

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

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

**ROLL CALL**

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

Chair Newcomb honored outgoing Commissioner Smokey Rhea and Commissioner Paul Vogelheim.

**MINUTES**

A motion was made by Commissioner Epstein and seconded by Commissioner Vogelheim to approve **12/3/18, 12/4/18, 12/5/18, 12/7/18, 12/10/18, and 12/11/18** minutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**ADOPTION OF AGENDA**

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

**CONSENT AGENDA**

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

1. Consideration of Approval of SAM Registration Agent
3. Consideration of Approval of the Cancellation of Outstanding Warrants
4. Consideration of Approval of Grove Phase 3, Change Order #3
5. Consideration of Approval of a Contract with Independent Contractor Adair Flynt for Nurse Practitioner Services for Family Planning Clients at Teton County Health Department
6. Consideration of Approval of a Contract with Independent Contractor Kim Mellick for Nurse Practitioner Services for Family Planning Clients at Teton County Health Department
7. Consideration of Approval of a Contract for Horse Creek Station Demolition
8. Consideration of Approval of Increase of Fair Board Members
9. Consideration of Approval of Red Cross Authorized Provider Agreement
11. Consideration of Approval of a Request for the Addition of a Recycling Operations Full-Time Employee
13. Consideration of Approval of Delta Dental Contract Amendment – Plan Year 2019
14. Consideration of Approval of Medical Services Agreement for Plan Year 2019
15. Consideration of Approval of a Contract for the Implementation Phase for New Document Archive System

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

**MATTERS FROM COMMISSION AND STAFF:**

**1. Consideration of Approval of SAM Registration Agent**

To approve Designation of Entity Administrator letter as presented.

**3. Consideration of Approval of the Cancellation of Outstanding Warrants**

To approve the cancellation of the listed County warrants as requested by the County Treasurer and to publish the County Treasurer certified cancelled warrants listing in the meeting minutes.

**4. Consideration of Approval of Grove Phase 3, Change Order #3**

To approve Change Order No. 3 extending the contract timeline to substantial completion on April 30, 2019 and final payment on June 15, 2019.

**5. Consideration of Approval of a Contract with Independent Contractor Adair Flynt for Nurse Practitioner Services for Family Planning Clients at Teton County Health Department**

To approve the Contract between Independent Contractor, Adair Flynt for Nurse Practitioner services for family planning clients at Teton County Health Department.

**6. Consideration of Approval of a Contract with Independent Contractor Kim Mellick for Nurse Practitioner Services for Family Planning Clients at Teton County Health Department**

To approve the Contract between Independent Contractor, Kim Mellick for Nurse Practitioner services for family planning clients at Teton County Health Department.

**7. Consideration of Approval of a Contract for Horse Creek Station Demolition**

To approve the contract with Kilroy LLC in the amount of \$125,000.00 for the demolition and disposal of structures and other improvements at Horse Creek according to the demolition plan by Y2 Consultants

dated 8-15-2018 and revised 9-10-2018, with amendments to specification regarding fill and grading noted above.

#### **8. Consideration of Approval of Increase of Fair Board Members**

To approve the request of the Teton County Fair Board to increase from seven (7) members to nine (9) appointed members.

#### **9. Consideration of Approval of Red Cross Authorized Provider Agreement**

To approve the Authorized Provider Agreement between the American Red Cross and Teton County Emergency Management.

#### **11. Consideration of Approval of a Request for the Addition of a Recycling Operations Full-Time Employee**

To approve the hiring of a new ISWR FTE for recycling operations, as of January 2019.

#### **13. Consideration of Approval of Delta Dental Contract Amendment – Plan Year 2019**

To approve the 2019 Delta Dental Services Contract Amendment for the Dental Benefit Plan, effective January 1, 2019 through December 31, 2020.

#### **14. Consideration of Approval of Medical Services Agreement for Plan Year 2019**

To approve the 2019 Allegiance Administrative Services Agreement for the Medical/Vision Benefit Plan, effective January 1, 2019 through December 31, 2019.

#### **15. Consideration of Approval of a Contract for the Implementation Phase for New Document Archive System**

To approve the agreement between Teton County and Adventos for the Implementation Phase of the new document archive system in the amount of \$32,448.

#### **DIRECT CORRESPONDENCE**

1. Patti Patterson, First Interstate Bank 11/27/2018 email regarding Affordable Lending
2. Neil Bleifeld 11/27/2018 email regarding WPLI
3. Candy Zumwalt 11/28/2018 email regarding START Bus Service
4. David Peterson 11/27/2018 email regarding Water Quality
5. David Hardie 11/28/2018 email regarding Stilson Zoning
6. Regan Kohlhardt, Planning & Development 12/4/2018 email regarding Stilson Rezone Comments - TCSD
7. Stefan Fodor 12/4/2018 email regarding BLM Parcels 9/10
8. Sean Bibby, Wyoming Game & Fish Department 12/4/2018 email regarding BLM Parcel 21
9. Ted Van Holland, Engineering 12/4/2018 email regarding Sanitarian Concerns - Water Quality
10. Michael J McGrady, Office of Governor Matt Mead 12/4/2018 email regarding Migration Corridors
11. Lloyd Dorsey, Sierra Club 12/4/2018 email regarding Maps of CWD in North America and Wyoming
12. Patti Patterson, First Interstate Bank 12/4/2018 email regarding Housing
13. Patti Patterson, First Interstate Bank 12/4/2018 email regarding Housing
14. Skye Schell, Jackson Hole Conservation Alliance 12/4/2018 email regarding Snow King Development
15. Jared Baecker, Snake River Fund 11/30/2018 email regarding BLM Parcel 21
16. Lloyd Dorsey, Sierra Club 12/5/2018 email regarding CWD
17. Amy Ramage, Engineering 12/5/2018 email regarding Stilson Rezone
18. Andrew Salter 12/6/2018 email regarding JH Classical Academy
19. Diane Hazen 12/6/2018 email regarding JH Classical Academy
20. Bitxy Smith 12/6/2018 email regarding JH Classical Academy
21. Garnett Smith 12/6/2018 email regarding JH Classical Academy
22. Cody Mueller 12/7/2018 email regarding JH Classical Academy
23. Kirk Davenport 12/7/2018 email regarding JH Classical Academy
24. Adrienne Howard 12/7/2018 email regarding JH Classical Academy
25. Beatrice Howard 12/7/2018 email regarding JH Classical Academy
26. Jim Stewart 12/8/2018 email regarding JH Classical Academy
27. Patrick McGaugh 12/9/2018 email regarding JH Classical Academy
28. Joe Linhares 12/9/2018 email regarding JH Classical Academy
29. Alexander Muromcew 12/9/2018 email regarding JH Classical Academy
30. Jennifer Ross 12/9/2018 email regarding JH Classical Academy
31. Charles Daval 12/9/2018 email regarding JH Classical Academy
32. Irene Lund 12/10/2018 email regarding JH Classical Academy
33. Joe Davenport 12/10/2018 email regarding JH Classical Academy
34. Bill Keithler 12/10/2018 email regarding JH Classical Academy
35. Jody Garland 12/10/2018 email regarding JH Classical Academy
36. Craig Spankie 12/10/2018 email regarding JH Classical Academy
37. Wyoming Department of Audit 12/10/2018 letter regarding Special Districts Annual Report Filing
38. Justin - JH Classical Academy 12/10/2018 regarding JH Classical Academy
39. Wyatt - JH Classical Academy 12/10/2018 regarding JH Classical Academy
40. Sam - JH Classical Academy 12/10/2018 regarding JH Classical Academy
41. Rylynn - JH Classical Academy 12/10/2018 regarding JH Classical Academy
42. James - JH Classical Academy 12/10/2018 regarding JH Classical Academy
43. Kipper - JH Classical Academy 12/10/2018 regarding JH Classical Academy
44. Morgan - JH Classical Academy 12/10/2018 regarding JH Classical Academy
45. Madison - JH Classical Academy 12/10/2018 regarding JH Classical Academy
46. Nathan - JH Classical Academy 12/10/2018 regarding JH Classical Academy
47. Ashton - JH Classical Academy 12/10/2018 regarding JH Classical Academy
48. Brianna - JH Classical Academy 12/10/2018 regarding JH Classical Academy

49. Preston - JH Classical Academy 12/10/2018 regarding JH Classical Academy
50. Harper - JH Classical Academy 12/10/2018 regarding JH Classical Academy
51. Virginia - JH Classical Academy 12/10/2018 regarding JH Classical Academy
52. Casey - JH Classical Academy 12/10/2018 regarding JH Classical Academy
53. Bente - JH Classical Academy 12/10/2018 regarding JH Classical Academy
54. Hanne - JH Classical Academy 12/10/2018 regarding JH Classical Academy
55. Harper - JH Classical Academy 12/10/2018 regarding JH Classical Academy
56. Megan - JH Classical Academy 12/10/2018 regarding JH Classical Academy
57. Hayden - JH Classical Academy 12/10/2018 regarding JH Classical Academy
58. Travers - JH Classical Academy 12/10/2018 regarding JH Classical Academy
59. Lydia - JH Classical Academy 12/10/2018 regarding JH Classical Academy
60. Penelope - JH Classical Academy 12/10/2018 regarding JH Classical Academy
61. Liesel - JH Classical Academy 12/10/2018 regarding JH Classical Academy
62. Emiliano - JH Classical Academy 12/10/2018 regarding JH Classical Academy
63. Liliana - JH Classical Academy 12/10/2018 regarding JH Classical Academy
64. Gil - JH Classical Academy 12/10/2018 regarding JH Classical Academy
65. Avery - JH Classical Academy 12/10/2018 regarding JH Classical Academy
66. Finnegan - JH Classical Academy 12/10/2018 regarding JH Classical Academy
67. Scarlett - JH Classical Academy 12/10/2018 regarding JH Classical Academy
68. Georgiana - JH Classical Academy 12/10/2018 regarding JH Classical Academy
69. Helen - JH Classical Academy 12/10/2018 regarding JH Classical Academy
70. Winston - JH Classical Academy 12/10/2018 regarding JH Classical Academy
71. Dan Walker 12/10/2018 email regarding JH Classical Academy
72. Craig Spankie 12/10/2018 email regarding JH Classical Academy
73. Jennifer Scott 12/10/2018 email regarding JH Classical Academy
74. Joohee Muromcew 12/10/2018 email regarding JH Classical Academy
75. Gretchen Spankie 12/10/2018 email regarding JH Classical Academy
76. Meredith Ochs 12/10/2018 email regarding JH Classical Academy
77. Tanya Beder 12/10/2018 email regarding JH Classical Academy
78. Alta Solid Waste Disposal District 12/10/2018 email regarding JH Classical Academy
79. Sue Lurie 12/10/2018 email regarding JH Classical Academy
80. Claudia Gillette 12/10/2018 email regarding JH Classical Academy
81. Cal and Sally Frese 12/10/2018 email regarding JH Classical Academy
82. Elisa and Andy Chambers 12/10/2018 email regarding JH Classical Academy
83. Kathleen Macker 12/10/2018 email regarding JH Golf and Tennis
84. Katie White 12/10/2018 email regarding JH Classical Academy
85. Sandra Zender 12/10/2018 email regarding JH Classical Academy
86. Beverly Boynton 12/11/2018 email regarding Closing the Biodiversity Institute of UW
87. Justin Adams 12/11/2018 email regarding JH Classical Academy
88. Nancy St. Clair 12/11/2018 email regarding JH Classical Academy

#### **PUBLIC COMMENT**

There was no public comment.

#### **MATTERS FROM COMMISSION AND STAFF:**

##### **2. Consideration of Approval of the 2019 Liquor License Renewals**

Christine Windey, Deputy County Clerk, presented to the Board for consideration of approval of the 2019 Liquor License Renewals per WS 12-4-104. This is for the approval of liquor license renewals for two previously postponed renewals, Jedediah's at the Airport and The inn at Jackson Hole. Jedediah's at the Airport has been able to obtain a new lease so their application has been certified as complete by the Wyoming Liquor Division. The Inn at Jackson Hole has provided us with their hours of operation so their application has been certified as complete by the Wyoming Liquor Division.

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 Macker to approve the Teton County Liquor License renewals for the term of January 7, 2019 through January 6, 2020 for Jedediah's at the Airport and the Inn at Jackson Hole. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

##### **10. Consideration of Approval of a Resolution Adopting Community-Based Alcohol, Tobacco, Opioid, Other Drug, and Suicide Prevention**

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval a resolution related to the coordination and provision of grant-funded prevention-related activities in Teton County. The Wyoming State Legislature has provided \$8,000,000 in the 2018 Budget Session to be distributed to counties for prevention activities designed to prevent the use, misuse, or abuse of tobacco, alcohol, drugs (including controlled substances), as well as activities designed to prevent suicide. On August 28th, 2018, the Board of County Commissioners approved a grant contract with the State of Wyoming to receive a share of this prevention-related grant funding. The grant contract contained a scope of work dictating the parameters under which implementation will occur. A Prevention Program Coordinator has been hired by Teton County and is responsible for meeting the requirements in the grant contract scope of work. The Prevention Program Coordinator is working in collaboration with the Community Prevention Coalition of Teton County (CPCTC) to develop and implement jointly approved work and capacity-building plans, as well as associated budgets. The resolution before the Board today formalizes the specifics of this collaborative relationship.

There was no discussion between the Board and staff.

#### **Resolution #18-044**

## RESOLUTION ADOPTING COMMUNITY-BASED ALCOHOL, TOBACCO, OPIOID, OTHER DRUG PREVENTION, AND SUICIDE PREVENTION

**WHEREAS**, Pursuant to Footnote 7 to Section 048 of House Enrolled Act 62 from the 2018 Budget Session, the Wyoming Department of Health is providing grant funding directly to counties for activities designed to prevent the use, misuse, or abuse of tobacco, alcohol, or controlled substances and activities designed to prevent suicide, and

**WHEREAS**, the Community Prevention Coalition of Teton County (CPCTC) goals are as outlined in the grant Contract Between the Wyoming Department of Health, Public Health Division and Teton County, more specifically as outlined in the section of that contract identified as Attachment A: Statement of Work, to provide community-based alcohol, tobacco, opioid, other drug, and suicide prevention in Teton County. Said services shall be provided to the entire county population as resources and capacity allow, and

**WHEREAS**, Attachment A: Statement of Work directs that a local coalition be engaged to focus on substance abuse prevention and suicide prevention to produce an eighteen-month work plan with an associated budget and planned activities. Further, Teton County is to implement the approved work plans and capacity building plan in partnership with the Coalition; and

**WHEREAS**, Prevention efforts in Teton County have historically been bifurcated into substance abuse and tobacco prevention services and suicide prevention services. The Teton County Substance Abuse and Tobacco Prevention Coalition has sought to reduce the tragic impacts of substance abuse and addiction in the community through evidence-based prevention strategies. The Teton County Suicide Prevention Coalition has been dedicated to reducing the number of people lost to suicide by understanding the local problem, raising awareness, and empowering the community to give and receive help. Both groups are and were comprised of community members and local human services providers, who came together voluntarily to coordinate and provide prevention services, using evidence-based strategies to try to drive community-level change, and

**WHEREAS**, The Teton County Substance Abuse and Tobacco Prevention Coalition ultimately transitioned into the Community Prevention Coalition of Teton County (CPCTC). Teton County, CPCTC, and the Suicide Prevention Coalition have worked together in the past to effect prevention-related activities under the Prevention Management Organization (PMO) structure previously utilized by the State of Wyoming (prior to the current direct-to-county grant award program). The parties desire to continue that collaboration in meeting the obligations of the current Statement of Work in order to receive grant funding from the State which will be deployed to benefit the citizens of Teton County. As such, the CPCTC will expand and formalize its membership to include representatives focused on suicide prevention.

**NOW THEREFORE, BE IT RESOLVED THAT,**

**Teton County will:**

- A. Employ a grant-funded Prevention Program Coordinator position which will report to the Director of Health and will have responsibility for carrying out and meeting the requirements of the Statement of Work.
  - a. The primary duties and responsibilities of the position to be outlined in a Teton County Position Description, available for public review on request.
  - b. The Prevention Program Coordinator to serve as the primary point of contact with and for the CPCTC.
  - c. Recognize the Board of County Commissioners as the contract signatory and thus the ultimate decision-making authority on policy-related matters directly related to the grant award and expenditures.
- B. Appoint a representative to the CPCTC who meets membership criteria and is separate and distinct from the Prevention Program Coordinator and his/her direct supervisor(s).
- C. Prevention Program Coordinator will educate the CPCTC on the principles of the Strategic Prevention Framework model.
- D. Work with the CPCTC to develop an eighteen-month Capacity Enhancement Plan.
- E. Work with the CPCTC to develop an eighteen-month work plan with an associated budget and planned activities timeline, with fidelity to the Strategic Prevention Framework.
  - a. Present both the work plan and associated budget to the Board of County Commissioners (BCC) for approval.
  - b. Submit BCC-approved work plan and budget to the Wyoming Department of Health for final approval.
- F. Work with the CPCTC to implement the jointly approved work plans and capacity building plan, with fidelity to the Strategic Prevention Framework model.
- G. Prevention Program Coordinator will complete a monthly time study of grant funded personnel time and effort spent on tobacco use, adult binge drinking, underage alcohol use, suicide, prescription drugs, and other drugs or topics.
- H. Prevention Program Coordinator will ensure County procurement policies are followed.
  - a. Obtain bids and follow RFP/RFQ and award process(es) as appropriate.
  - b. Submit vouchers for payment with sufficient documentation to identify the expenditure, its alignment with the work plan, and CPCTC approval for the expenditure.
  - c. Ensure accountability of agencies/entities receiving grant funding.
- I. Ensure grant funds are not used for restricted activities as outlined in the Statement of Work.
- J. Address concerns about the process directly with the CPCTC, elevating concerns to the Chair or Vice-Chair of the Coalition if necessary.
- K. Respond to concerns from the CPCTC in a timely manner.

**Community Prevention Coalition of Teton County (CPCTC) will:**

- A. Use the Prevention Program Coordinator as the primary point of contact for engagement with Teton County.
  - a. Work with the Prevention Program Coordinator, with no express authorities over the position.
- A. Work with Teton County to develop an eighteen-month Capacity Enhancement Plan.
- B. Work with Teton County to develop an eighteen-month work plan with an associated budget and planned activities timeline, with fidelity to the Strategic Prevention Framework.
  - a. Support the Prevention Program Coordinator in presenting both the work plan and associated budget to the Board of County Commissioners for approval.
- C. Work with Teton County to implement the jointly approved work plans and capacity building plan, with fidelity to the Strategic Prevention Framework model.
- D. Ensure that all strategies in the work plan are evidence-based.
- E. Ensure CPCTC members consist of a diverse and relevant stakeholder group. Enforce attendance requirements for voting members.
- F. Keep and make available for public review the agendas and minutes of the CPCTC meetings.
- G. Ensure grant funds are not used for restricted activities outlined in the Statement of Work.



public notice through advertisement in the designated local newspaper for 45 days, and for these proposed rules regarding Title 10 Solid and Hazardous Waste to be brought back before the Board for a public hearing and potential approval, after the 45 day comment period has been completed. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

#### **MATTERS FROM PLANNING & DEVELOPMENT**

1. Finding of Fact and Conclusion of Law: CUP2016-0005 – Devil Dog, LLC

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law and Order granting approval of a Conditional Use Permit (CUP2016-0005) for Devil Dog, LLC. This if for Rice Developed Recreation and Mini Storage.

The Board approved the Conditional Use Permit, CUP2016-0005, with three (3) Conditions of Approval as follows:

1. The facility is approved for training and practice only. No tournaments shall be permitted.
2. If the County becomes aware, either through neighbor complaint or its own investigation, that parking for the site is inadequate and causing significant neighborhood conflicts, the Planning Director may require the applicant to amend the parking plan or implement operational changes, which will be brought forward with a recommendation to the Board of County Commissioners to mitigate conflicts.
3. If approved the CUP application will be valid for two years. The applicant has two years from the date of approval of the CUP, to apply for a Development Permit during which time the CUP shall remain valid.

Topics of discussion between the Board and staff included condition #1 says for training and practice only, tournament is different than a league.

There was no public comment.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Macker to approve the Findings of Fact and Conclusions of Law and Order granting approval of a Conditional Use Permit (CUP2016-0005). Chair Newcomb called for the vote. The vote showed all in favor with and the motion carried.

2. Finding of Fact and Conclusion of Law: SKC2016-0002 – Devil Dog, LLC

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law and Order granting approval of a Sketch Plan (SKC2016-0002) for Devil Dog, LLC. This if for Rice Developed Recreation and Mini Storage.

The Board approved the Sketch Plan, SKC2016-0002, with no conditions of approval.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve the Findings of Fact and Conclusions of Law and Order granting approval of a Sketch Plan (SKC2016-0002). Chair Newcomb called for the vote. The vote showed all in favor with and the motion carried.

3. Finding of Fact and Conclusion of Law: ADJ2018-0008 – Devil Dog, LLC

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law and Order granting approval of an Administrative Adjustment (ADJ2018-0008) for Devil Dog, LLC. This if for Rice Developed Recreation and Mini Storage.

The Board approved the Administrative Adjustment (ADJ2018-0008), with no conditions of approval.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to approve ADJ2018-0008. Chair Newcomb called for the vote. The vote showed all in favor with and the motion carried.

4. Finding of Fact and Conclusion of Law: ADJ2017-0002 – Devil Dog, LLC

Erin Weisman, Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law and Order granting approval of an Administrative Adjustment (ADJ2017-0002) for Devil Dog, LLC. This if for Rice Developed Recreation and Mini Storage.

The Board approved the Administrative Adjustment (ADJ2017-0002), with no conditions of approval.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the Findings of Fact and Conclusions of Law and Order granting approval of an Administrative Adjustment (ADJ2017-0002). Chair Newcomb called for the vote. The vote showed all in favor with and the motion carried.

The meeting was recessed at 9:49am and reconvened at 9:58am.

5. Applicant: TETON COUNTY  
Presenter: Hamilton Smith

Permit No.: AMD2018-0002  
Request: Amend Sections 3.2.2 and 3.2.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise hours of operation for Conditional Principal Uses in the Rural-1 Zone and Institutional and Infrastructure Uses in the Rural-2 Zone. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.  
Location: Applies countywide in the Rural-1 and Rural-2 zoning districts.

Hamilton Smith, Senior Planner, presented to the Board for consideration of approval to amend Sections 3.2.2 and 3.2.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise hours of operation for Conditional Principal Uses in the Rural-1 Zone and Institutional and Infrastructure Uses in the Rural-2 Zone.

The proposed amendment was initiated by Owl Happenings, LLC, the entity representing the Jackson Hole Classical Academy in the effort to develop a new school campus in the Rural-1 (R-1) zone. The proposed LDR Text was amended by the applicant on November 19, 2018 for consideration by the Board, as follows:  
Existing Text Regarding Hours of Operation:

### Section 3.2.2 Rural-1

#### E. Additional Zone-specific Standards

##### 2. Condition Principal Uses

###### e. Hours of Operation

ii **Other Uses.** *Uses other than those regulated by Section e.i. above shall be limited to the following hours of operation*

a. *Nursery, Daycare, and Education 7:00 A.M. to 10:00 P.M.*

b. *Dude Ranches, Campgrounds, and hospitals, 24-hours operations with curfew hours set during the CUP process.*

c. *All other conditional principal uses allowed in the Use table shall be limited to the hours of 9:00 A.M. to 11:00 P.M.*

d. *Hours of Staff activities for all conditional principal uses shall be established through the CUP process.*

### Section 3.2.3 Rural-2

#### E. Additional Zone-specific Standards

##### 2. Condition Principal Uses

###### e. Hours of Operation

ii **Other Uses.** *Uses other than those regulated by Section e.i. above shall be limited to the following hours of operation*

a. *Nursery, Daycare, and Education 7:00 A.M. to 10:00 P.M.*

b. *Dude Ranches, Campgrounds, and hospitals, 24-hours operations with curfew hours set during the CUP process.*

c. *All other conditional principal uses allowed in the Use table shall be limited to the hours of 9:00 A.M. to 11:00 P.M.*

d. *Hours of Staff activities for all conditional principal uses shall be established through the CUP process.*

There are zone-specific standards in the R-1 and Rural-2 (R-2) zones that limit Hours of Operation for conditional principal uses, such that all allowed uses other than outdoor uses setback less than 300 feet from a property line shall be limited to hours of operation of 9:00 a.m. to 11:00 p.m. Hours for staff activities shall be established through the CUP process.

From the current County LDRs:

*Rural area zones are intended to preserve wildlife habitat, habitat connections, scenic vistas, and undeveloped open spaces to the extent possible, given existing development patterns (Div. 3.1).*

*Character zones, established in Div. 3.2, are character-based and established to implement the Comprehensive plan.*

*A. Rural-1 (R-1) generally encompasses the largest holdings with the most potential for use as sites of greater than 70 acres that provide undeveloped habitat, scenery, and open space*

*B. Rural-2 (R-2) generally encompasses large parcels that are not in larger holdings, mostly in the 3-70 acre range, where site design is the focus of habitat, scenery and open space conservation efforts.*

The purpose of character zones R-1, R-2, and R-3, is to implement LDR Division 3.1. as follows:

*In addition to wildlife habitat, habitat connections, scenic resources, and continued agriculture, rural areas provide abundance of landscape over built form, limited, detached single family residential development, and minimal additional nonresidential development. An integral component of extent and scale of allowable uses in the rural zones, was that development impacts were balanced with the community's desired rural character and conservation goals as outlined in the Comprehensive Plan. Specifically, more important than community size are the location and type of growth that occurs.*

Nonresidential uses are allowed in the rural area zones as an alternative to 1 dwelling unit per 35 acres density in order to keep larger areas as open space and allow institutional uses under certain conditions. The conditions are a combination of zone-specific "baseline" standards and site-specific conditions established through the CUP. The CUP standards address compatibility with the NRO, maximum occupancy and seasonal limitations, setbacks, hours of operation, frequency of use, parking and access. The "baseline" standards regulate intensity through the establishment of consistent thresholds, regardless of use.

There was one key issue: Are mandated hours of operation needed to define rural character? The key issue related to this proposal is a question of consistency with the Comprehensive Plan.

The Planning Commission recommends approval as amended on October 22, 2018 being able to make the findings for a LDR Text Amendment, pursuant to Section 8.7.1., LDR Text Amendments. The Planning Director recommends Denial of AMD 2018-0002, dated June 26, 2018, as amended on November 19, 2018, based on the findings recommended below:

1. Is consistent with the purposes and organization of the LDRs – **Cannot Be Made.**
2. Improves the consistency of the LDRs with other provisions of the LDRs – **Can Be Made.**
3. Provides flexibility for landowners within standards that clearly define desired character – **Cannot Be Made.**
4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation – **Not Applicable.**
5. Improves implementation of the Comprehensive Plan – **Cannot Be Made.**
6. Is consistent with other adopted County Resolutions – **Can Be Made.**

Topics of discussion between the Board and staff included area where LDRs can be more transparent – some businesses do not operate within certain hours but are 24 hour uses (ranches, hospitals, campgrounds), staff's position based on the November 19, 2018 request, consideration of hours of daycare, nursery, education, language before BCC is not the same language the PC voted on, daycares outside the town limits but in the county, Rural Legacy Designation in the county – in the work plan to be addressed in later zoning updates, amendment has to do with R-1 and R-2.

Leah Corrigan, attorney for Owl Happenings LLC, addressed the Board on behalf of the applicant regarding the proposed text amendment on hours of operation. The proposed text amendments will make running a school in a rural zone a practical possibility.

Scott Pierson, Y2 Consultants, addressed the Board on behalf of the applicant regarding the proposed text amendment on hours of operation. He talked about rural zoning in the Munger Mountain/Hog Island area. Mr. Pierson talked about the limitations placed upon currently allowed conditional uses that make the uses non-functional. The 9am – 11pm hours of operation were adopted as part of the 2015 Rural zone update, there were not set limits on hours of operation prior.

Factors to consider for Amendment to LDRs:

1. Is consistent with the purposes and organization of the LDRs
2. Improves the consistency of the LDRs with other provisions of the LDRs
3. Provides flexibility for landowners within standards that clearly define desired character
4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation
5. Improves implementation of the Comprehensive Plan
6. Is consistent with other adopted County Resolutions

Nurseries, daycare, education dude ranches, hospitals, and campgrounds cannot operate under existing 9am-11pm hours of operation restriction without a variance. Staff agrees that dude ranches, campgrounds, and hospitals are functionally prohibited by current zone specific standards. The hours of operation restriction was implemented to limit the impacts of special events but was inadvertently extended to all principal conditional uses.

Topics of discussion between the Board and Mr. Pierson included have these questions/answers been given to other people, under the guise of education was guarantees the schools will not turn into special events centers – regulated under CUP, review of origin of hours restrictions, size of the buildings.

The meeting was recessed at 11:14am and reconvened at 11:20am.

Public comment was given by Andrew Salter on behalf of Friends of South Park, Jason Ochs, Colby Cox, and Cindy Stone.

The meeting was recessed for lunch at 11:50am and reconvened at 1:30pm.

Public comment was given by Michele Gammer, Meredith Adams, Mark Snell, Dan Walker, Aaron Heindal, Charles Daval, Greg Mattiko, Elisa Chambers, Tom Holland, Kurt Ripley, Lorna Miller, Justin Adams, Sam Lunz, Andy Chambers, Rich Bloom, Kathy Tompkins, Leslie Petersen, Sharon Mader, Rebecca Bextel, Jeff Zender, Will Dornan, Hank Phibbs, Paul Sandretto, and Skye Schell – JH Conservation Alliance.

The meeting was recessed at 2:40pm and reconvened at 2:50pm.

Scott Pierson, representative for the applicant, responded to the public comment regarding public uses in the NRO, hours of operation amendment would apply to all of the R-1 and R-2 zoning.

Leah Corrigan, attorney for the applicant, responded to the public comment regarding hours of operation, Comp Plan has three values – Ecosystem, Growth, Quality of Life, directing growth in complete neighborhoods “whenever possible,” there were no sideboards on this issue prior to 2015, policy – equality of educational opportunities, dude ranches / hospitals / campgrounds cannot function under the current regulations, request is only for a 2 hour change from 9am to 7am.

Discussion between the Board, Ms. Corrigan, Mr. Pierson, and staff included rural area character and allowed uses, structure of LDRs to preclude educational facilities in rural zone, evolution of the hours of operation standard, uses in rural zone and NRO, no sideboards on original CUP and evaluated on a case by case basis, a brief overview of 2015 LDR amendments, LDRs evolve annually, clean up of LDRs every two years, non-residential and institutional uses, inclusion of nurseries in hours of operation, zoning changes leave behind non-conforming uses,

Discussion among the Board included this is not a referendum on JH Classical Academy, educational uses are allowed in rural zone but needs to be a part of real life – Commissioner Vogelheim supports the amendment; trouble with the issue of sprawl and how we will contend with it, being on the outskirts of the county causing more single vehicle occupancy trips, adding traffic congestion, may interfere with wildlife habitat connectivity, and water quality and sewer – Commissioner Epstein is undecided and looking to other BCC to help get clarity; Chair Newcomb talked of interpreting the LDRs, strive for the vision but follow the course of logic of the Comprehensive Plan into the LDRs, process is important; the concept of predictability and how clenching to predictability can create an environment where practicality is ignored, can support the time changes, concerns of sprawl and increased traffic – Commissioner Macker can support the amendment; doesn't make sense to lock the schools into very specific times, biggest question is with the process, not the right format to do this change, this amendment has long reaching “tentacles” – Commissioner Rhea can support this amendment; LDR cleanup - what else should we be thinking about – are the hours of operation the right times to be looking at, should it be a lump sum discussion with nursery and education or should we be separating things out; Chair Newcomb talked of striving to still abide the Comprehensive Plan but allow folks to pursue their visions causing some of the tension being seen today, recollection is that we were possibly looking at educational uses, space left in the county for intense uses, strive to put the core use of schools in the Legacy Rural zones, incongruity in allowing certain types of assembly, institutional uses, and schools in the rural zones without functional times. There was talk of needing more understanding of how many nurseries, in the county, are legal non-conformities, how many nurseries are conforming and legal, and what is the potential under this text amendment that would create new conforming, legal nurseries, distinction between non-profit educationally-oriented institution versus a for profit institution (whether or not it is needed in the community), part of the underlying conversation today is about choice, this is establishing the sideboards and there would still be a need for a CUP process, unintended consequences of allowing nurseries to open at 7:00am throughout the county, exclude nurseries from the text amendment today.



A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve AMD2018-0002, for a Text Amendment to Sections 3.2.2 and 3.2.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1., LDR Text Amendments, dated June 26, 2018, as amended on November 19, 2018, being able to make the referenced factors of Section 8.7.1. with one amendment to not include nurseries in the section 3.2.2.Rural 1.E.2.e.ii.a Other Uses.

The Board reviewed the six factors:

1. Is consistent with the purposes and organization of the LDRs
2. Improves the consistency of the LDRs with other provisions of the LDRs
3. Provides flexibility for landowners within standards that clearly define desired character
4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation
5. Improves implementation of the Comprehensive Plan
6. Is consistent with other adopted County Resolutions

Chair Newcomb called for the vote. The vote showed 4-1 in favor with Chairman Newcomb opposed and the motion carried.

The meeting was recessed at 4:06pm and reconvened at 4:16pm.

6. Applicant: TETON COUNTY  
Presenter: Hamilton Smith  
Permit No.: AMD2018-0003  
Request: Amend Sections 3.2.2 and 3.2.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to increase the maximum building size from 10,000 square feet to 30,000 square feet for specific building types that generally require larger sizes, as a part of an approved Institutional Use in the Rural-1 Zone and the Rural-2 Zone with a Conditional Use Permit. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.  
Location: Applies countywide in the Rural-1 and Rural-2 zoning districts.

Hamilton Smith, Senior Planner, presented to the Board for consideration of approval to amend Section 3.2.2 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to increase the maximum building size from 10,000 square feet to 30,000 square feet for specific building types that generally require larger sizes, as a part of an approved Institutional Use in the Rural-1 Zone with a Conditional Use Permit.

The meeting was recessed at 4:26pm and reconvened at 4:30pm.

Discussion among the Board included the dates to continue the remaining planning items.

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to continue AMD2018-0003 to January 3, 2019 at 9:00am. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

7. Applicant: SECOND BASE, LLC  
Presenter: Emily Cohen  
Permit No.: VAR2018-0004 **POSTPONED TO THE JANUARY 8, 2019 BCC HEARING**  
Request: Variance, pursuant to Section 8.8.2., Variance, of the Teton County Land Development Regulations, to vary Section 5.1.6.D.2.b.i to reduce the 20:1 slope requirement in the Scenic Resources Overlay to allow a 2:1 slope.  
Location: 7940 S Ross Lane. The property is located 0.5 miles south of Swinging Bridge, immediately west of and adjacent to S. Highway 89, The property is zoned Rural, and is within the Scenic Resources Overlay.

The above-referenced application, VAR2018-0004, is scheduled to be heard before the Board on December 18, 2018. Staff requests postponement of this planning item to the January 8, 2019 BCC Hearing. This postponement is due to various delays with scheduling this for the Planning Commission. Staff respectfully requests that the Board of County Commissioners postpone this item to the January 8, 2018 Hearing of the Board of County Commissioners.

8. Applicant: LOCKHART, ELIZABETH REVOCABLE TRUST  
Presenter: Emily Cohen  
Permit No.: S/D2018-0011  
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13. Amendment of Permits or Approvals and pursuant to Section 8.5.5. Boundary Adjustment, of the Teton County Land Development Regulations, to re-configure Lots 11 & 12 in the Wilson Town Site. The number of lots remains the same and the size of the lots remains the same at 0.17 acres.  
Location: 1255 N Second Street, Lots 11 and 12 Wilson, Blk. 2, Wilson, immediately north and adjacent to Highway 22. The lots are zoned Neighborhood Conservation with no overlay.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue S/D2018-0011 Boundary Adjustment to our next regular meeting on January 8, 2019. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

9. Applicant: GRAND TARGHEE RESORT, LLC **POSTPONED TO THE FEBRUARY 19, 2019 BCC HEARING**  
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,

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue MSC2018-0006 Grand Targhee Master Plan Extension to February 19, 2019. Chair Newcomb called for the vote. The vote showed 4-1 in favor with Commissioner Vogelheim opposed and the motion carried.

**EXECUTIVE SESSION**

There was no executive session.

**ADJOURN**

A motion was made by Commissioner Rhea and seconded by Commissioner Macker to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:38pm.

Respectfully submitted,

Shelley Fairbanks  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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

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Natalia D Macker, Vice-Chair

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

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Paul Vogelheim

ATTEST:

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Kathleen "Smokey" Rhea

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