

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

The Teton County, Wyoming Board of County Commissioners met in regular session at 9:00 a.m. on **March 16, 2010** in the Commissioners Chambers at 200 S Willow, Jackson, Wyoming.

Roll Call: Hank Phibbs-Chairman, Ben Ellis, Andy Schwartz, Leland Christensen and Paul Vogelheim
Staff: Sherry Daigle, Steve Foster, Jim Radda, Charlotte Reynolds, Anne Comeaux, Nicole Krieger and Jeff Daugherty

Chairman Phibbs called the meeting to order at 9:03 a.m. and the Pledge of Allegiance was recited.

MINUTES

Mr. Ellis moved to approve the minutes for the Regular Meetings dated 3/1/10, 3/2/10, 3/8/10, 3/15/10 and a special meeting on 3/9/10, Mr. Vogelheim seconded and the Motion passed unanimously.

DIRECT CORRESPONDENCE

1. Elise Prayzich 2/24/2010 email to BCC regarding PUD-AH and PUD-PRs
2. Madeline Bachner 2/24/2010 email to BCC regarding north 89 pathway project
3. Kathy Tompkins 2/24/2010 email to BCC regarding PUD-AH and PUD-PRs
4. Nathan Henschel, State Board of Control 2/25/2010 letter to BCC regarding Docket No IV-2010-2-8 to change the point of diversion of the Indian Springs Ranch Appropriation from Spring Gulch Creek through the James Boyle No. 3 Ditch
5. Rich Bloom 2/25/2010 email to BCC regarding PUD-AH and PUD-RDs
6. Cindy Stone 2/25/2010 email to BCC regarding PUD-AH and PUD-PRs
7. Christi Biolchini 2/25/2010 email to BCC regarding north 89 pathway project
8. Kristy Bruner, Jackson Hole Conservation Alliance 2/25/2010 email to BCC regarding PUD-AH and PUD-PRs
9. Anne Comeaux, Teton County DUI/Drug Court 2/26/2010 email to BCC regarding Graduation announcement for March 8, 2010
10. Jill Patterson 2/26/2010 email to BCC regarding north highway 89 pathway project
11. Patsy Donovan, Department of Revenue 2/26/2010 letter to Indian Paintbrush Water regarding petition has been received and reviewed and no gaps were found
12. Mike Hathcock, Rivermeadows Water District 2/26/2010 letter to BCC regarding request for funding for replacement of three water pumps
13. Dave Freudenthal 3/1/2010 letter to Elisabeth Trefonas regarding appointment of part time, contracted Assistant Public Defender for Ninth Judicial District
14. Public Health department 3/2/2010 letter to BCC regarding Teton County 2009-10 H1N1 Events After Action Report / Improvement Plan
15. Teton County Mosquito Abatement 3/3/2010 letter to BCC regarding evaluation survey
16. Steve Foster 3/3/2010 letter to Rafter J HOA Board regarding request for a letter of support and approval on the pump option as presented
17. Frank and Patty Ewing 3/1/2010 email to BCC regarding PUD-AH and PUD-PRs
18. Yvonne Robertson, Fair Office 3/2/2010 email to BCC regarding thank you for supporting the Heritage Arena retrofit repairs
19. Glen Whipple, University of Wyoming 3/4/2010 letter to BCC regarding 2009 impact statements
20. Jerry Harmon, Lincoln County Commissioners 3/4/2010 letter to BCC regarding acknowledgement of solid waste relationship in the event of a Teton County emergency situation
21. Craig Fisgus, Volunteers of America 3/4/2010 letter to BCC regarding 2008 nonparticipating state award request
22. Bob Norton, Rotary Club of Jackson Hole 3/5/2010 letter to BCC regarding 2010 community spring clean up week
23. Joe Moore, Office of Homeland Security 3/5/2010 letter to BCC regarding FEMA has approved Teton County's Multi-Hazard Mitigation plan
24. Mary Gibson Scott, National Park Service 3/4/2010 email to BCC regarding Update on Director transfers
25. Vance Carruth 3/7/2010 email to BCC regarding support for SPET funding for acquisition of conservation properties
26. Lane Presson 3/7/2010 email to BCC regarding a reversal on the ban on bikes in the wilderness area
27. Tony Lewis, Department of Family Services 3/8/2010 letter to BCC regarding vacancies in the Teton County DFS office
28. Marion Buchenroth 3/8/2010 letter to BCC regarding support for the museum's SPET application
29. Dale Deiter, USDA Forest Service 3/10/2010 letter to BCC regarding trail projects for 2010 season
30. Mary Lankford, Sublette County Board of Commissioners 3/10/2010 letter to BCC regarding Marbleton Landfill
31. Bob Symons 3/11/2010 email to BCC regarding WyoLink Portable Radio Expansion Project
32. Public Health department 3/11/2010 letter to BCC regarding 2009 Annual Report
33. Wyoming Association of Conservation Districts 3/11/2010 letter to BCC regarding 2009 Wyoming Watersheds Progress

PUBLIC COMMENT ON CORRESPONDENCE

There was no public comment on correspondence.

Mr. Schwartz moved to alter the meeting agenda by postponing Matter From Staff # 8 - Consideration of Community Juvenile Services Board Contract between Teton County and the Wyoming Department of Family Services and Item # 4 under Old Business / New Business – Final plat approval for Jonathan & Elizabeth Vallee, Trustees; to withdraw Matter From Staff # 6 – Consideration of Change Order No. 1 to the Evans Construction Contract for Phase 1 North 89 Pathway Project to Allow for the Use of Crushed Concrete and Glass in lieu of Contractor Supplied Pit Run; and to add Matter From Staff # 13 – Consideration of Accepting a Donation from the Community Foundation of Jackson Hole for the Purpose of Supporting the Reduce, Reuse, Recycle Program. Mr. Christensen seconded and the Motion passed unanimously.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of and Request for Signature on the Land and Conservation Funds Grant Agreement

Charlotte Reynolds, Grant Writer, presented a Land and Conservation Grant Agreement from the Wyoming State Parks and Cultural Resources office. Approval was requested to accept funding in the amount of \$11,750 for improvements at Phil Baux Park.

There was no public comment.

Mr. Schwartz moved to approve and request and require the Chair to sign the Grant Agreement to accept \$11,750 to complete improvement projects at Phil Baux Park. Mr. Christensen seconded and the Motion passed unanimously.

2. Consideration of and Request for Signature on the Agreement with the State Energy Office for the Energy Efficiency and Conservation Block Grant, Round One

Charlotte Reynolds, Grant Writer, presented this Facility Energy Efficiency Retrofit Grant Agreement from the State Energy Office. Approval was requested to accept funding in the amount of \$585,074 for energy efficiency retrofits to county and town-owned facilities. This funding was made available under the American Recovery and Reinvestment Act and had extensive reporting requirements. A team consisting of Wendy Koelfgen, Phillip Delaney and Steve Foster have been identified to carry out the project and each have responsibilities to meet the grant requirements. Monthly progress reports, including spending activity, would be provided to the Clerk and Treasurer.

Mr. Ellis questioned how the grant administration would function in coordination with the Clerk's office. Ms. Reynolds described staff responsibilities ranging from grant reporting to management of project work.

Mr. Schwartz asked if the Department of Energy grant award had been announced. Ms. Reynolds said it had not been posted as of that morning.

Mr. Vogelheim asked if the Board could be kept up to date on the monthly progress reports. Ms. Reynolds confirmed she would include the Board on the monthly report distribution.

There was no public comment on this item.

Mr. Christensen moved to accept a Facility Energy Efficiency Retrofit grant from the State Energy Office in the amount of \$585,074 and request and require the Chair to sign the Grant Agreement. Mr. Ellis seconded and the Motion passed unanimously.

3. Consideration of a Proclamation for March being Red Cross Month

Charlotte Reynolds, Public Information Officer, presented this request on behalf of the local Red Cross office to announce March as Red Cross Month.

Jim Flowers of the local Red Cross office read the Proclamation.

**PROCLAMATION
March 2010 as Red Cross Month**

Whereas, for 98 years, the American Red Cross of Wyoming has been an active partner in working to prevent, prepare for and respond to disasters in Teton County. It has been the place where compassionate people freely give their time and talent to help prevent and ease human suffering among friends, neighbors and even strangers; and

Whereas, every day, Red Cross volunteers and employees provide essential services in this community to help those affected by house or apartment fire and other natural and human caused disasters, thanks to the generous support of the people in Teton County; and

Whereas, within Teton County, individuals whose homes were severely damaged or destroyed by fire received food, clothing and shelter from the Bridger-Teton Branch of the Wyoming Chapter; and

Whereas, the Bridger-Teton Branch of the American Red Cross of Wyoming reaches out to the members of the National Guard and Reserves and their families who reside in Teton County as well as active duty military personnel and their families with emergency communications with their loved ones overseas; and

Whereas, the Bridger-Teton Branch trains individuals in Red Cross Health and Safety Courses including lifesaving skills such as CPR and First Aid, Water Safety, Aquatics and Babysitting classes.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners, on behalf of the people of Teton County confirms our recognition of March, 2010 as American Red Cross Month.

DATED THIS 16th DAY OF March, 2010

Signed _____
Hank Phibbs, Chairman
Attest _____
Sherry Daigle, Teton County Clerk

There was no public comment on this item.

Mr. Schwartz moved to approve the Proclamation and request and require the Chair to sign. Mr. Christensen seconded and the Motion passed unanimously.

4. Consideration of a Grant Application to the Community Foundation of Jackson Hole to benefit the Sheriff's Office/Animal Shelter

Charlotte Reynolds, Grant Writer, requested approval to submit a grant application to the Community Foundation of Jackson Hole to support the purchase of computer software for the Teton County Sheriff's Office Animal Control program. The software would allow Animal Control to better locate and return lost pets to owners without transporting the animal to the shelter. The grant amount was for \$12,000 and would cover the cost of the software and a three year service contract.

RESOLUTION

Authorizing an Application to the Community Foundation of Jackson Hole for a Grant for the Purpose of Purchasing Computer Software to Support Animal Control

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Community Foundation of Jackson Hole Competitive Grant Program to assist in financing this project; and

WHEREAS, the Board of County Commissioners for Teton County recognizes the need for the project; and

WHEREAS, The Community Foundation of Jackson Hole requires that certain criteria be met and to the best of our knowledge, this application meets those criteria; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Teton County, that a grant application in the amount of \$12,000 be approved.

BE IT FURTHER RESOLVED, that Sheriff Whalen is hereby designated as the authorized representative of Teton County to act on behalf of the Board of County Commissioners on all matters relating to this grant application.

PASSED, APPROVED, AND ADOPTED this 16th day of March, 2010.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Hank Phibbs, Chairman

ATTEST:

By: _____
Sherry Daigle, County Clerk

Mr. Schwartz stated the fee structure for finding lost pets should be reviewed so proper funding could be assured.

There was no public comment on this item.

Mr. Ellis moved to approve a grant application to the Community Foundation of Jackson Hole in the amount of \$12,000 as presented by staff. Mr. Christensen seconded and the Motion passed unanimously.

5. Consideration of and Request for Signature on the Teton County DUI/Drug Court Fiscal Year 2011 State Grant Application

Anne Comeaux, Drug Court Coordinator, presented this annual application to the Wyoming Department of Health, Mental Health and Substance Abuse Division. This year's grant was for a caseload capacity of twenty in the amount of \$196,977.20. The county match would be 26% or \$51,214.07 which supported the coordinator's position.

Mr. Schwartz asked what the new name of the program was. Ms. Comeaux stated the new name, which aligns with state statutory language, was Teton County Court Supervised Treatment Program.

RESOLUTION

Authorizing Submission of an Application to the Wyoming Department of Health, Mental Health and Substance Abuse Division for the purpose of Supporting and Enhancing the Teton County DUI/Drug Court

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Department of Health, Mental Health and Substance Abuse Division to assist in financing this project; and

WHEREAS, the Board of County Commissioners for Teton County recognizes the benefit of the Teton County DUI/Drug Court and the benefit of increasing community training and enhancing treatment and supervision services; and

WHEREAS, Wyoming Department of Health, Mental Health and Substance Abuse Division requires that certain criteria be met and to the best of our knowledge, this application meets those criteria; and

WHEREAS, the Board of County Commissioners for Teton County plans to match a maximum grant request of \$196,977.20 by 26% cash and in-kind match (\$51,214.07).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Teton County, that a grant application in the maximum amount of \$196,977.20 be approved.

BE IT FURTHER RESOLVED, that Anne Comeaux is hereby designated as the authorized representative of Teton County to act on behalf of the Board of County Commissioners on all matters relating to this grant application.

PASSED, APPROVED, AND ADOPTED this 16th day of March 2010.

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Hank Phibbs, Chairman

ATTEST:

By: _____
Sherry Daigle, County Clerk

There was no public comment on this item.

Mr. Ellis moved to approve and request and require the Chair to sign a resolution authorizing the submission of an application to the Wyoming Department of Health, Mental Health and Substance Abuse Services as presented by staff. Mr. Christensen seconded and the Motion passed unanimously.

6. Consideration of Change Order No. 1 to the Evans Construction Contract for Phase 1 North 89 Pathway Project to Allow for the Use of Crushed Concrete and Glass in lieu of Contractor Supplied Pit Run

This item was withdrawn from the agenda.

7. Consideration of an Addendum to the Terra Firma Contract

Heather Overholser, Solid Waste & Recycling Manager, presented this addendum to the current Terra Firma Contract for the Board's consideration. The addendum included an extension to the term of the contract from June 30, 2010 to March 31, 2012. It states all composting materials would be removed from the site at the contractor's expenses to prepare for the landfill closure and that each year, up to \$10,000 of compost products would be provided to Teton County free of charge.

Mr. Vogelheim questioned why the extension was for two years and not for only one year. Ms. Overholser stated the timing of the landfill closure will not be known until July 2011 so it was hoped that the end of the two year extension would coincide with the landfill closure construction event.

Mr. Vogelheim asked if there had been interest from other contractors for providing the service. Ms. Overholser stated she had heard (not directly) of interest on the wood management portion and composting portion.

Stephan Fodor, attorney for Terra Firma, referenced the closure date of March 31, 2012 and asked for a little flexibility if needed, to extend the deadline by a few days to remove composting material based on the amount of material that may be on site at that time.

Mr. Ellis and Mr. Fodor discussed the possibility of a composting facility in the future.

There was no public comment on this item.

Mr. Schwartz moved to approve the addendum to Teton County's contract with Terra Firma Organics, which includes a contract extension through March 31, 2012 and request and require the Chair to sign. Mr. Christensen seconded.

There was discussion amongst the Board on an annual review and the contract bidding process.

The Motion passed unanimously.

8. Consideration of Community Juvenile Services Board Contract between Teton County and the Wyoming Department of Family Services

This item was postponed to April 6, 2010.

9. Consideration of Resolutions of Commendation for Boy Scouts of America Earning the Rank of Eagle Scout

Mr. Vogelheim spoke to this item. These two young men will be joining the four previously commended as attaining the rank of Eagle Scout.

RESOLUTION OF COMMENDATION

WHEREAS, the rank of Eagle Scout is an accomplishment that caps years of experiential learning through progressive leadership responsibilities, community volunteerism, earning of at least twenty-one merit badges and (in most cases) countless nights spent camping in wilderness.

WHEREAS, over the history of the Boy Scouts of America only two million boys have become Eagle Scouts (less than 3% of boys involved in Scouting), and it is a rank that is awarded for life. The list of Scouts is impressive and includes Presidents Carter, Kennedy, Clinton, Obama, and George W. Bush and half of all astronauts.

WHEREAS, it is a long road and a difficult accomplishment, but - if a boy sticks with it and accomplishes his goal - the reward is great. He has been tested and challenged over and over in a way that not only gives him a greater understanding of his place in his community, but a better understanding of who he is, the importance of service and what he is capable of achieving.

WHEREAS, The Boy Scouts of America turns 100 years old this year with a century of merit badges, campfires, bowlines, half-hitches, jamborees and community service,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Teton County Board of County Commissioners recognizes and bestows commendation of distinction on Christian Doyle of Troop 67 and Gino Bellinghiere of Troop 268 for achieving the Eagle rank on behalf of all Teton County and the citizens who live therein.

DATED this 16th day of March, 2010,

BY THE BOARD OF COMMISSIONERS, TETON COUNTY, WYOMING

There was no public comment on this item.

Mr. Vogelheim moved to adopt the Resolutions of Commendation for Gino Bellinghiere and Christian Doyle for attaining the rank of Eagle Scout. Mr. Christensen seconded and the Motion passed unanimously.

10. MFS2010-0004 - Paula Stevens – Consideration of affidavit and associated documents to record the 2002 Jackson Hole Golf and Tennis Club Master Plan

Paula Stevens, Planning Department, presented this amended Master Plan from 1998. The original Master Plan was not recorded as it should have been. Staff sought approval of the Board to record the required Certificate of Standards and Conditions and associated documents. Section 2550.C.1.a(3) was referenced as the basis of recordation requirements. Ms. Stevens stated the concerns voiced by public comment were to the completeness of the recorded documents which would become public record. A Table of Contents was provided to the Board which indicated what documents were proposed to be recorded and what would be kept as file copy in the Planning Department. The Table of Contents reflected that documents outlined in Section 4 – Master Plan Amendment and Section 5 – Appendix - *Maps to Accompany Applications* and *Special Exhibits* were proposed to be recorded. Other sections in the Table of Contents: Section 1 – Introduction, Section 2 – Project Overview, Section 3 – Existing Conditions and remaining documents in Section 5 – Appendix were not proposed to be recorded. These were the additional documents requested by the public to be recorded.

Ms. Stevens stated that the Land Development Regulations provide statutory requirements for documents to be recorded. Beyond those requirements, it is the Applicant's decision on what additional documents they want to be recorded. She stated the Grand Targhee application included Conditions and Standards and various pieces of information throughout a very lengthy document. It was the applicant's (Grand Targhee) decision to record the entire document. She stated, on this recordation, it was not the staff's intent to limit the information available as public record. Since the Golf & Tennis Master Plan had not been recorded for seven and a half years, it was evident that both staff and the public have had access to the Master Plan and the information governing Golf & Tennis. The entire Master Plan has been located in the Planning Department and has been available online in its entirety.

Mr. Christensen asked how Section 3 in the Table of Contents differs from other items listed in the Appendix. Ms. Stevens stated although they were similar, they were different documents.

Mr. Ellis asked what the concern was on recording the whole Table of Contents. Ms. Stevens stated if the applicant wanted to record it all, staff would certainly adhere. Staff made their recommendation for recording based on the Land Development Regulations.

Mr. Phibbs questioned if putting all documents on record would be informative or beneficial to the public. Ms. Stevens affirmed it would.

Chris Hawks, attorney for the Applicant, addressed the board. He stated he believed the Land Development Regulation conditions and statutory requirements were met on the documents proposed to be recorded. His concerns for recording more information was that some of the documents would go stale over time, for instance, the transportation study, environmental analysis and wetland delineations. Once these documents go stale they would have to be updated and re-recorded. He stated this document would be recorded against every property at the Golf & Tennis Club. So every time there was a real estate or refinance transaction, every owner would receive a commitment for title insurance, every bank would receive a commitment for mortgagee title insurance that would include an exception that calls out this full Master Plan. Every party involved in a real estate transaction would have to look up the Master Plan to review and determine what it means with respect to the property. He also stated the entire document was not in a recordable form. Maps would have to be reduced in size and recorded in black and white, whereas access to these maps from the Planning Department would be in full color and in their original size.

Mr. Christensen questioned whether the applicant would be a willing partner if more was asked to be recorded. Mr. Hawks stated he did not have authority at that time to speak to that question.

Mr. Phibbs stated if the Board decided to go by the standards set by Grand Targhee, would he discuss it with his client. Mr. Hawks said he would discuss it with his client.

Francesca Paolucchi-Rice addressed the Board and stated the applicant was hoping to proceed with the recording because of closings scheduled during the first week of April. Mr. Phibbs asked if closings made since 2002 were in jeopardy. Ms. Rice stated since the recording issue had arisen, Vail felt uncomfortable about continuing in closings without providing copies of the document.

Mr. Hawks stated the Jackson Hole Golf & Tennis Master Plan project had been subjected to a HUD report which was given to every owner upon closing. This document would be an essential component of any HUD document given out. An issue could arise that the HUD registration would have to be amended if the document is not recorded.

Ms. Rice spoke and referred to the recording being a county responsibility and since Vail was not aware, it fell through the cracks.

Mr. Vogelheim asked for clarification on whose responsibility it was.

Mr. Phibbs read the Land Development Regulations and stated it was the county's obligation to prepare the affidavit for the applicant but not to do the actual recording, which was the applicant's responsibility.

Public comment was open at 10:14 a.m.

Gail Jensen stated that according to the LDRs for Resort Article 2 landowners would be consulted. Current landowners were never contacted about what documents would be recorded or carved out of the Master Plan. She stated landowners are very involved in being stewards of the Master Plan. She referenced recommendations contained on pages 9 through 13 of the Environmental Analysis (EA) on wildlife and environment that were being carved out. Specifically on page 13 of the EA, she read that the recommendation of BRCI, which was Biota's environmental analysis stating natural resource and elk migration corridor preservation would be followed. She stated that recommendation was located in the EA and nowhere else in the Master Plan document. She stated there were many recommendations like this one. If the EA is not included in the recorded document it would not be found anywhere else. She believed it was extremely important to include all documents, due to being in a highly sensitive wildlife area. She stated the Master Plan had only been online for the past month; after months of pressuring to get the Master Plan complete. She referenced her written correspondence on her evaluation of the Master Plan and urged the Board to require the whole document to be recorded.

Dave Coon spoke as a landowner with responsibilities to uphold conditions in the master plan. He stated if all original documents aren't recorded it would hurt future monitoring and requested the complete document be recorded.

James Bonham spoke to a negative character reference for Vail and stated they should live up to their obligations by filing the complete development agreement.

Karen Keckley spoke that she did not fully understand the importance for recording all documents.

Kristy Bruner spoke in support of recording all the documents in the Master Plan.

Public comment was closed at 10:25 a.m.

Chris Hawks addressed the board and stated the SRA and Grand Targhee standards were the applicant's choice to exceed what was statutorily required. He stated Vail is ready to meet the statutory recording requirements as agreed to by staff.

A recess was called at 10:28 a.m. and reconvened at 10:37 a.m.

Mr. Phibbs referenced concerns stated in public comment that conditions of approval that pertain to the standards set forth in the comprehensive plan which were not included in the section of the Master Plan proposed for recordation. Specifically the resource assessment language quoted by Ms. Jensen that appears to incorporate, by reference, the Environmental Analysis may tie that into conditions of approval required for the resort. Mr. Phibbs suggested continuing this item to Monday, March 22 so further review could be done and still allow for a timely decision.

There was discussion amongst the Board about the regulations, notification of landowners and what the Master Plan is required to contain.

Mr. Ellis moved to continue this item to Monday, March 22, 2010, Mr. Vogelheim seconded. The motion passed unanimously.

11. MFS2010-0006 - Paula Stevens - Consideration of an Amendment to Municipal Software contract to customize CityView permit tracking software to include partial payment refund capability

Paula Stevens, Planning Department, presented this amendment to an existing Municipal Software Corporation contract for the Board's consideration. The amendment would provide a customization so partial refunds may be permitted within the cashiering module of the program. Currently the system only provides for full refund capability which complicates the process when partial refunds are authorized. After considerable discussion within the Department and with the consultant, Staff has concluded that the best option is to remedy this software limitation by investing \$4,800 to develop a customization that would provide the flexibility needed by both Planning and Building Division Staff. This would be funded from the reallocation of funds existing in the Planning Department's Professional Services budget.

There was no public comment on this item

Mr. Christensen moved to request and require the Chair to sign Amendment #2 to the Contract for CityView Permit Tracking System Software License and Support Agreement. Mr. Ellis seconded and the Motion passed unanimously.

12. MFS2010-0008 - Paula Stevens - Board review of required annual monitoring report for Grand Targhee Resort

Paula Stevens, Planning Department, presented this annual monitoring report from Grand Targhee for the Board's review. Pursuant to Section 18.3, Monitoring Plan Contents, Grand Targhee Resort Standards and Conditions, Grand Targhee was required to provide annual monitoring information on the following: Land Use, Exactions, Housing Mitigation, Construction Management Plan, Parking, Utilities and Public Facilities, Transportation, Emergency Management Plan, Environment Market and Economic Conditions. Grand Targhee provided the report for 2009. No development application activity has occurred at the resort since the Master Plan was approved. In partial fulfillment of condition of approval #23, Grand Targhee submitted a Master Development Plan (MDP) to Caribou-Targhee National Forest, which has been accepted. Grand Targhee will be required to demonstrate that the MDP conforms to the Resort Master Plan and Standards and Conditions prior to approval of the first final plat for any development within the resort. Condition of approval #20 requires that the annual monitoring report be submitted in February of each year. The applicant requested the monitoring period be amended to run from April to April of each year rather than from January to January so that the full ski season would be incorporated into one report.

Staff recommends the Board accept the 2009 annual monitoring report as submitted by Grand Targhee. Staff also recommends the Board approve the applicant's request to amend condition of approval #20 as proposed.

Gordie Gillette addressed the Board and asked for approval to the change mentioned on Condition #20.

Gail Jensen spoke in support of the monitoring at Grand Targhee and hoped the Golf & Tennis monitoring would come about in the future.

Mr. Christensen questioned Ms. Stevens regarding an extension request found on page 10 of the Annual Monitoring Plan for 2009. Ms. Stevens stated the extension request would be coming before the Board in April to allow for adequate legal notice.

Mr. Ellis moved to accept the 2009 Grand Targhee Resort PUD Annual Monitoring Plan and amend Master Plan condition of approval #20 to read as follows: Beginning in 2010 the annual monitoring report shall be submitted to the Planning Department and presented to the Board in June of each year. The 2010 report shall cover the time period from January 1, 2010 through the last day of April 2011, including closing day of winter operations for the 2010/2011 season. Subsequent monitoring years will report from the first day of May of the previous year through the last day of April of the current reporting year. This requirement shall apply to all phases of development. The applicant or the County may propose to amend the monitoring plan and/or required mitigation during the annual reporting period. The applicant shall compensate County staff for the time necessary to review the annual monitoring reports.

Mr. Vogelheim seconded and the Motion passed unanimously.

13. Consideration of Accepting a Donation from the Community Foundation of Jackson Hole for the Purpose of Supporting the Reduce, Reuse, Recycle Program

Heather Overholser, Solid Waste and Recycling Manager, presented a resolution to accept \$7,500 from the Community Foundation which would be used in the Reduce, Reuse Recycle campaign to purchase bottles for the *One Less Bottle* initiative. These bottles would be distributed to school students in hopes of reducing bottled water consumption.

There was no public comment on this item.

Mr. Ellis moved to accept the donation from the Community Foundation of Jackson Hole for the purposes of supporting the Reduce, Reuse Recycle Program as presented by staff. Mr. Christensen seconded and the Motion passed unanimously.

OLD BUSINESS/NEW BUSINESS

1. Applicant: TETON COUNTY PLANNING & DEVELOPMENT

Agent: None

Presenter: Maggie Schilling

Permit No.: AMD2009-0025

Request: Amend Text of the Land Development Regulations, pursuant to Section 5150, Amendments to the Text of These Land Development Regulations or the Official Zoning District Map, to amend Section 2220.D and 231300, Temporary Uses, to add Temporary Helicopter Tree Removal for fuels reduction, forest health improvement, and public safety purposes to the list of permitted temporary uses. Other sections may be amended for consistency.

Location: Amendment would apply countywide.

Maggie Schilling, Planning Department, presented this amendment. The application before the Board was heard first on February 2, 2010 and then in a workshop on March 1st. The text was essentially the same as it was at the workshop; Mr. Radda has updated some of the amendment language for better clarity and flow. Two changes worth noting were: In the first line under section E. Helicopter Tree Removal, it now reads "Tree removal by helicopter may be for the purposes of fuels reduction or public safety purposes". The second change was under 8. which now reads "the Commissioners shall condition approval to protect the health, safety and welfare of the public".

Ms. Schilling stated if the amendment was approved, staff would coordinate with Travis Eva, a primary operator of helicopter projects, to begin working to bring projects before the Board. If not approved, then helicopter projects that are wishing to land on private property would need a Conditional Use Permit and projects that land on federal or state land would be able to proceed.

Robbie Fuller spoke that the real issue is that the amount of noise produced by helicopters, being intolerable.

Jeff Daugherty referenced a change that had been made but was not reflected in the staff report. In number one, the second reference to Director should be stricken in order for the sentence to flow.

Mr. Phibbs spoke to the concern of the impact of operations on the neighbors and residents. He suggested adding into item #7 the Board may limit hours of operation, days of operation and the flight path to ensure noise nuisances are addressed.

There was discussion by the Board and Mr. Radda about regulating flight paths which are preempted by federal law. Mr. Radda stated local zoning authorities could not regulate flight paths, which could be due to considerations of aircraft safety in how a helicopter takes off and lands.

Mr. Ellis moved to approve, with the one minor change of deleting the word Director in number one, Text Amendment AMD09-0025, as presented by staff in workshops and commented on by the public. Mr. Christensen seconded.

There was discussion amongst the Board regarding flight paths, nuisance, and days and hours of operation.

Mr. Ellis moved to amend his motion to add a last sentence to condition 7 that reads: Conditions may include but shall not be limited to hours of operation and days of operation. Mr. Christensen seconded the amendment.

The Motion passed unanimously.

- 2. Applicant: ELK AVENUE 2, LLC**
Agent: Onsight Land Surveyors
Presenter: Susan Johnson
Permit No.: S/D2009-0014
Request: Final Plat approval, pursuant to Division 6100, Final Plat, of the Teton County Land Development Regulations, to plat an existing building as six condominiums.
Location: 525 W. Elk Avenue (Lot 16, Valley View Subdivision, 2nd Filing). Located approximately 2 miles south of Jackson (S17, T40N, R116W). The property is zoned Business Park and is located within the Natural Resources Overlay.

Mr. Phibbs recused himself from this item and item #3 because of past relationships, the Chair was turned over to Ben Ellis.

Susan Johnson, Planning Department, presented this final plat for approval for 6 mixed use residential condominium subdivisions of an existing warehouse building and their associated accessory residential units. This property was adjacent to forest service land. Staff recommended approval with one condition that Deed Restrictions acceptable to the Housing Authority shall be recorded concurrently with the plat for all six accessory residential units.

The applicant, Peter Stewart addressed the Board. He provided a brief history of the project. Mr. Stewart stated because a prospective owner has additional property, 43 miles away in Pacific Creek, but still within Teton County, he asked if this particular deed restriction for this owner could be made flexible.

Mr. Ellis suggested that Mr. Stewart talk with the Housing Authority on the deed restriction issue.

There was no public comment on this item.

Mr. Schwartz asked for clarification on how the potential change to the deed restriction would proceed in the process.

Christine Walker stated the Housing Authority had consulted with the attorney's office on the process. A potential buyer could make a request to the Housing Authority Board to make an exception to this portion of the deed restriction. It would be up to the Housing Authority Board to make that approval.

Mr. Radda stated that it was a question of enforcement by the Housing Authority and they could use their discretion either way.

Mr. Schwartz moved to approve Final Subdivision Plat for Elk Avenue condominiums SD2009-0014 having found that it meets all the applicable standards set forth in the Land Development Regulations, with the following condition as presented by staff: Deed restrictions that are acceptable to the Teton County Housing Authority shall be recorded concurrently with the plat for all six accessory residential units.

Mr. Christensen seconded and the Motion passed unanimously with Mr. Phibbs recused.

- 3. Applicant: SULLIVAN, WILLIAM E. & JOYCE P**
Agent: Pierson Land Works, Inc.
Presenter: Maggie Schilling
Permit No.: DEV2009-0020
Request: Final Development Plan approval, pursuant to Section 51200, Development Plan, of the Teton County Land Development Regulations, for the Sullivan Subdivision, a Planned Residential Development, consisting of 2 single-family residential lots.
Location: 1050 W Queens Lane and 5600 N Prince Place. Located off Spring Gulch Road near Jackson Hole Golf and Tennis Club (S32, T42N, R116W). The property is zoned Rural and is within the Natural Resources Overlay.

Mr. Phibbs was recused from this item. Ben Ellis acted as Chair.

Maggie Schilling, Planning Department, presented this final development plan as a two unit subdivision planned residential development. The proposal was to split the 39.6 acres into two lots along the creek. Lot one on the West would contain the existing guest house and would be about 10 acres and Lot two to the East would contain the existing main house with the barn and would be about 30 acres. 30 acres of open space would be set aside which included crucial moose winter range, trumpeter swan nest and range, elk migration corridors, cutthroat trout spawning, protected water bodies and wetlands. The conservation easement is proposed to go to the Jackson Hole Land Trust.

The first key issue of this application was the applicants have proposed a fee in lieu of affordable housing which the Housing Authority and Planning Department accepted. However, they may want to propose another option of providing an existing off-site, deed restricted unit; but nothing had been received to date.

The other key issue included a pedestrian bridge located right on the property line. If the lot was platted as is, it would create nonconformity because the structure would be within the forty foot rear-yard structural setback. The application states the bridge was to be removed but did not give a deadline. The condition allows for a maximum three year bond to be collected for its removal so it may be platted or, another option, of recording a shared access and use agreement with the final plat which would allow the bridge to remain.

Brendan Schulte, representing the applicant, addressed the Board and apologized for the length of condition number 6 which was revised to address both the applicant and planning commission's concerns.

Mr. Vogelheim questioned what other options the applicant may be looking at instead of paying a fee-in-lieu. Mr. Schulte mentioned the possibility of purchasing a condo or townhouse and remodeling it to bring it up to the standards of the Housing Authority. The total cost could be less for providing this type of unit than paying the fee in lieu.

Karen Kleckley spoke to the condition restricting dogs as this property was located in the NRO and near the Golf & Tennis resort; she noted it was not a prohibition, only a restriction. She also stated that she noticed all the stewards of wildlife or land development activists had left the meeting and speculated that the issue of dog prohibition wasn't about protecting wildlife in the area, but more against affordable housing in the area.

Mr. Christensen moved to approve Development Plan DEV 2009-0020 based upon finding that the application meets all applicable standards set forth in the Teton County Land Development Regulations with the conditions set forth: (19 conditions)

Environmental Conditions:

1. *Prior to the submittal of a Building or Grading and Erosion Control Permit application, the EA shall be updated to establish building envelopes that comply with all Standards of Article III, including wetland and stream setbacks.*
2. *Due to the property being within crucial winter ranges and migration corridors, dogs on the property shall be kept on leash or indoors during fall migration and winter months.*
3. *Unnecessary fencing shall be prohibited. Prior to the issuance of any County Development Permits, if any unnecessary fencing exists on the property, it shall be removed.*
4. *Pursuant to Section 3270.H of the LDRs, a habitat mitigation plan for negative impacts to NRO lands is required. The EA includes an acceptable conceptual on-site mitigation plan for NRO impacts. However, prior to approval of any County development permits for land disturbing activities, a detailed habitat mitigation plan consistent with Section 3270 of the LDRs shall be submitted for Planning Director approval.*
5. *Prior to the issuance of the development permit, the applicant shall submit the required EA data in digital form.*
6. *Prior to the approval of the final plat, the applicant shall provide evidence that the pedestrian bridge between the existing main house and guest house has been removed, and the adjacent wetland and riparian habitat has been restored, or shall provide a cost estimate for these activities for the review and approval of the Planning Department. A surety for 125% of the approved amount will be required. The bond may be renewed in 12 months for another 12 month period. One additional extension may be granted by the Planning Director for an additional year after that. OR Prior to the issuance of the development permit, the applicant shall provide a draft shared use agreement and access easement for the pedestrian bridge located on the proposed lot line for the review and approval of staff. The document shall be recorded concurrently with the final plat, and the easement location shall be noted on the plat.*
7. *No development shall occur in the tall shrub or scrub shrub habitat areas within the designated development areas.*

Open Space Easement Conditions:

8. *Prior to the issuance of the development permit, the applicant shall add the following language **in bold** to Paragraph 3.16 as follows, "provided that such fencing does not materially impair the movement of wildlife on or across the Property **and provided that any new fencing does not visually or functionally separate the required open space in the subdivision.**"*
9. *Prior to the issuance of the development permit, the applicant shall add the following language **in bold** to Paragraph 3.1.6: "The Grantor reserves the rights to remove from the Property, restore, and/or relocate on the Property, **if permitted by the Teton County Land Development Regulations**, such structures, but subject to the provisions of paragraph 3.1..."*
10. *Prior to the issuance of the development permit, the applicant shall revise Paragraph 3.15 to read, "To divide the Property into two (2) separate lots, as shown on the Final Plat for the Sullivan Subdivision recorded concurrently with this easement."*
11. *Prior to the issuance of the development permit, the applicant shall provide legal descriptions for the Property and Development Area for the review and approval of TCSPT staff.*
12. *Prior to the issuance of the development permit, the applicant shall submit a complete Photographic Supplement for the review and approval of TCSPT staff to be recorded with the open space easement.*
13. *Prior to the issuance of the development permit, the applicant shall provide a copy of a signed subordination agreement from the holder of the mortgage on the property for the review and approval of TCSPT Staff.*
14. *The applicant shall record the approved conservation easement concurrently with the Final Plat for the proposed subdivision.*

Other Conditions:

15. *Due to high groundwater in the area, elevated, pressure-dosed wastewater systems will be required in the subdivision.*
16. *Prior to the issuance of the development permit, the applicant shall submit an Affordable Housing fee-in-lieu payment in the amount of \$182,285.41. If an alternative method of meeting the Affordable Housing requirements is proposed, it shall be reviewed and approved by the TCHA and Board of County Commissioners prior to the issuance of the development permit.*
17. *Prior to the approval of the Final Plat for this subdivision, the applicant shall submit an exaction payment in the amount of \$3,577.39.*
18. *Prior to the issuance of the Development Permit, final inspections on the main house addition (BP 09-0163) and guesthouse (BP 94-135) shall be completed. An as-built elevation certificate shall be provided for the guesthouse.*
19. *Prior to the issuance of the final development permit, the applicant shall provide a draft shared well agreement and water line easement for the review and approval of staff. The document shall be recorded concurrently with the final plat, and the easement location shall be noted on the plat.*

Mr. Schwartz seconded.

There was discussion amongst the Board on condition number 2, living in the NRO and dog restrictions. It was suggested that the Board have a discussion on dogs in the NRO in the near future so consistent decisions could be made by the Board.

The Motion passed unanimously with Mr. Phibbs recused.

4. **Applicant:** VALLEE, JONATHAN C. & ELIZABETH A. TRUSTEES
 Agent: Nelson Engineering
 Presenter: Hillary Taylor
 Permit No.: S/D2009-0017
 Request: Final plat approval, pursuant to Division 6100, Final Plat, of the Teton County Land

4/1/2010 9:49 AM

Development Regulations, to replat Lots 16, 17, and 18 of the Hoback River Subdivision, Plat No. 166.
Location: 4330 E Hoback River (Lots 16, 17 and 18 of the Hoback River Subdivision, Plat No. 166). Located south of Hoback Junction on the Hoback River. The properties are zoned Neighborhood Conservation Single Family and are within the Natural Resources Overlay.

This item was postponed to April 6, 2010.

CONSIDERATION OF UNFINISHED BUSINESS

ADJOURNMENT

Mr. Schwartz moved for adjournment, seconded by Mr. Christensen and the Motion passed unanimously with Mr. Phibbs absent. The meeting adjourned at 11:36 a.m.

TETON COUNTY BOARD OF COMMISSIONERS

Hank Phibbs, Chair

Ben Ellis, Vice-Chair

Andy Schwartz, Commissioner

ATTEST: _____
Paul Vogelheim, Commissioner

Sherry L. Daigle, Clerk

Leland Christensen, Commissioner