



Board of County Commissioners - Staff Report

Meeting Date: November 15, 2016

Presenter: Erin E. Weisman

Submitting Dept: County Attorney

Subject: Set Abatement Hearing Date for Owl Creek Retreat, LLC

Statement / Purpose: To schedule an abatement hearing date with the Board of County Commissioners in the fencing violation matter on Owl Creek Retreat, LLC property. The County Attorney's Office represents the Teton County Planning Director in this abatement.

Background / Description (Pros & Cons): A notice to abate fencing violations was sent to the Owner on August 17, 2016. On October 18, 2016, the Board voted that the Chair would preside over the abatement hearing, and now pursuant to Section 8.9.4. of the Teton County Land Development Regulations, the hearing date shall be scheduled and set within 30 days after the Board's decision to appoint the Chair to preside over the abatement hearing.

The hearing does not have to occur within these 30 days, rather the Board is required to schedule the hearing date within the 30-day timeframe. The LDRs do not specify a deadline within which the Board shall conduct the abatement hearing. Therefore, the abatement hearing date may be scheduled at a date and time convenient for the Board, and based upon the availability of the parties and their attorneys.

Stakeholder Analysis & Involvement: Teton County Planning Director and staff, and the attorneys representing James Jensen, managing member of Owl Creek Retreat, LLC.

Fiscal Impact: N/A

Staff Impact: N/A

Legal Review: Weisman

Staff Input / Recommendation: Schedule and set an abatement hearing for the duration of one-half (1/2) of one day before the Board of County Commissioners present *en banc*, which means the entire Board of County Commissioners, not just the Chair or a Hearing Officer, if one had been appointed.

Attachments: None.

Suggested Motion: I move 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 ___ day of _____, 20___, at ___ a.m./p.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.