

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

The Teton County Board of Commissioners met in regular session on **November 15, 2016** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 8:58 a.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission: Barbara Allen – Chair, Mark Newcomb, Natalia Macker, Paul Vogelheim, and Smokey Rhea were present.

**MINUTES**

Paul Vogelheim moved to approve: 10/31/16, 11/01/16, and 11/07/16 minutes. Natalia Macker seconded and the motion passed unanimously.

**ADOPTION OF AGENDA:**

Natalia Macker moved to adopt the agenda as proposed, with the following changes, seconded by Smokey Rhea.

15. Consideration of approval to continue investigating options for moving a portion of County IT infrastructure to an offsite managed services datacenter
16. Consideration of approval for replacing the County website with an external hosted and maintained website by CivicPlus

Motion passed unanimously.

**CONSENT AGENDA**

Natalia Macker moved to place the following Matters on a Consent Agenda:

1. Consideration of Transfer of Ownership for the Restaurant Liquor License held by Rising Sage Café Services LLC dba Rising Sage Café to Jackson Hole Hospitality Group dba Palate
5. Consideration of an agreement with Yellowstone-Teton Clean Cities to administer the 2016\*2017 Sustainability Series
6. Consideration of a Letter of Authorization to allow collocation on the Adams Canyon cell tower
7. Consideration of a change order to the MD Contract for the transfer station fire suppression system
9. Consideration of a resolution to submit a grant application to support winter grooming of existing trails
10. Consideration of approval of two Contracts for Pathways snow removal for the winter 2016-17 season

Paul Vogelheim seconded and the motion passed unanimously.

Natalia Macker moved to approve the items on the Consent Agenda with the motion as stated in their respective staff report, seconded by Smokey Rhea. The motion passed unanimously.

**DIRECT CORRESPONDENCE**

1. Beth Canter, MobileCause 10/26/2016 email regarding Can You Join Me for Next Week's Happy, Healthy Nonprofits
2. Jackson Hole Public Art 10/26/2016 email regarding October Newsletter
3. Jackson Hole Wildlife Foundation 10/26/2016 email regarding Reaping the Harvest of a Season of Dedicated Volunteer Work
4. Jackson Hole Community Housing Trust 10/26/2016 email regarding Your Vote Counts...
5. MobileCause 10/28/2016 email regarding Can you join me for next week's webinar?
6. Stephanie Thomas 10/28/2016 email regarding Wyoming Snow and Avalanche Workshop
7. William Best 10/28/2016 email regarding TBCH Public Lands Position
8. Wyoming Game & Fish Department 10/31/2016 email regarding Game and Fish Assumes New Public Access Area in Tetons
9. Wyoming Department of Transportation 10/31/2016 email regarding Statewide Transportation Improvement Program - Statewide Transportation Planning Process Certification
10. Jackson Hole Community Housing Trust 10/31/2016 email regarding Tomorrow is a BIG day!
11. Dave Adams, Teton Conservation District 11/1/2016 email regarding WPLI Advisory Committee
12. Cindy Harger, County Public Information Specialist 11/1/2016 email regarding News Release: Clarification Regarding Endorsement of Candidates by Firefighters
13. Brent Blue, Teton County Coroner 11/2/2016 email regarding Update and Thanks!
14. Nancy Leon 11/2/2016 email regarding Lot 5 Development - request to postpone public meeting until after Thanksgiving
15. Tyler Sinclair, Planning & Development 11/2/2016 email regarding Mead Ranch Update
16. Bruce Hill 11/2/2016 email regarding Lot 5 Development - Request to postpone public meeting and amended comments
17. Mark Newcomb, County Commissioners 11/3/2016 email regarding Re: Mead Ranch Update
18. Barbara Allen, County Commissioners 11/3/2016 email regarding Re: Mead Ranch Update
19. Barbara Allen, County Commissioners 11/3/2016 email regarding Re: Lot 5 Development - Request to postpone public meeting until after Thanksgiving
20. Chet Lockard 11/3/2016 email regarding Follow up on Annual Fall Conference Presentations by Avi Friedman, PhD
21. State Board of Equalization 11/3/2016 letter regarding Amended Briefing Order Docket No 2016-40
22. State Board of Equalization 11/3/2016 letter regarding Amended Briefing Order Docket No. 2016-41
23. Tyler Sinclair, Planning & Development 11/3/2016 email regarding Re: Mead Ranch Update
24. Rob Duggan 11/4/2016 email regarding Lot 5 Develop Request to Postpone Meeting Until After Thanksgiving

25. Alex Norton, Planning & Development 11/4/2016 email regarding Re: Mead Ranch Update
26. Barbara Allen, County Commissioners 11/4/2016 email regarding Re: Lot 5 Develop Request to Postpone Meeting Until After Thanksgiving
27. Frank L Christensen 11/4/2016 email regarding Letter to Teton County Commissioners from Teton Pines Owners Association re: Teton Pines Lot 5
28. Karla Tessler 11/4/2016 email regarding Lot 5 Development
29. Loring Woodman 11/4/2016 email regarding Scheduling for discussion of VandeWater Lot 5 Subdivision
30. Jackson Hole Childrens Museum 11/5/2016 email regarding Come Celebrate With Us!
31. Sarah Hoffman 11/6/2016 email regarding Please support funding to Commissioners and staff to fight lawsuit by Quinn/Steelhead Partners & Please continue to support Teton County LDRs and Com Plan
32. Cathedral Voices 11/6/2016 email regarding Cathedral Voices - Chosen Nonprofit of the Week (Fine Dining Restaurants)
33. University of Wyoming Extension 11/7/2016 letter regarding Re: Interim County Coordinator of the Teton County Extension  
Office - Mary Martin
34. University of Wyoming Extension 11/7/2016 letter regarding Ending Date of Co-County Coordinator in Teton County - Hudson
35. Volunteers of America 11/7/2016 letter regarding RFP for 2017-2018 Subgrant Funding from the 2015 Nonparticipating State
36. Marinda Rogers-Gardner 11/7/2016 email regarding Wyoming Public Lands Initiative - Teton County Advisory Committee
37. MobileCause 11/8/2016 email regarding New Infographic: #GivingTuesday Tips
38. Phelps Swift 11/8/2016 email regarding Development Plan Application 2016-0004 - Public Comment
39. Anne Ladd, Center for the Arts 11/8/2016 email regarding The Annual Summary July 2015 - June 2016
40. Jerry Kitchen 11/8/2016 email regarding Lot 5
41. Patty Jaquith 11/8/2016 email regarding Teton Pines Lot 5, Hearing 11/15/16

**PUBLIC COMMENT** None

**MATTERS FROM COMMISSION AND STAFF** *(those not approved on the consent agenda)*

2. Consideration of Scheduling the Hearing to Abate in Jensen matter regarding Owl Creek Retreat LLC's fencing violations on River Parcel, PIDN: 22-42-16-16-1-01-002  
Natalia Macker moved to set the abatement hearing before the Board of County Commissioners present *en banc* in the matter of Owl Creek Retreat, LLC for alleged fencing violations of the Teton County Land Development Regulations to be conducted on the 12 day of January, 2017, at 1:00p.m., to take place in the Teton County Administration Building, in the Chambers of the Board of County Commissioners, located at 200 South Willow Street, in Jackson, Wyoming. The motions was seconded by Smokey Rhea and passed 4-0 with Barbara Allen abstaining.
3. Consideration of a Contract with Teton Youth and Family Services for Staff Secure Facility  
Paul Vogelheim moved to approve the Contract with Teton Youth and Family Services for the Staff Secure Facility. The motion was seconded by Smokey Rhea and passed unanimously.
4. Consideration of a Contract with Teton Youth and Family Services for Suicide Prevention Services  
Paul Vogelheim moved to approve the Contract with Teton Youth and Family Services for the Suicide Risk Prevention Program with one amendment to section 1.03 - payment would be \$374.00. The motion was seconded by Smokey Rhea and passed unanimously.
8. Consideration of additional force account funds for the recycling center project  
Smokey Rhea moved to approve an increase to the Recycling Center Phase 1 Force Account by \$10,000.00 for a total force account of \$60,000.00. The motion was seconded by Mark Newcomb and passed 4-1 with Paul Vogelheim opposed.
11. Consideration of approval of a Contract with Bushong Property Services for Cache Creek trail grooming for the winter 2016-17 season  
Natalia Macker moved to approve award of the Cache Creek grooming contract to Bushong Property services for the 2016/2017 winter season with costs not to exceed \$9,360.00. Paul Vogelheim seconded and the motion passed unanimously.
12. Consideration of Teton County's Human Resources Workers' Compensation Policy  
Natalia Macker moved to approve adopting the Teton County Human Resources Workers' Compensation Policy, effective immediately. The motion was seconded by Smokey Rhea and passed unanimously.
13. Consideration of Teton County's Human Resources Workers' Compensation Light Duty Policy  
Smokey Rhea moved to approve adopting the Teton County Human Resources Workers' Compensation Temporary Light Duty Policy effective immediately. Paul Vogelheim seconded and the motion passed unanimously.
14. Consideration of Teton County's Human Resources policy: Employees serving on County Boards  
Natalia Macker moved to approve adopting the Teton County Human Resources policy regarding Employees Serving on County and Joint Town/County Boards, effective immediately. The motion passed unanimously.
15. Consideration of approval to continue investigating options for moving a portion of County IT infrastructure to an offsite managed services datacenter  
Natalia Macker moved to direct Teton County IT Department to continue seeking offsite datacenter managed services and to return, when possible, with a contract for services for the Board's consideration. Paul Vogelheim seconded and the motion passed unanimously.

16. Consideration of approval for replacing the County website with an external hosted and maintained website by CivicPlus

Paul Vogelheim moved to approve the agreement with CivicPlus for \$1,000.00 initial setup and \$14,978.00 for the first year of site hosting. The motion was seconded by Natalia Macker and passed unanimously.

Recess at 9:55am

Reconvene at 10:04am

#### MATTERS FROM PLANNING & DEVELOPMENT

- 1. Applicant:** CRYSTAL SPRINGS RANCH INC.  
**Agent:** Jorgensen Associates, PC  
**Presenter:** Susan Johnson  
**Permit No.:** S/D2016-0007  
**Request:** Subdivision Plat Amendment pursuant to Section 8.5.3, Subdivision Plat, of the Teton County Land Development Regulations, to vacate notes and easements from Plat 1323, The Homesteads at Teton Village.  
**Location:** Lots 15 & 16, The Homesteads at Teton Village; commonly known as the affordable housing parcel (Parcel J) directly south of Teton Thai on the eastern edge of the Area 2 Resort Expansion (S24, T42N, R117W). The properties are zoned Planned Unit Development-Planned Resort and are within the Scenic Resources Overlay.

Susan Johnson presented on behalf of staff, giving a brief overview of the request to amend the plat, vacating notes and easements from Plat 1323, The Homesteads at Teton Village.

The Board and staff discussed uses controlled by the master plan, workforce affordable rentals, an amendment to master plan to allow commercial use and the process for that, including an application to Planning Department and the plat could be amended. Erin Weisman noted that the Board is not approving something concurrently to guarantee that use. The master plan does currently restrict how Lot 15 can be used. The Board wants the assurance that if they are vacating the note they're also tacking on a requirement, but that cannot happen with the current application. Today's consideration should be on the LDR's and state statute and making the finding with respect just to that vacation of note and making sure no one's rights or privileges have been abridged or destroyed. Tyler Sinclair noted that the development plan for the non-profit, office use has expired. By taking the note off, it is essentially allowing any uses currently allowed in the master plan. Barbara Allen asked if the DEV encompass the Homesteads and what was supposed to be the Non-Profit Institutional or just the Non-Profit Institutional and the Homesteads were done under a different DEV. Susan Johnson responded there were two development plans, phase I was for the affordable housing and phase II was for the Music Festival.

Jason Wells, applicant, spoke about more workforce housing next to existing workforce housing, would not be submitting resort master plan amendment, pulling commercial use from master plan amendment. Up to 5 new workforce housing rentals on Lot 15. If no predictable path, will shovel those plans for Lot 15. Currently have financial commitment from family, team in place (engineering, architect), contractor who can work on our schedule. Crystal Springs Ranch has built employee housing for 45 people, 14 required. Current affordable housing is for 39 people, 18 required. Barbara Allen questioned that the original intent of a sheriff sub-station and coffee shop would require an amendment why was the note put on the plat. Mr. Wells responded that the applicant didn't want to sell of the parcel and have someone else lay claim to the 10,000 sf of commercial. Natalia Macker wondered if there was a reason in the LDR's why it couldn't be re-plat to affordable/workforce housing. Paul Vogelheim questioned the timeline for the affordable housing to be build; if it's 3-5 years, why are they trying to change it today. Mr. Wells responded that this is independent of the resort master plan and applicant was predictability and clarity when talking to contractors, architects about this project. Mark Newcomb asked without the master plan amendment what can be on the lot; Mr. Wells replied there are too many variables based on parking requirements and allowed uses (free market, affordable/employee housing, resort support, and institutional).

Bill Resor, representing Crystal Springs Ranch and 4 Shadows LLC (owns adjoining property), spoke on behalf of the applicant regards to housing need in the valley, accelerate requirement to build workforce housing, and asking to remove the restriction that relates to Grand Teton Music Festival since that is not happening.

Sarah Gensch and Timothy Rieser gave public comment with neither in support of vacating the note.

The board held discussion on sufficient application submitted to the Planning Department, with the expired development application for this plat what does the master plan allow with note on plat, applicant and neighbors are looking for clarity and predictability, LDR issue – held to a specific series of findings – partial vacation does not abridge or destroy any rights or privileges of other proprietors in plat, resort support definition is vague.

Natalia Macker moved to APPROVE S/D2016-0007, Partial Vacation of The Homesteads at Teton Village, to remove a note restricting use on Lot 15, with no conditions, being able to make the findings of Section 8.5.3 and finding that the standards of Section 8.2.13.C have been met, as recommended by the Planning Director. The motion was seconded by Paul Vogelheim. The motion failed 1-4 with Smokey Rhea in favor.

Recess at 11:24am

Reconvene at 11:34am

- 2. Applicant:** VW PROPERTIES LLC  
JAKE JACKSON HOLDINGS, LLC  
**Presenter:** Roby Hurley  
**Permit No.:** DEV2016-0004  
**Request:** Development Plan pursuant to Article 8.3.2 of the Teton County Land Development Regulations, to permit subdivision of 6 residential lots on 38.5

acres.  
**Location:** Lot 5, Jackson Hole Racquet Club Resort, Teton Pines Drive. Generally located 3/4 mile west of the entrance to Teton Pines; 2 miles north of the Hwy 22 and 390 intersection (S1/2SW1/4, S11, T41, R117). The property is zoned PUD R-1 and is partially located in the Natural Resources Overlay.

Tyler Sinclair presented this proposal for the development of the Lot 5 at the Jackson Hole Racquet Club Resort (Teton Pines). The property is zoned PUD R-1 and is partially within the natural Resources Overlay (NRO). In the PUD R-1 Zone, attached single-family residential units are permitted with a development plan. A development plan is required in the R-1 Zone for any subdivision. In conjunction with this development plan, the applicant has also applied for a roadway exception request to reduce road width providing access for 3 lots from 20 feet to 14 feet. Teton County Engineering Department has approved the roadway exception request with conditions.

Recess at 12:00pm

Reconvene at 1:28pm

Tyler Sinclair gave clarifications on wetlands, fee in-lieu, environmental analysis and impact vegetation.

Doug Mackenzie, applicant gave a personal history on how he came to Teton County and eventually acquired Lot 5. His objectives for acquiring Lot 5 are to prevent adverse development, keep peace in the neighborhood for all (neighbors and wildlife), integrate with Mr. Mackenzie's ranchland to west, and justify purchase price. Mr. Mackenzie is has worked with the Planning staff for 10 months to balance the privacy concerns of existing neighbors, private property rights of Vandewater family, and environmental concerns. Mr. Mackenzie has purchased one environmental analysis (EA) from prior party in contract and has sponsored e additional EA's done by a county contractor. He feels the 3/3A plan represents the best of options: Lot 5 has 3 agriculture meadows, constrains building envelopes solely to meadows, it drastically limits environmental impact, limits development in north 30 acres, building sites pushed against the western boundary minimizing impact on Teton Pines neighbors, limited access to northern meadows to a single wetland crossing and can be accomplished with a small bridge.

The Board questioned Mr. Mackenzie on the number of environmental analysis' completed, north end of property – actively growing hay/irrigated, integrating lot 5 with Mr. Mackenzie's current property and what that means (protection against future development), the size of the building envelopes on each proposed lot, private road access – would pay for road agreement.

Public comment was opened and given by Mary Gibson, Jackson Hole Conservation Alliance; Janet Sluszka, Teton Pines Homeowner; Frank Christensen, Teton Pines Homeowners Association Chairman; Bob Vandewater, owner of Lot 5; Bob Peters for Charlie Thompson and Nancy Leon, Teton Pines Homeowners; Scott Pierson, Peter Overly, Sheila Ross, Teton Pines Homeowner; and Richard King. Public comment was also given by Dave Larsen, attorney for Teton Pines Homeowners Association and Robin Levy, attorney for the applicant.

Recess at 2:54pm

Reconvene at 3:00pm

Barbara Allen opened by stating that she appreciated the constructive dialog during the public comment. She noted that land use is often an emotional subject. The comprehensive plan state to preserve and protect ag lands and open space for our community and respect that stewardship. The roll of the Commission is to seek balance.

Discussion among the board was opened. Erin Weisman, Deputy County Attorney stated the attorneys generally concur with Ms. Levy's comments with regards to the development. Discussion included clustering vs. open space, habitat fragmentation, environmental analysis, issues of access, clarifying the role of the NRO, mitigation, and staff developed modified plans,

Natalia Macker moved to **APPROVE** Development Plan **DEV2016-0004** to subdivide 38.5 acres into 6 single family residential lots, based upon finding that the application meets all applicable standards set forth in the Teton County Land Development Regulations with the 5 conditions discussed below:

1. All development areas shall contain no site development in vegetation ranked higher than priority 3 with the exception of access determined as essential.
2. A conceptual Habitat Enhancement Plan shall be submitted prior to subdivision plat approval and a final Habitat Enhancement Plan shall be submitted with the grading and erosion control permit application. The Habitat Enhancement Plan for a 3/3A configuration with 3:1 mitigation, shall include details demonstrating a minimum of 2:1 mitigation on site and 1:1 mitigation on site or adjacent property owned by the applicant (former Vandewater Ranch).
3. A fee in-lieu of providing housing shall be paid at the time of building permit application for each lot based upon a pre-1995 lot, and the fee shall be based on the LDRs effective on the date of application for a building permit.
4. The perimeter fence located between the Estate lots and Lot5 shall be removed or rebuilt to wildlife friendly standards prior to grading and erosion control permit approval.
5. The applicant shall provide a Subdivision Improvement Agreement outlining all details associated with connection to the Aspen Sewer System at subdivision plat.

The motion was seconded by Paul Vogelheim and passed 3-2 with Smokey Rhea and Mark Newcomb opposed.

- 3. Applicant:** TETON COUNTY  
**Presenter:** Kelly Sluder  
**Permit No.:** MSC2016-0041  
**Request:** Adopt the 2017 Building Code Resolution, Fire Code Resolution, and Fire Protection Resolution for New Subdivisions, pursuant to the Wyoming Administrative Procedures Act, to repeal and replace the current Building Code Resolution, Fire Code Resolution and Fire Protection Resolution for

New Subdivisions, in order to adopt the 2015 International Building Code, Residential Code, Mechanical Code, Plumbing Code, Energy Code, Fire Code and Wildland Urban Interface Code with local amendments, revise the boundaries of the Wildland Urban Interface, and ensure all subdivisions have a water source for firefighting.

**Location:** Applies county-wide.

Kelly Sluder presented, asking for the consideration of adoption of the 2017 Teton County Building Code Resolution, 2017 Teton County Fire Code Resolution and the 2017 Teton County Fire Protection Resolution for New Subdivisions.

Barbara Allen inquired about and Mr. Sluder explained where the codes come from, what the process is and who is the "International Code Council". Comment was also made about the building costs in the County and is there a standard by which the codes are measured by reasonableness. It was explained how the Council votes on the standards. Mr. Sluder noted that we are mandated by the State of Wyoming to adopt the code. Paul Vogelheim commented about past discussions of the board regarding codes. He inquired about changes that might raise angst in the building community. Mark Newcomb asked about "our 108.5 Refunds" and full refunds given. Mr. Sluder replied that we do give full refunds at this time.

Fire Marshall Kathy Clay spoke about the international codes and public safety.

Item A: Paul Vogelheim moved to approve the 2017 Teton County Building Code Resolution taking effect on January 1, 2017. The motion was seconded by Smokey Rhea and passed unanimously.

Item B: Natalia Macker moved to approve the 2017 Teton County Fire Code Resolution taking effect on January 1, 2017. The motion was seconded by Paul Vogelheim and passed unanimously.

Item C: Smokey Rhea moved to approve the 2017 Teton County Fire Protection Resolution for New Subdivisions taking effect on January 1, 2017. The motion was seconded by Mark Newcomb and passed unanimously.

**MATTERS FROM COMMISSION**

None

**EXECUTIVE SESSION**

Natalia Macker moved to go into Executive Session, seconded by Paul Vogelheim. Motion passed unanimously and the board went in to executive session at 4:09pm.

The board came out of executive session at 4:18pm and no action was taken.

**ADJOURN**

Smokey Rhea moved to adjourn, Natalia Macker seconded and the motion passed unanimously. The meeting adjourned at 4:19p.m.

Respectively submitted Shelley Fairbanks  
Teton County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Barbara Allen, Chair

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Mark Newcomb, Vice-Chair

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Natalia D. Macker

\_\_\_\_\_  
Paul Vogelheim

ATTEST: \_\_\_\_\_  
Kathleen "Smokey" Rhea

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