

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

The Teton County Board of Commissioners met in regular session on **February 22, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:15am

**ROLL CALL**

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

At 9:15am, a motion was made by Commissioner Epstein and seconded by Paul Vogelheim to convene an executive session pursuant to Wyoming Statute §16-4-405(a) (iii) on matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

**EXECUTIVE SESSION**

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

Others present: Sherry Daigle, Alyssa Watkins, and Shelley Fairbanks.

At 10:03am, a motion was made by Commissioner Epstein and seconded by Paul Vogelheim to adjourn from executive session. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

No action was taken.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to continue the discussion about the re-hearing for the Tzompa case to Monday, February 26, 2018 at 10:00am. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 10:03am and reconvened at 10:10am.

**MATTERS FROM PLANNING & DEVELOPMENT:**

Continuation of discussion on Teton Raptor Center.

- 4. Applicant:** TETON RAPTOR CENTER  
**Presenter:** Kristi Malone  
**Permit No.:** VAR2017-0002  
**Request:** Variance, pursuant to Section 8.8.2, to vary Section 3.2.3.B.2 of the Teton County Land Development Regulations, to allow improvements to be made to an existing 36-foot tall structure that would result in a total structural height of 38 feet where 30 feet is the maximum structure height allowance for the zone.  
**Location:** Site of Teton Raptor Center and historic Hardeman barns; generally located in Wilson on the south side of Highway 22. The property is zoned R-2 and is located within the Scenic Resources Overlay.
- 5. Permit No.:** CUP2017-0007  
**Request:** Conditional Use Permit, pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to amend an existing institutional use.
- 6. Permit No.:** ZCV2017-0025  
**Request:** Zoning Compliance Verification for Visual Resource Analysis, pursuant to Section 8.6.2 of the Teton County Land Development Regulations, to assess foreground scenic standards.  
**Location:** Site of Teton Raptor Center and historic Hardeman barns; generally located in Wilson on the south side of Highway 22. The property is zoned R-2 and is located within the Scenic Resources Overlay.

Public comment was given by Laurie Andrews, Duncan McClelland, Dick Jaquith, Robbin Levy-Mommsen, Ben Musser, Matt Kim-Miller, Tim Harland, Sue Ernisse, Brot Coburn, Andrew Salter, Patrice Kangas, Chris Mommsen, Jerry Bosch, Wes Gardner, Mike Calabrese, and Becky Collier. The applicant's agent and the applicant, Ben Reiter, Associate Attorney for Davis and Cannon and Amy McCarthy, Executive Director at Teton Raptor Center, responded to public comment.

Discussion among the Board, including County staff and the applicant, included clarifications and details of conditions, maximum daily occupancy, daily average numbers, peak use numbers, tracking via online registration system, and parking.

The meeting was recessed at 12:08pm and reconvened at 1:31pm.

Discussion among the Board, including County staff and the applicant, included is CUP transferable and what structures would need removed, amending variances and CUPs, statistics from TRC 2017 summer programming, number of off-site programs would transfer to on-site programs, to move forward - begin to look through conditions and then findings, are the 2008 variances applicable for the current application.

Discussion on proposed conditions include the following changes:

1. Prior to issuance of a Certificate of Occupancy on any new Building Permit, the existing septic system shall be decommissioned under direction of the Teton County Sanitarian and a permit shall be obtained from the appropriate authority for connection to the public sanitary sewer.

2. Prior to issuance of a Certificate of Occupancy for any new Building Permit on site, the access drive shall be widened to 20' to the west of the existing access drive to provide emergency vehicle access and shall be paved. The parking lot may remain gravel with curb stops designating parking spaces.
3. Prior to installation of any signage, a Master Signage Plan shall be approved by the Planning Director.
4. Trash and recycling shall be stored inside a structure that is bear resistant and for purposes of shielding view and containing smells.
5. Maximum occupancy on site at any one time is limited to 100 people, including visitors, employees, volunteers, residents and any supplementary staff.

Discussion included changing to 350 people at any one time, make it be seasonal, make 350 inclusive of staff and volunteers, start with baseline of 150 visitors per day with annual review, compatibility with neighborhood and community of Wilson, once changed would it be another public process to make amendment, allowance in peak season for number of days to go over 150 visitors, do not limit accredited educational facilities, and limit assembly visitors (non-credited educational facilities).

Maximum occupancy on site at any one time is limited to 100 people, including visitors, employees, volunteers, residents and any supplementary staff. Cumulative site visitation by the public is limited to 150 individuals per day. Staff, volunteers and visitation related to raptor rehabilitation are not included in this limit. An annual report shall be submitted to the Planning Director by January 31<sup>st</sup>. This report shall at a minimum include the number of events that took place and total number of participants on site at any one time and the total number per the day. The report may also include transportation, parking monitoring, and any additional information as required by the Board. For the first three years, the report shall be reviewed at a public hearing with the Board of County Commissioners, following the mailing of neighbor notice letters to all property owners within 1,300 feet. After the third year, the Board may allow the report to be reviewed administratively by the Planning Director. If new issues of negative impacts to neighbors arise due to unanticipated consequences associated with this use, or if the standards or conditions of the Conditional Use Permit have not been met, the annual review shall be brought before the Board where mitigation measures and/or additional conditions may be required in association with the Conditional Use Permit. The Conditional Use Permit may be subject to revocation proceedings for failure to comply with the conditions of approval.

6. A maximum of twelve employees are allowed on site at any one time and a maximum of four of those employees are permitted to live on-site. Employees are defined as persons employed for wages or salary and excludes volunteers.

Discussion included number of staff and volunteers on site at any one time, paid employees vs. volunteers, and supplemental staff during peak seasons.

7. Use of the pavilion and west yard is limited to educational programmatic use and bird rehabilitation and care. Educational programmatic use of the pavilion and west yard can take place from May June 1st to September 30th annually between 10:00AM and 4:00PM without use of any electronic amplification. Activity necessary for bird rehabilitation or care in the west yard may occur outside these dates and times.

Discussion included May 1<sup>st</sup> vs. June 1<sup>st</sup> and combine conditions 7 and 8.

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8. In addition to condition #7, any outdoor event or outdoor educational programming on site shall occur between 9:00am and 9:00pm.

Discussion included 9:00pm vs. earlier hour of 7:00pm.

In addition to condition #7, any outdoor event or outdoor educational programming on site shall occur between 9:00am and 7:00pm.

9. All public activity on site is limited to between the hours of 9:00am and 10:00pm. All staff operation and activity on site is limited to between the hours of 8:00am and 11:00pm. Residential activity associated with the ARU's may occur outside these hours of operation. Staff activity necessary for bird rehabilitation or care may occur outside these hours, but only in raptor mews, the clinic, flight barn, and storage structures.

Discussion included 10:00pm vs. earlier hour of 7:00pm.

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10. Music is prohibited after 10:00pm.

Discussion included 10:00pm vs. earlier hour of 7:00pm.

Music is prohibited after 7:00pm.

11. Amplified music or sound is prohibited after 5:00pm.

Discussion included amplified music is not allowed unless it is a special event, amplified sound is allowed, to include all ARU units, and indoor vs. outdoor music.

Outdoor amplified music is prohibited, and amplified sound is allowed until 7:00pm.

12. Parking shall only be allowed in designated areas within the parking lot and two bus parking spaces.

Discussion included parking overflow to road, parking outside of designated areas not allowed, and parking restrictions should be enforced by the Teton Raptor Center.

13. All use of the development area designated by the Jackson Hole Land Trust conservation easement property is limited to charitable, educational, administrative and/or community functions consistent with conservation, research, education, and wildlife rehabilitation and the provision of workforce housing. Notwithstanding condition 5, up to 4 events with more than 100 people will be allowed each year under a Special Event Permit. Non-mission events such as weddings, retreats, family reunions, facility rental for private parties, etc. are prohibited.

Discussion included non-admission events, annual report targeting only special events as opposed to daily operations, hours of operations and music for 4 special events, and must apply for a Special Event Permit for up to 4 special events.

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14. Prior to issuance of this Conditional Use Permit, the Board of County Commissioners shall approve a final landscape plan designed to mitigate impacts of use to neighboring properties.
15. The temporary tent erected seasonally between the North Barn and Horse Barn for educational programs is permitted to be moved within the building envelope when construction and staging requires it to be relocated. Prior to issuance of the Certificate of Occupancy on the North Barn or two years after the issuance of this Conditional Use Permit (whichever is sooner), the allowance for a temporary tent on-site for seasonal programmatic use shall expire.
16. Prior to the issuance of a Building Permit that relies upon the reclamation and use of the square footage of the South Barn, on site, the South Barn shall be relocated off site.

Discussion included the South Barn stay intact whether moved off the property or not, preservation of structure on site, rehabilitation of South Barn, recipients use of structure, enforcement of condition hard when it includes a third party not currently involved, intentions should be in writing, and language on the strict end.

13. The north barn shall be restored as the first phase of redevelopment on the site. In addition, there shall be a bond provided to Teton County to ensure the rehabilitation of the north barn takes place.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to continue CUP2017-0007, ZCV2017-0025, VAR2017-0002, and MSC2017-0017 to amend the Teton Raptor Center institutional use to our March 6, 2018 BCC meeting. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried

#### MATTERS FROM COMMISSION

#### ADJOURN

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 3:10pm.

Respectfully submitted,

Shelley Fairbanks  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Mark Newcomb, Chair

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Natalia D Macker, Vice-Chair

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Greg Epstein

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Paul Vogelheim

ATTEST:

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Kathleen "Smokey" Rhea

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Sherry L. Daigle, County Clerk