

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

The Teton County Board of Commissioners met in regular session on **February 11, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:07am.

Commission present: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst.

**ADOPT AGENDA**

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

**PUBLIC COMMENT**

Public comment was given by Patti Boyd, Children's Learning Center and Jimmy Bartz, Bright Beginnings Preschool regarding lack of staffing in the childcare industry in Teton County.

**ACTION ITEMS**

1. Consideration of Payment of County Vouchers

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the February 11, 2019 voucher run in the amount of \$1,156,656.18 and an interfund transfer in the amount of \$615,750.93. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of Administrative Items

- a. Liquor Permits - There were none.
- b. SLIB Drawdowns – There were none.
- c. Tax Roll Corrections – There were none.
- d. Human Service/Community Development Contracts for Service – There were none.
- e. Special Events Permits – Applications Pending *(for informational purposes, no action taken)*
  - i. 44<sup>th</sup> Annual Rendezvous River Sports Karen Oatey Pole Pedal Paddle, March 23<sup>rd</sup>, 2019, Teton Village, Teton Village to HWY 189, South Park Bridge to Snake River Sporting Club, 350 attendees
  - ii. Jackson Hole Half Marathon, June 8<sup>th</sup>, 2019, Phil Baux Park, 300 attendees
  - iii. 11<sup>th</sup> Annual Darby Dash, March 9<sup>th</sup>, 2019, Alta Ski Track, 50-60 attendees
  - iv. Jackson Hole Rendezvous Spring Festival, March 14<sup>th</sup> – March 17<sup>th</sup>, 2019, Village Parking Lot, 9000 attendees

3. Consideration of Proposed Outgoing Commissioner Correspondence

- i. Partnership Request to Teton Conservation District Regarding Water Quality Issues

Public comment was given by David Peterson, Board of Health.

Discussion between the Board, staff, and Mr. Peterson included background on the water quality issues in Hoback Junction, possible steering committee, feasibility study, water quality issues will be discussed at tomorrow's retreat, sense of urgency and call for action that this letter does not address.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the letter regarding water quality issues to the Conservation District. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

**DISCUSSION ITEMS**

**1. Known Matters for Discussion**

There were no known matters for discussion.

**2. Other Matters for Discussion**

There were no other matters for discussion.

**MATTERS FROM COMMISSIONERS**

**Calendar Review.** The Board reviewed their weekly calendars.

**County Commissioner Administrator Updates.** Alyssa Watkins, Board of County Commissioners Administrator, gave updates on Director of General Services, Sarah Mann, starts on February 19th.

**Commission updates**

- A. Natalia Macker gave an update on Department of Family Services regarding background checks and central registry checks, and creating a childcare provider registry,
- B. Mark Barron gave an update on Jackson Hole Airport – visits picking up, complaint against airport regarding de-icing operations.
- C. Greg Epstein gave updates on the Wilson Advisory Coalition regarding charter process, workshop on Wednesday, and bike path on south side of Highway 22.

- D. Luther Propst gave updates on Fair – retreat today, and fair tour on March 6 11am-12pm.
- E. Mark Newcomb had no updates.

The meeting was recessed at 9:39am and reconvened at 10:00am.

#### **WORKSHOP – Text Amendment for Variance Process**

Steve Westbay, Interim Director of Planning and Building, presented to the Board the LDR Variance Policy.

Teton County Land Development Regulations (LDR), Division 8.8, (Relief from the LDR) sets forth the scope and procedures used to address situations where the LDRs may inadvertently impede a development application that may in fact be in keeping with the community's desired future character. Variances follow due process procedures to ensure public transparency exists. They should be applied in a manner that balances the health, safety and welfare protections afforded by the LDR and the potential hardships that development standards may cause.

Applicability. The use of variances under the previously adopted LDRs (pre-2015) were very broad and discretionary except for Use Standards, which could not be considered under the variance procedure. The updated LDRs (8.8.2.B, Applicability) limit the scope of variance considerations, with the intent to establish predictability. The existing LDRs prohibit variance applications that:

1. increase minimum density, floor area or maximum scale of development;
2. consider allowance of prohibited signs;
3. would allow prohibited uses or increase in nonconforming uses;
4. would reduce the requirement for a development option (required conservation area, minimum lot size, unit type mix);
5. reduce the option of an independent calculation requirements (e.g. housing, development exactions); and
6. reduce the threshold of review procedures.

Intent. As noted above, variances are applied to specific development applications that may have true community benefit. Variances also apply to situations where development standards create a "hardship." For example, several years ago a variance was granted to the Teton Science School (Jackson Campus) to allow a building size exceeding the approved development standards.

Staff Observations. The question driving this discussion relates to maximum bulk and scale of development and, if a variance to building size may provide a desired community outcome. Building size limits were enacted in 1994 to address the bulk and scale of new developments. The size rational was partly driven by the size of barns and outbuildings associated with agriculture uses, with the desire to have new buildings be of a similar size. Another determining factor to limit building size relates to the preservation of landscape amenities and to "ensure that the predominance of landscape over the built environment" (Comprehensive Plan).

There may be cases where a variance from maximum building size may be beneficial. For example, building size expansions may be required to address ADA access, or developing entrance vestibules to improve energy conservation. Additionally, public service facilities such as hospitals, schools, parking facilities could require building sizes that exceed 10,000 square feet. Conversely, it might be argued that large scale retail developments provide a public benefit and should be worthy of variance consideration.

Conclusion. Variances are useful and necessary when true hardships exist that restricts uses allowed under the LDRs. Additionally, if an inordinate number of variance application approvals occur, it is an indication that the development standards may not be appropriate.

If the Board of County Commissioners desire an amendment that allows for the consideration of buildings larger than 10,000 square feet, it would be appropriate for the BCC to direct staff to initiate the amendment. If a policy amendment is the direction of the BCC, the amendment should include a set of criteria to ensure that the intent of public benefit is met. Criteria could include a limitation excluding residential, industrial or commercial development; that such buildings have articulating roof lines and broken wall-planes to address mass and form; and that facade materials be varied to improve the building design.

Discussion between the Board and staff included may allow for variances under certain circumstances, regulations deliver a clear message of what can and cannot be done, variance findings live in a gray world and will inevitably bring tough discussion and difficult findings for approval, six findings of approval are based on the provision of hardship, community value, structure code to help deflect continual legislation at the state level to run its course, two paths: text amendment to consider appropriate uses the community has identified in the past or identify the zone district for the appropriate use, text amendment to identify the dimensional standards to be expanded along with design standards, private schools in residential areas, history of why suburban zones don't allow institutional uses, impacts of use in a residential neighborhood, complete neighborhood is appropriate for educational use, three potential types of amendments: allow variances within certain parameters, look at zoning as it pertains to educational uses, or overall building size for certain uses and dimensional requirements or architectural design, no staff direction at this time, prioritize the timeline for staff at retreat, and Legacy Zones.

#### **ADJOURN**

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chair Macker called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:46am.

Respectfully submitted: sdf

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

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Greg Epstein, Vice-Chair

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Mark Barron

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Mark Newcomb

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Luther Propst

ATTEST:

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Sherry L. Daigle, County Clerk

**TETON COUNTY CLERK'S OFFICE  
02-11-2019 WARRANTS**

<b>Warrant Number</b>	<b>Name</b>	<b>Amount</b>
370425	49ER COMMUNICATIONS, INC.	3,450.50
370426	AARON STRADER	52.50
370427	ACTION EXCAVATION LLC	1,440.00
370428	ACE HARDWARE	619.07
370429	ACM WYOMING LLC	221,012.29
370430	ALBERTSONS/SAFEWAY	540.04
370431	ALPHA CARD SYSTEM	244.97
370432	ALL HANDS FIRE EQUIPMENT	1,739.06
370433	ALPHAGRAPHICS	460.76
370434	AMERIGAS	103.00
370435	AMERICAN PLANNING ASSOC.	95.00
370436	ANN ADAIR ESSARY FLYNT	1,360.00
370437	ASPEN AUTOMOTIVE/NAPA	269.80
370438	BILLY NUNN	52.50
370439	SIMPLIFY COMPLIANCE LLC	536.99
370440	BOUNDTREE MEDICAL	691.63
370441	BRIAN COE	1,894.32
370442	BUCK FAIRBANKS ELECTRIC INC	2,146.28
370443	BUSHONG EQUIPMENT INC	1,170.00
370444	CANINE DEVELOPMENT GROUP	200.00
370445	CANYON TRUCKING	897.50
370446	cbm MANAGED SERVICES	12,234.83
370447	CCH INCORPORATED	1,135.00
370448	CENTURYLINK	242.02
370449	CLARKS' BROADWAY AUTO PARTS, LLC	126.74
370450	CONRAD AND BISCHOFF, INC.	1,142.05
370451	COUGAR FUND	450.00
370452	CODY HOSTETTER	220.00
370453	COMMUNITY SAFETY NETWORK	3,333.33
370454	CUMMINS INTERMOUNTAIN LLC	70.02
370455	CURRAN-SEELEY FOUNDATION	2,701.50
370456	DAVE GUSTAFSON	52.50
370457	DAVID MEAGHER	759.01
370458	DBR, INC.	435.00
370459	DELTA DENTAL	17,762.00
370460	DELCON, INC	1,199.58
370461	DEAN'S PEST CONTROL LLC	60.00
370462	DIGITAL APPLESAUCE, INC.	1,863.00
370463	DON WATKINS	83.33

370464	ELISABETH M. W. TREFONAS	2,480.00
370465	ELECTRICAL WHOLESALE SUPPLY CO,INC.	160.01
370466	ENDEAVOR BUSINESS MEDIA LLC	520.00
370467	E.R. OFFICE EXPRESS INC.	4,853.57
370468	FIRE SERVICES OF IDAHO INC.	1,376.00
370469	GREG EPSTEIN	60.00
370470	GREENWOOD MAPPING,INC	9,517.50
370471	HENRY CADWALADER	102.50
370472	HEATH KUSZAK	40.00
370473	HIGH COUNTRY LINEN SUPPLY LLC	512.15
370474	IACP	190.00
370475	ICMA	222.75
370476	INTERMOUNTAIN MOTOR SALES INC.	1,836.61
370477	INTERWEST PAPER INC	173.09
370478	INFORMATION TODAY INC	799.00
370479	JACKSON LUMBER	10.33
370480	JESSE WILLCOX	174.54
370481	JACKSON HOLE CHILDREN'S MUSEUM INC.	1,210.00
370482	JACKSON HOLE SECURITY LLC	600.00
370483	JTR INC.	2,559.37
370484	JOHN KIDWELL	1,200.00
370485	JODI RANKIN	52.50
370486	KIMBERLY JEANNE MCINTYRE	125.00
370487	KNOKE BUILDERS	7,960.00
370488	LASER XPRESS	269.97
370489	LEXISNEXIS RISK DATA MNGT INC.	50.00
370490	LINTON'S BIG R	249.98
370491	LOCAL GOVERNMENT LIABILITY POOL	5,000.00
370492	LOWER VALLEY ENERGY	13,189.25
370493	LUTHER PROPST	433.20
370494	MCKESSON MEDICAL SURGICAL	289.14
370495	MICHAEL GUYETT	52.50
370496	MICHELLE ROBINSON	52.50
370497	MORRISON- MAIERLE INC.	600.00
370498	MOUNTAIN SCAPES, INC.	390.00
370499	MUNICIPAL EMERGENCY SERVICES	1,798.18
370500	NACCHO	625.00
370501	NAVITUS HEALTH SOLUTIONS, LLC	1,226.04
370502	NATALIA D. MACKER	60.00
370503	NELSON ENGINEERING COMPANY	13,983.98
370504	PLUMBING ANYTIME INC.	4,327.00
370505	PORTERS OFFICE PRODUCTS	43.68
370506	POST REGISTER	341.75
370507	HAL JOHNSON JR-PROFESSIONAL EXPRESS	832.78
370508	PREMIER CLEANING SERVICES LLC	560.00
370509	REBECCA KIEFER	96.51
370510	RIDGELINE EXCAVATION INC.	150.00
370511	RICHARD OCHS	322.48
370512	RTR SERVICES LLC	200.00
370513	RSCI	380,533.10
370514	R&S NORTHEAST LLC	639.77
370515	SARA BUDGE	51.11
370516	SAFEWARE INC.	102.22
370517	SALT RIVER MOTORS INC.	314.12
370518	SHERRY L.DAIGLE	501.12
370519	SHANE FLUD	52.50
370520	SHERVIN'S INDEP. OIL	70.10
370521	SIGN IT NOW INC.	647.38
370522	SILVER STAR COMMUNICATIONS	589.98
370523	SKILLPATH	4,200.00
370524	STANDARD PLUMBING SUPPLY	7.12
370525	SWAGIT PRODUCTIONS LLC	22,500.00
370526	TETON COUNTY 4-H COUNCIL	850.00

370527	TETON COUNTY LIBRARY	3,500.00
370528	TETON COUNTY PUBLIC HEALTH	35.00
370529	TETON COUNTY TREASURER	14,014.97
370530	TETON COUNTY TREASURER	84,971.82
370531	TERRA FIRMA ORGANICS, INC.	14,864.03
370532	TETON MEDIA WORKS INC.	8,421.49
370533	TETON MOTORS	236.32
370534	TETON TRASH REMOVAL INC.	1,888.25
370535	TETON YOUTH & FAMILY SERVICES	26,263.41
370536	THOMAS & SARA BELK	1,500.00
370537	KNOX ASSOCIATES INC.	1,792.72
370538	THE LOCKSMITHS	80.00
370539	TKH DESIGN INC.	370.37
370540	TM COMMERCIAL CLEANING LLC	970.00
370541	TODD FLETCHER	52.50
370542	TOTAL FUNDS	600.00
370543	TOWN OF JACKSON	59,238.53
370544	TOTAL FUNDS BY HASLER	6,000.00
370545	TRANSMERICA EMPLOYEE BENEFITS	1,976.03
370546	TETON VALLEY TRAILS & PATHWAYS INC.	1,296.00
370547	LOCAHAN LLC	32.79
370548	VERIZON WIRELESS	1,200.30
370549	VISA	19,373.86
370550	VIRTUALLYWELL LLC	675.00
370551	WATSABAUGH EXCAVATION, INC.	3,235.00
370552	WARREN PENNICK	52.50
370553	WEST BANK SANITATION	553.02
370554	WESTERN RECYCLING	1,743.00
370555	WESTERN STATES EQUIPMENT	110.00
370556	WHITE GLOVE PROFESSIONAL CLEANING	1,429.50
370557	WILDERNESS & MOUNTAIN MEDICINE PC	260.00
370558	WILLIAM R. SMITH M.D.	1,699.00
370559	WISE SAFETY & ENVIRONMENTAL	932.41
370560	WOOD DESIGN STUDIOS	300.00
370561	WYOMING ASSOCIATION OF FAIRS	50.00
370562	WYOMING DEPARTMENT OF REVENUE	364.44
370563	WYOMING DEPT OF WORKFORCE SVCS	4,143.80
370564	WYOMING FIRE CHIEFS ASSOCIATION	320.00
370565	WYOMING STATE FIRE MARSHALS OFFICE	225.00
370566	WYOPASS	550.00
370567	WYOMING STATE BAR	100.00
370568	WY STATE FIREMEN'S ASSOC	300.00
370569	WYOMING STAR GAZING	330.00
370570	WYOMING TITLE & ESCROW INC.	200.00
370571	XEROX CORPORATION	771.45
370572	YELLOW IRON EXCAVATING, LLC	113,290.19
370573	YELLOW IRON EXCAVATING LLC	330.00
370574	YOUSHIELD LLC	229.98