/2018 email regarding Wetlands and Fence Variance Request in Wilson
14. Cassandra Keresztes 7/12/2018 email regarding Variance Request in Wilson
15. Thomas Turiano 7/13/2018 email regarding Housing Mitigation
16. Kirk Davenport 7/13/2018 email regarding Housing Mitigation
17. Marylou Klene 7/13/2018 email regarding Housing Mitigation
18. Korby Van Valkenburg 7/13/2018 email regarding Housing Mitigation
19. Deborah Malheiro 7/13/2018 email regarding Housing Mitigation
20. Polly Friess 7/14/2018 email regarding Jackson Hole Classical Academy
21. Greg Epstein, County Commissioners 7/14/2018 email regarding Recycling
22. Paul Hansen 7/14/2018 email regarding Recycling
23. Juliet Unfried 7/15/2018 email regarding Housing Mitigation
24. Kathy Tompkins 7/15/2018 email regarding Housing Mitigation
25. Michael Stern 7/15/2018 email regarding Housing Mitigation
26. Pietro Castelli 7/15/2018 email regarding Housing Mitigation
27. Robbi Farrow 7/16/2018 email regarding Jackson Hole Classical Academy
28. Sean O'Malley, Director of Public Works 7/16/2018 email regarding Old Pass Road Letter of Support
29. William Rode 7/16/2018 regarding Comments from July 16, 2018 Voucher Meeting
30. Franz Camenzind 7/16/2018 email regarding Housing Mitigation
31. Ryan Stolp 7/16/2018 email regarding Housing Mitigation
32. Heather Overholser, I S W and Recycling 7/16/2018 email regarding Recycling
33. Leah Zamesnik, Jackson Hole Alliance 7/16/2018 email regarding Variance 2017-0005 and VAR2018-0001
34. Butch and Linda Williams 7/16/2018 email regarding Berms and Ponds
35. Roby Hurley, Planning & Development 7/16/2018 email regarding Ponds and Berms - Additional Public Comment
36. Steve Price 7/16/2018 email regarding Short-Term Rentals
37. Erika Nash, Long Reimer Winegar 7/16/2018 letter regarding Amended Notice of Appeal - Balanski BoE
38. Geneva Chong 7/16/2018 email regarding Sknow King Stakeholder Group
39. Lorna Miller 7/16/2018 email regarding Ponds and Berms
40. Lorna Miller 7/16/2018 email regarding Ward Lane Variance Application
41. Bud Chatham 7/17/2018 email regarding Wilson Ramp Updates
42. Jared Baecker, Snake River Fund 7/17/2018 email regarding Wilson Boat Ramp - Urgent Maintenance Needed
43. Steve Ashworth, Director of Parks and Recreation 7/17/2018 email regarding Wilson Boat Ramp – Urgent Maintenance Needed
44. Melissa Shinkle, County Assessor 7/17/2018 email regarding 2018 Board of Equalization Appeals
45. John Sharsmith 7/17/2018 email regarding Fire in the Mountains Music Festival
46. Mary Kate Buckley, Jackson Hole Mountain Resort 7/12/2018 letter regarding Stilson Park Subdivision and Teton Village School Site
47. Jessica Grim 7/18/2018 email regarding Housing Mitigation
48. Andy Salter 7/18/2018 email regarding Jackson Hole Classical Academy
49. James Peck 7/18/2018 email regarding Wilson Boat Ramp - Urgent Maintenance Needed
50. Andrew Salter 7/18/2018 email regarding Housing Mitigation
51. Mary Kate Buckley, Jackson Hole Mountain Resort 7/18/2018 email regarding Teton Village Fire Station
52. Kari Cooper, Jackson Hole Air 7/18/2018 email regarding Invitation to Airline Rendezvous, Jackson Hole
53. Fish Creek ISD 7/19/2018 email regarding Final Budget for FY2018-2019
54. Jared Baecker, Snake River Fund 7/19/2018 email regarding Wilson Boat Ramp – R Park Agreement & Site

Maintenance Expectations

- 55. Bailey Schreiber, W C C A 7/19/2018 email regarding WCCA Comment Letter on Forest Service Sage Grouse Plan Revisions
- 56. Bailey Schreiber, W C C A 7/19/2018 email regarding WCCA Comment Letter on BLM Sage Grouse Plan Revisions
- 57. Charles Daval 7/22/2018 email regarding JH Classical Academy
- 58. Cindy Leeper 7/19/2018 letter regarding Accumulated Sick Leave
- 59. Diana Osuna, South Squaw Creek ISD 7/23/2018 email regarding Final Budget
- 60. Tom Merkt, Snake River Sporting Club ISD 7/23/2018 email regarding Final Budget
- 61. Teresa Thomas, Wilson Sewer District 7/23/2018 email regarding Final Budget
- 62. Carly Schupman, Skyline Ranch ISD 7/23/2018 email regarding Final Budget
- 63. Jack Koehler, Friends of Pathways 7/23/2018 email regarding An invitation to attend a meeting on Parking Inventories
- 64. Peter Moyer 7/24/2018 email regarding Wildlife Crossings
- 65. Kathy Tompkins 7/24/2018 email regarding JH Classical Academy Mitigation Exemption
- 66. Raymond Chamberland 7/24/2018 email regarding Village Road Lighting
- 67. Kathy Tompkins 7/24/2018 email regarding Classical Academy Mitigation Exemption
- 68. Chris Morrell 7/26/2018 email regarding Wilson Boat Launch
- 69. Roby Hurley, Planning & Development 7/27/2018 email regarding Ponds and Bers - Additional Public Comment
- 70. Greg Falk 7/27/2018 email regarding Wilson Boat Ramp
- 71. Mike Rheam 7/30/2018 email regarding Wilson Boat Ramp
- 72. Bailey Schreiber, W C C A 7/30/2018 email regarding WCCA Comment Letter on Forest Service Sage Grouse Plan Revisions
- 73. Hank Phibbs 7/30/2018 email regarding Pond and Berm LDRs
- 74. Hank Phibbs 7/30/2018 email regarding Pond and Berm LDRs
- 75. Hank Phibbs 7/30/2018 email regarding Pond and Berm LDRs
- 76. Mary Moore, Bridger Teton National Forest 7/30/2018 email regarding Snow King EIS - Cooperating Agency
- 77. Sherry Daigle, County Clerk 7/30/2018 email regarding Board of Equalization Schedule
- 78. Steve Feldman 7/31/2018 email regarding Giltner Events - Noise
- 79. Cheryl Timm, Board of Control 7/9/2018 letter regarding Certificate Record Book No. 23, Page 135
- 80. Jared Baecker, Snake River Fund 7/31/2018 email regarding Wilson Ramp Site Visit Invitation
- 81. Jim Fulmer, Aspens ISD 7/31/2018 email regarding Final Budget

PUBLIC COMMENT

There was no public comment.

MATTERS FROM STAFF:

1. Consideration of Approval of Amended Order in Jackson Hole Hereford Ranch, LLC 2016 Tax Appeal

Sherry Daigle, County Clerk, presented to the Board for consideration of approval an amended order in the Jackson Hole Hereford Ranch 2016 Tax Appeal.

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 Rhea to approve the second amended order as presented in the case of Docket 2018-03, the appeal of Jackson Hole Hereford Ranch, LLC from a decision of the Teton County Assessor 2016 property valuation. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

7. Consideration of Opt-In to Payment in Lieu of Taxes (PILT) Class Action Lawsuit

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval to opt-in to a Class Action Suit involving Payment in Lieu of Taxes (PILT).

Discussion between the Board and staff included amount to receive less the attorney fees.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to opt-in to the Class Action lawsuit titled Kane County, Utah v. United States Cases No. 17-739C and 17-1991C and direct the Chairman to sign the Opt-In Form and for the Clerk to return the Opt-In Form prior to September 14, 2018. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

8. Consideration of Settlement Agreement in Case of Spalding v. BCC of Teton County Allowing for a Division of a 3-Acre Parcel Located at 3850 Zach Lane into Two Parcels

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval a settlement agreement in the case of Spalding v. BCC of Teton County, Docket No. 17580, allowing for a division of a 3-acre parcel located at 3850 Zach Lane into two parcels, neither of which will be less than 1 acre.

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 Rhea to approve the settlement/development agreement along with the Affidavit Affecting Title in regards to the property located at 3850 Zach Lane in settlement of Spalding v. Board of County Commissioners of Teton County, Docket No. 17580. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

11. Consideration of Walton Quarry Sand and Gravel Lease with the State of Wyoming Board of Land Commissioners

David Gustafson, Road and Levee Manager, presented to the Board for consideration of approval the Walton Quarry Sand and Gravel Lease with the State of Wyoming Board of Land Commissioners. The Walton Quarry was historically used to obtain rip-rap for levee armor during flood fight and maintenance operations. The facility is approximately 10-acres in size. The quarry is now used for rip-rap storage, however in case of future emergency or shortage of rip-rap availability, the sand and gravel lease agreement has been maintained. The lease period is for a 2-year period.

There was no discussion between the Board and staff.

Public comment was given by Stefan Fodor.

Keith Gingery, Deputy County Attorney, addressed the Board regarding the lease between the County and the State.

Discussion between the Board and staff included storage of rip-rap at the Walton Quarry, Corps of Engineers encourages the Board to get the new quarry site (parcels 9 and 10) up and running, not enough funds were appropriated in the FY2019 budget, notice to Walton Ranch is not our obligation as we are the lessee, budget discussions involving the quarry site, cost to move the quarry site (monetary cost and a cost to the riparian area), change to the lease not recommended as the lease is with the State of Wyoming not the Walton Ranch.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to approve the State of Wyoming Sand and Gravel Lease Agreement, No. SG-1532, for the Walton Quarry. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT

1. Applicant: TETON COUNTY
Presenter: Roby Hurley
Permit No.: AMD2018-0001
Request: Amend Sections 5.2.1, 5.3.2, 6.1.12, and 8.2.2, and add Section 5.1.6 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to update the requirements for manmade ponds and berms. Teton County has complied with the requirements of Wyoming State Statute §9-5-304 pertaining to the Wyoming Regulatory Takings Act.
Location: Countywide

Roby Hurley, Principal Planner, presented to the Board for consideration to adopt the proposed new Section 5.1.6 Manmade Features and amend Sections 5.2.1.D.2. Applicability of NRO Standards, NC-TC Zoned Lands, 5.3.2.G.5.b. Scenic Resources Overlay, Foreground Standards, 5.7.2.B.8. Grading Standards, 6.1.12.F.2.d Temporary Gravel Extraction and Processing, Reclamation Standards and 8.2.2.B.1.c Environmental Analysis, Exemptions of the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, LDR Text Amendments, to allow ponds and berms under strict limitations and make other related changes throughout the LDRs. The Natural Resources Stakeholder Group (NRSG) conducted the initial review of the draft regulations, recommending some changes but generally supporting the draft. The Planning Commission reviewed the draft and proposed NRSG changes, received public comment and recommended approval with changes. The Board of County Commissioners held their initial public hearing July 17, 2018, followed by a workshop July 30, 2018. Throughout the review, the entire Planning Staff reviewed the proposed amendment changes during their Current Planning meetings.

Ponds

1. Aerators, Section 5.1.6.C.4.f, 5.1.6.C.5.f
 - o Staff recommendation- A Pond could have an aerator, but it would have to be turned off during the winter when it is unneeded and poses a threat to wildlife.
 - o Board direction- Generally agree with Staff recommendation but concerned about compliance so would like consideration of aerator location in shallow water to allow ungulate egress.
 - o Staff revision - A Pond could have an aerator, but it would have to be turned off during the winter and include a bubble trail to the shoreline.
2. Pond and Ornamental Water Feature Location, Section 5.1.6.C.4.b, 5.1.6.C.5.a
 - o Staff recommendation- The standards for location of a water feature or pond are relative to a building, which has a roof and walls, rather than a structure, which includes fences, dams, etc.
 - o Board direction - Agree with Staff recommendation.
3. Nonconforming Structures and Ponds, Section 5.1.6.C.4.b
 - o Staff recommendation-
 - A building that is closer than 50 feet from a manmade pond can be expanded within the 50-foot buffer as long as it does not get any closer to the manmade pond. As mitigation: for every 1 square foot of building footprint added within 50 feet of the manmade pond, 2 square feet of native buffer shall be established within 50 feet of the pond.
 - A manmade pond that is closer than 50 feet from a building cannot be expanded unless the expansion is at least 50 feet from the building.
 - o Board direction - Agree with Staff recommendation.
4. Surface Outfalls, Section 5.1.6.C.4.e
 - o Staff recommendation- Outfalls can be permitted with proper pond design that: enables aquatic vegetation to uptake nutrients, utilizes deep water discharge, and includes final filtering by discharging through a wetland.
 - o Board direction - Agree with Staff recommendation but believes "deep-water discharge" should be defined.
 - o Staff revision- Outfalls can be permitted with proper pond design that: enables aquatic vegetation to uptake nutrients, *utilizes an outlet or discharge pipe that draws from a minimum depth of 4 feet* and includes final filtering by discharging through a wetland.
5. Pond Liners, Section 5.1.6.C.4.g
 - o Staff recommendation- With proper pond design, seasonal aeration and buffers, liners can be allowed.

- o Board direction - Agree with Staff recommendation but require that liners not be plastic.
 - o Staff revision - With proper pond design, seasonal aeration and buffers, *liners of non-plastic materials* can be allowed.
6. Buffer Establishment, Section 5.1.6.C.4.c
 - o Staff recommendation- A designated riparian access of no greater than 10% of the shoreline to be maintained in lawn grass, woodchip or natural pathway materials. 90% of the shoreline shall be established in native vegetation.
 - o Board direction- Agree with Staff recommendation.
 7. Well-fed Pond Systems, Section 5.1.6.C.4.d
 - o Staff recommendation- No changes to the LDRs for well-fed pond systems.
 - o Board direction- Agree with Staff recommendation but require pretreatment of well water through a wetland system.
 - o Staff revision- Well water is an acceptable source of pond water as long as it's pretreated through a wetland system.

Berms

8. Temporary Stockpiles, Section 5.1.6.D.2.h.ii
 - o Staff recommendation- The following language to be added to the LDRs: *This section [applying to berms] does not regulate temporary stockpiles.*
 - o Board direction - Agree with Staff recommendation.
9. Berm, Location, Slope and Height, Section 5.1.6.D.2.a,b,c
 - o Staff recommendation- The proposed site development setback, 5:1 slope, and 10' height limit
 - o Board direction -The Board divided this subject into 4 locations as follows:
 - Highway/ roadway
 - Setback: 0-10 feet as determined by the Engineering Director
 - Slope: 2:1
 - Height: 10 feet
 - Interior, Up to 3 acres
 - Setback: Zone specific site development setback
 - Slope: 5:1
 - Height: 6 feet
 - Interior, Greater than 3 acres
 - Setback: Zone specific site development setback
 - Slope: 5:1
 - Height: 10 feet
 - Adjacent land owner, mutual grading agreement- Follow current grading and erosion control standards.
 - o Staff revision - Staff agrees with the Board response. Staff proposes structuring height based on zones. Staff structured the setback language using *Street Setback* which is current LDR language. The standard can be broadened based on pending input from the Engineering Department.
10. Berm Vegetation, Section 5.1.6.D.2.e
 - o Staff recommendation- Cross-reference to Section 5.5.4.B, that defines Native Vegetation location
 - o Board direction - Agree with Staff recommendation.
11. Berm Exemptions, Public Works
 - o Staff recommendation- Exemption request has been withdrawn by the County Engineer and will be removed from the final draft
 - o Board direction - Agree with Staff recommendation.

Discussion between the Board and staff included how to address issues that come up, address manmade water bodies, habitat – stock with fish – definition of wildlife-ponds include all ponds or just habitat ponds, wildlife pond and conservation easement, property development would have to be conforming, stormwater management pond – temporary or permanent, balance between loopholes and incentives, not exempt wildlife ponds on vacant sites, outflow of pond – temperatures and managing nutrient load.

The meeting was recessed at 10:25am and reconvened at 10:34am.

Discussion between the Board and staff included habitat pond vs. wildlife pond, agricultural pond/fire suppression pond/habitat pond, ornamental water features, berm location, setback of 5 feet.

Public comment was given by Hank Phibbs.

Discussion between the Board and staff included monolithic walls, interior berms, undulation.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to continue this item to later in the meeting. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

2. Applicant: SACRED WATERS, LLC
 - Presenter: Emily Cohen
 - Permit No.: BDJ2018-0002
 - Request: A Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations, to re-configure Lots 1 & 2 of the B-Hive Ranch Subdivision.
 - Location: 2900 and 2950 W B-Hive Ranch Road, Lots 1 & 2 B-Hive Ranch Subdivision. The properties are east of Moose-Wilson Road and immediately west of Lake Creek. Both properties are zoned Rural-3 (R3) and in the Natural Resource Overlay.

Emily Cohen, Associate Planner, presented to the Board for consideration of approval a boundary adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations, for partial vacation and replat to re-configure Lots 1 and 2 of the B-Hive Subdivision to Lots 9 and 10. A Zoning Compliance Verification (ZCV2017-0035) was recently completed for the proposed reconfigured lots to review for compliance with the Land Development Regulations. The proposed boundary adjustment decreases the size of Lot 1 from 3.18 acres to 2.47 acres and

increases the size of Lot 2 from 3.66 acres to 4.37 acres. Both resulting lots have adequate land area for physical development, including water supply and wastewater systems. There will be no increase in density as a result of the proposed boundary adjustment.

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 Rhea to approve BDJ2018-0002, based upon the application for the Boundary Adjustment dated April 18, 2018 for the partial vacation and plat amendment and replat to reconfigure Lots 1 and 2 of the B-Hive Subdivision, based on the Teton County Land Development Regulations, findings of Section 8.5.5, the standards of Section 8.2.13.C, and the standards of Section 1.9.4.C, and being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 542, with no conditions as recommended herein by the Planning Director, and request the Teton County Clerk write vacate on Lot 1 and Lot 2 of Plat No. 524 and that the new plat amendment, a replat of the reconfigured lots, Lot 9 and Lot 10 shall be recorded in the land records of the Teton County Clerk. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

3. Applicant: RATNER, COREY LIVING TRUST
Presenter: Emily Cohen
Permit No.: S/D2018-0005
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13. Amendment of Permits or Approvals and pursuant to Section 8.5.3. Subdivision Plat of the Teton County Land Development Regulations, to reconfigure the building envelope.
Location: 830 W Saddle Butte Drive; Lot 105 Saddle Butte Heights Subdivision. The property is located northwest of the Town of Jackson, near the top of Saddle Butte. It is zoned Rural-3 and entirely within the Scenic Resource Overlay and partially within the Natural Resource Overlay.

Emily Cohen, Associate Planner, presented to the Board for consideration of approval a partial vacation of a plat, pursuant to Section 8.2.13.C.5 and processed pursuant to Section 8.5.3 of the Teton County Land Development Regulations, to amend a building envelope without a replat. This application follows the approval of a Zoning Compliance Verification (ZCV2018-0026) on June 7, 2018, which assessed proposed physical development on the property. The applicant currently has a Building Permit for a residential structure and associated improvements to the property. This proposed change to the building envelope does not affect the location for the soon to be built single family dwelling. Rather, the proposed change to the building envelope is to better accommodate a future Accessory Residential Unit on the property that is closer to the existing drive and away from steep slopes north of the home.

Discussion between the Board and staff included location of driveway and original building envelope, new building envelope.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to APPROVE S/D2018-0005, submitted May 11, 2018 for the partial vacation of a building envelope on Lot 105 on Plat No. 1140, based on the Teton County Land Development Regulations, findings of Section 8.5.3. and the standards of Section 8.2.13.C., being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 1140, with no conditions as recommended herein by the Planning Director and request the Teton County Clerk to write vacate on the building envelope of Lot 105 of Plat No. 1140. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

4. Applicant: RENDEZVOUS LANDS CONSERVANCY
Presenter: Kristi Malone
Permit No.: CUP2018-0002
Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a caretaker's residence as an Accessory Residential Unit to the existing Open Space use.
Location: Generally located in "r Park" east of Moose-Wilson Road and west of the Snake River, approximately 1300 feet north of Hwy 22 (S23, T41, R117). The Property is zoned Park and is in the Natural Resources Overlay.

Kristi Malone, Associate Planner, presented to the Board for consideration of approval of a Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a caretaker's residence as an Accessory Residential Unit to the existing Open Space use. This application requests approval of an Accessory Residential Unit (ARU) use established as secondary and subordinate to the primary park/open space use. The ARU is proposed to house a park caretaker to function as support for park operations. The unit is proposed to be constructed just south of River Springs Drive in the northwest corner of the park adjacent to a maintenance shed and office.

Discussion between the Board and staff included public comment received – any from 390 Coalition.

Public comment was given Laurie Andrews – Jackson Hole Land Trust.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to APPROVE CUP2018-0002, a Conditional Use Permit received May 2, 2018, for an Accessory Residential Unit for an on-site caretaker, subject to the two conditions recommended by the Planning Director and Planning Commission, being able to make all 8 (eight) of the findings of Section 8.4.2 of the Teton County Land Development Regulations as recommended by the Planning Director and Planning Commission.

1. Prior to issuance of a Building Permit for the proposed ARU, the applicant shall provide a copy of the document recorded in the Clerk's Office that amends the existing access easement to benefit Lot 1, Teal River Subdivision.

2. Prior to issuance of a Certificate of Occupancy for the ARU, a deed restriction provided by the Housing Department shall be recorded in the Clerk's Office to restrict occupants to those employed in Teton County and require that rental periods be for a minimum of 90 days.

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

Continued from earlier in the meeting:

1. Applicant: TETON COUNTY
Presenter: Roby Hurley
Permit No.: AMD2018-0001
Request: Amend Sections 5.2.1, 5.3.2, 6.1.12, and 8.2.2, and add Section 5.1.6 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to update the requirements for manmade ponds and berms. Teton County has complied with the requirements of Wyoming State Statute §9-5-304 pertaining to the Wyoming Regulatory Takings Act.
Location: Countywide

Alex Norton, Joint Long-Range Planner, presented to the Board the following changes to the LDRs:

5.1.6.D.2.d Undulation: Berms shall be shaped to emulate natural undulation in terrain rather than appear monolithic, pyramidal, or extruded. In addition, a berm facing a side or rear lot line shall meet the following standards.

- i. The berm height shall not exceed 4 feet for a continuous berm facade width of greater than 100 feet.
- ii. If the overall berm facade width exceeds 100 feet, at least 25% of the berm facade width shall have a height no greater than 4 feet.

Discussion between the Board and staff included that adjustments can be made as they look at the Natural Resources LDRs in the next few months.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to APPROVE AMD2018-0001, a text amendment to the Teton County Land Development Regulations, adding Section 5.1.6 Manmade Features, amending Sections 5.2.1.D.2. Applicability of NRO Standards, NC-TC Zoned Lands, 5.3.2.G.5.b. Scenic Resources Overlay, Foreground Standards, 5.7.2.B.8. Grading Standards, 6.1.12.F.2.d Temporary Gravel Extraction and Processing, Reclamation Standards and 8.2.2.B.1.c Environmental Analysis, Exemptions pursuant to Section 8.7.1, LDRs Text Amendments, regarding ponds and berms and to make other related changes throughout the LDRs, with amendments dated May 23, 2018 with revisions of June 24, 2018, July 10, 2018 and July 30, 2018, and with the addition of revisions made August 7, 2018:

1. Strike section 5.1.6.C.4.a.ii;
2. Edited 5.1.6.C.4.e to clarify all outfalls shall draw from a minimum depth of 4 feet;
3. Edited 5.1.6.D.2.a.iii that a berm shall have a street setback of 5 feet from a road classified as major local road or greater by the County Engineer;
4. Edited 5.1.6.D.2.d added a minimum standards for berm undulation for berms fronting the side or rear lot line.

being able to make the findings of Section 8.7.1. of the LDRs as recommended by the Planning Director and the Planning Commission. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSIONERS

EXECUTIVE SESSION

ADJOURN

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:33am.

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