The Board of County Commissioners, Teton County, WY met in regular session July 1, 2003, at 9:00 am in the Commissioners Chambers, Teton County Administration Building.

Present: Andy Schwartz, Bill Paddleford, Larry Jorgenson, Jim Darwiche and John Carney Commissioners, Jan Friedlund, Administrator, Jim Radda, Civil Attorney, Sherry Daigle, County Clerk, Bill Collins, Planning Director.

The meeting was called to order at 9:00 am by Chairman Paddleford and the Pledge of Allegiance was repeated.

Mr. Carney moved approval of the June 24, 2003 meeting minutes, seconded by Mr. Darwiche. Motion passed unanimously.

The following direct correspondence were viewed by the Commission:

1. WILLIAM P. SCHWARTZ, RANCK & SCHWARTZ – RE: PROPANE FACILITY AT TETON VILLAGE. A copy of this letter will be forwarded to the County Attorney’s office.
2. MARGIE – RE: TOGWOTEE PASS FIELD TRIP.
3. BRENT BLUE – RE: STOP HELI LOGGING.
4. BARBARA ERB – RE: HELICOPTER.
5. GEORGE ERB – RE: HELICOPTER LOGGING.
6. BARBARA V. SIMMS – RE: MOSQUITO CONTROL Mr. Carney wanted to thank Ms. Simms for her letter in support of the mosquito control system.
7. FRED LYONS – RE: HELICOPTER
8. JOHN CARNEY – RE: HELICOPTER
9. GORDON LARCOM – RE: HELICOPTER LOGGING.

Indirect correspondence was also reviewed.

PUBLIC DISCUSSION OF CORRESPONDENCE

MATTERS FROM COMMISSION AND STAFF

1. Award Of Bid for Engineering Contract for HVAC – Rec. Center

Steve Foster, Parks and Recreation Director, addressed the Board, stating the Engineering firm is not prepared and asked for postponement to July 15, 2003. Mr. Carney moved to postpone, seconded by Mr. Schwartz. Motion passed unanimously.

2. Housing Trust Extension for Employee Housing at Granite Ridge

Paula Stevens addressed the Board on behalf of staff, giving a brief overview of the request. Staff is recommending approval of the Jackson Hole community Housing Trust’s request to extend fulfillment of the employee housing requirement for Granite Ridge Lot 49. The extension would be granted to December 31, 2005, and would be the final extension permitted.

Sara Carroll addressed the Board on behalf of the Jackson Hole Community Housing Trust, giving a brief overview and history of the project. The plan on selling the property, with the new owner fulfilling the employee bed requirement.
Mr. Carney asked if the extension were not granted, would it harm the anticipated closing? Ms. Carroll stated it would.

Mr. Paddleford asked if the extension were not granted, would it affect the County’s authority to insure the employee housing is constructed. Mr. Gingery stated he didn’t think so, but expressed some concern with the distancing from the original obligor, Granite Ridge Development.

Mr. Schwartz moved to approve the extension as recommended by Staff, seconded by Mr. Carney. Mr. Schwartz stated he hopes in the future we don’t get into the same situation of not getting the employee housing on the ground in a timely manner. Motion passed unanimously.


Forrest Neurberg addressed the Board, stating the proposals made during a workshop on June 30, 2003, were heard for the first time by all involved. The deadline is July 14, 2003, prior to the next Commissioner’s meeting. He stated there are a number of developers that are interested in the project that have yet to provide a proposal. Mr. Neurberg stated the Housing Authority Board was supportive of both proposals, one being a rental type of proposal and one being a sale type of proposal.

Mr. Carney stated it is the Board’s understanding that no one could answer the question of what role the Housing Authority would play in either proposal. It is the assumption the Town would play an advisory role. If the County has no control over the choice of the proposals, how can we be fiscally responsible? His recommendation is to wait until the Town has made a decision.

Mr. Neuerberg stated it is the request of the Housing Authority to have the Commissioners to sign a resolution allowing the Housing Authority to work with either contractor.

Mr. Carney expressed concern with Housing Authority funding a project without having a final decision being made.

Mr. Jorgenson stated the proposed resolution limits the negotiations to be with two contractors and he doesn’t feel it should “tie the hands” of the Board.

Mr. Carney asked if the Housing Trust had been consulted? Ms. Carroll stated this was the first they had heard of the proposed projects.

Mr. Schwartz recommended there be no action take at this time. Mr. Schwartz then moved to postpone indefinitely, seconded by Mr. Carney. Motion passed unanimously.

4. Resolution for appointment of Special Prosecutor.

Mr. Paddleford presented the following resolution for approval:

IN THE MATTER OF THE APPOINTMENT OF SPECIAL PROSECUTOR

STATE V. GOODY
COUNTY ATTORNEY NO. 03-0639

WHEREAS, Stephen E. Weichman, Teton County & Prosecuting Attorney has advised the Teton County Board of County Commissioners on or about the 27th day of June, 2003 that there is the need for the appointment of a Special Prosecutor in the case of the State of Wyoming vs. Grant Goody, County Attorney No. 03-0639, and
WHEREAS, W.S. 18-3-302 (c) 1977, as amended, enables the County Commissioners of any county to employ one or more attorneys to appear and prosecute and assist the County and Prosecuting Attorney in behalf of the people of such county in any action or proceeding, whether civil or criminal, and

WHEREAS, in such case the nature and necessity of employment shall appear in the records of the County Commissioners according to W.S. 18-3-302 (c) 1977, as amended, and

WHEREAS, it appears to the Board of County Commissioners that a special prosecutor is needed to assist the Teton County & Prosecuting Attorney to carry out his duties due to the County Attorney reporting a conflict of interest and an appearance of impropriety that may result should the Teton County & Prosecuting Attorney’s Office handle the above matter that has been referred to him to consider for possible criminal charges, and

WHEREAS, Deputy Fremont County & Prosecuting Attorney Terrance R. Martin has agreed to assume the responsibilities and duties of Special Prosecutor in the matter, it being noted that while the Special Prosecutor will not charge for his time, that Teton County could be responsible for expenses incurred by the Special Prosecutor in carrying out his duties;

NOW, THEREFORE, BE IT RESOLVED AND ESTABLISHED that Fremont County & Prosecuting Attorney Terrance R. Martin be and he is hereby appointed and employed as Special Prosecutor in the above referenced criminal cause to perform the official duties in the matter that would otherwise be performed by the Teton County Attorney, and for that time and for this matter he shall have the same powers given by law to the Teton County Attorney as is to provided by W.S. 18-3-105, 1977, as amended.

Mr. Schwartz moved approval, seconded by Mr. Carney. Motion passed unanimously.

5. Resolution for Rafter J ISD

Mr. Schwartz moved approval of the following resolution, seconded by Mr. Carney.

THE BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

RESOLUTION GUARANTEEING PAYMENT BY RAFTER J ISD OF OBLIGATION UNDER PROJECT AGREEMENT WITH THE WYOMING WATER DEVELOPMENT COMMISSION

WHEREAS, the Rafter J Improvement and Service District (ISD), as applicant, and Teton County, Wyoming (the County), as co-applicant, applied for a combined grant and loan from the Wyoming Water Development Commission (the Commission) for proposed improvements to the Rafter J Subdivision water system; and

WHEREAS, the Commission recommended to the Wyoming Legislature a combined grand and loan not to exceed $510,000.00, for a project known as the Rafter J Rehabilitation Project (the Project); and

WHEREAS, the Wyoming Legislature approved a combined grant and loan not to exceed $510,000.00, for the Project, to wit, a grant not to exceed $255,000.00 or fifty percent (50%) of the actual development costs of the Project, and a loan not to exceed $255,000.00 or fifty percent (50%) of the actual development costs of the Project; and

WHEREAS, the Commission has prepared a Project Agreement, to be signed by the Commission and the ISD, which memorializes the terms of the aforesaid grant and loan; and
WHEREAS, the Commission requests adequate and sufficient security for the ISD’s repayment of the $255,000.00 loan; and

WHEREAS, the County, pursuant to an Intergovernmental Agreement between the County and the ISD on ___________ agreed to fund certain improvements to the water and sewer systems of the Rafter J Subdivision; and

WHEREAS, the County has already issued bonds to fund said improvements to the water and sewer systems of the Rafter J Subdivision and presently has reserve funds, in excess of the $255,000.00 required to repay the $255,000.00 loan from the Commission;

NOW THEREFORE, BE IT RESOLVED that Teton County guarantees payment of the $255,000.00 loan from the Wyoming Water Development Commission to the Rafter J Improvement and Service District, as referenced in a Project Agreement between the Wyoming Water Development Commission to the Rafter J Improvement and Service District.

Adopted at the regularly scheduled meeting of the Board of County Commissioners of Teton County, held on the __________ day of July, 2003.

THE BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING

____________________________________
Bill Paddleford, Chair
(Seal)
Attest:
____________________________________
County Clerk

LAND USE APPLICATIONS
OLD BUSINESS/NEW BUSINESS

1. Applicant: Pierson Land Surveys PC, agent for Bernhard Rietmann, Trustee
   Permit No.DEV 03-0003; COU 03-0003
   Request: Applicant is requesting Final Development Plan approval, pursuant to Section 51200, Development Plan, of the Teton County Land Development Regulations to subdivide a 6.8-acre parcel, pursuant to Section 7270, Multiple Residential Structures on One Site, of the Land Development Regulations. Approval of this subdivision would create two lots -- one with a single-family residence and one with 16 long-term rental apartments. The rental units would be located within existing structures. Applicant is requesting Change of Use approval, pursuant to Section 7150, Change in Use, of the Teton County Land Development Regulations, to convert the Heidelberg Bed and Breakfast to long-term rental apartments.
   Location: 6721 W. Highway 22, Wilson, Wyoming; generally described as the Heidelberg Bed and Breakfast property, approximately 1 mile west of Wilson (Sec.21, Twp.41N, Rng.117W).

Paula Stevens addressed the Board on behalf of staff, giving a brief overview of the request. Planning Commission and Staff recommend approval of request, with the following conditions (conditions in italics were added by the Planning Commission at their June 16 meeting)

Conditions on COU 03-0003:

1. The non-conforming use status of the Heidelberg Bed and Breakfast shall be extinguished one year from the date of approval by the Teton Board of County Commissioners.
2. All structural modification to the apartments shall occur within the existing building, with the exception of any Americans with Disabilities Act (ADA) requirements.
3. Approval of this Change of Use does not guarantee that proposed building modifications will be approved upon application for a building permit.
4. Number of occupants shall be limited to a reasonable carrying capacity to insure intensity of use remains consistent with the existing non-conforming use. This shall be determined prior to the Board of County Commissioners meeting.

Conditions on DEV 03-0003)

1. Applicant shall coordinate with the Teton County/Jackson Parks and Recreation Department and the Teton County Pathways Coordinator to secure a pathway easement in the southeast corner of the 6.8-acre existing parcel. If Parks and Recreation determines an easement is not necessary or desirable, the applicant will, in the alternative, provide an easement for a school bus stop on the property. The language contained within either easement will be subject to review and approval by the Planning Director and the County Attorney. The agreed upon easement shall be recorded at the time of final plat for subdivision.
2. Prior to issuance of the Final Development Plan permit, the applicant shall provide to the County all necessary review documentation, permits and approvals from the Wyoming Department of Environmental Quality for the proposed water and wastewater treatment systems.
3. The applicant shall provide a one-bedroom affordable unit within the apartment building. This unit shall be deed restricted in a manner that complies with all Teton County Housing Authority guidelines. The Housing Authority shall have the right to verify the habitable square footage of the unit and its compliance with all applicable standards and regulations.
4. Prior to issuance of the Final Development Plan permit, the applicant shall install a minimum of four (4) “one-way” signs, which comply with the Land Development Regulations, along the length of the circulation driveway that serves the cabin cluster.
5. As long as the 10 units in the 5 cabins exist on the 3.55-acre parcel as a nonconforming use, they are to be maintained as voluntary affordable housing. If any or all of the 10 units are replaced with new or different units, the replacement units shall be affordable housing that complies with the Land Development Regulations. This condition does not prevent the landowner from removing some or all of the 10 units in the 5 cabins, thereby reducing the total amount of development on the parcel. Removal of units without replacing them does not trigger an affordable housing requirement for the removed units.
6. Agreements shall be proposed to ensure the property remains in a clean appearance. Limits on pets shall be proposed and parking shall be designated prior to the BCC meeting.
7. Prior to issuance of the Final Development Plan permit, the applicant shall meet with Teton County Weed and Pest Control (WPC) to obtain a copy of and review pertinent state regulations. The applicant shall obtain a letter from WPC that documents the findings of an on-site inspection and preparation of a control plan for the proposed subdivided parcels. This control plan shall be in place prior to issuance of the Final Development Plan permit.

Staff recommends an additional condition of approval that would: (1) relieve Mr. Barney of the need to monitor compliance; (2) remove the illegally constructed pond; and (3) eliminate a stagnant water body, which is a mosquito attractant and health hazard. The condition, as proposed by Staff, is as follows:
8. Prior to issuance of the Final Development Plan permit, the applicant shall fill the pond located to the north of the existing bed and breakfast, as well as all associated water diversion channels. At the discretion of Don Barney, Teton County Road and Levee Superintendent, the applicant may also be required to remove or permanently disable the water diversion gate.

Steve Foster, Parks and Recreation Director reviewed the pathway.

Scott Pierson addressed the Board on behalf of the applicant. He stated they have no issue with most of the conditions, however, with condition #1 on the Development Permit, they do not want to grant a permit to the School district for ever, because forever is a long time. They also do not feel there is a legal basis for the requirement. With regard to the pond, he would recommend a 1-year timeframe to comply with filling the pond, or acquiring the appropriate permits to allow the pond.

Dave Larson addressed the Board on behalf of the applicant. He concurred with the comments made by Mr. Pierson.

Mr. Schwartz moved to approve COU 03-0003 and DEV 03-0003, with the 4 conditions on the COU, amending condition #4 to delete “Board of County Commissioners meeting” adding the words “issuance of the final development permit, with the approval of the planning director”, and including the 7 conditions recommended by Staff, with the addition of condition #8 as presented in a memorandum dated June 30, 2003, seconded by Mr. Carney.

Mr. Jorgenson stated he has represented Mr. Reitmann in other non-related issues. He then stated he does not feel there is a legal requirement to ask for condition #1 on the Development permit. This was affirmed by Mr. Gingery. Mr. Jorgenson then stated he feels this condition should be removed. He then asked about the proposed condition #8 and does the Commission have jurisdiction on water rights or is it the State Engineer’s office? He does not feel condition #8 should be included.

Mr. Jorgenson would like to make a friendly amendment to delete condition #1 and #8 in the recommendations. This was considered friendly by Mr. Schwartz and Mr. Carney. Motion passed unanimously.

Recess at 10:10 am

Reconvene at 10:10:25 am

2. Applicant: West Street Holdings, LLC
   Permit No.VAR 03-0010
   Request: Applicant is proposing a variance, pursuant to Section 5160, Variances, of the Teton County Land Development Regulations, to vary Table 2400, Schedule of Dimensional Limitations, to exceed the allowable Floor Area Ratio of .25 in the Auto Urban Commercial (AC) District to permit a 400 square foot second story addition to the Wilson Hardware store.
   Location: Lot 22 & 23, Block 1, Lundy Addition, 1275 N. West Street in Wilson, Wyoming. (Sec 22, Twp.41N; Rng.117W).

Randy Bosch addressed the Board on behalf of staff, giving a brief overview of the request. Staff recommend approval with the following condition:

1. In order to ensure adequate parking for uses created by the proposed addition, the applicant shall require all Wilson Hardware employees to park off-site at the Stagecoach Bar. The Stagecoach is adjacent to the Wilson Hardware store site and is owned by the applicant. Since the Stagecoach Bar typically uses its parking in the evening, and the
hardware store uses its parking in the day, no conflicts in use should occur. The applicant shall submit a Designated Parking Plan showing the proposed employee parking location, and shall Record an Affidavit or Deed Restriction formally establishing the shared parking arrangement in a form acceptable to the County, prior to issuance of a Building Permit.

Bill Field addressed the Board as one of the applicants, stating the partners in both projects are currently working on a cross parking agreement, per condition #1.

Mr. Carney moved approval of VAR 03-0010 as presented by staff with the 1 condition, being able to make the findings, seconded by Mr. Schwartz.

Mr. Schwartz stated when previous applications have been made by the Wilson Hardware people, he voted against it because the regulations do not address the issues in Wilson. He feels this is a great concern that needs to be addressed.

Mr. Carney agrees. He asked if the design charrette deal with issues such as this. Mr. Collins stated not directly. He than asked, since the owners are the same, have boundary adjustments been considered to make these properties conform? Mr. Collins stated it may compromise future options for the properties.

Peter Cook addressed the Board as one of the applicants, asking if it could be a reciprocal parking agreement. He asked if this would head in the direction of the downtown master plan in Wilson.

Mr. Darwiche feels the increase in square footage is very justified.

Motion passed 4-1, Mr. Schwartz against.

3. Applicant: Sagebrush Development
   Permit No.DBA 03-0002; SKC 03-0001; VAR 03-0002
   Request: The applicant is requesting an Amendment to the Official Zoning Map, pursuant to Section 5150, Amendments to the Text of these Land Development Regulations or the Official Zoning District Map, of the Teton County Land Development Regulations (LDRs), to rezone 3-acres of land zoned Neighborhood Conservation-Single-Family to Planned Unit Development District for Affordable Housing. Applicant is also requesting a Sketch Plan pursuant to Section 51200, Development Plan, and Section 2170, Planned Unit Development (PUD) District for Affordable Housing, of the LDRs to develop 24 market and affordable units. A Variance, pursuant to Section 5160, Variances, of the LDRs to allow development of slopes greater than 30% is also requested.

   Location: 4197 Melody Ranch Drive; generally described as east of Melody Ranch, approximately 1/4 mile north of the South Park Loop Road; also know as the Paul Lawrence Homestead. (Sec.20, Twp.40N, Rng.116W)

Randy Bosch addressed the Board on behalf of staff, giving a brief overview of the request. Staff recommends that the Board of County Commissioners take the following four actions with a separate motion for each:

A. Approve DBA 03-0002 to adopt the Sagebrush Development, Planned Unit Development Affordable Housing (PUD-AH) zoning designation for the subject property, finding that the application complies with the standards for Amendments to the Official Zoning District Map and for adoption of an Affordable Housing Planned Unit Development of the Teton County Land Development Regulations as iterated in the Planning Commission Staff Report, June 3, 2002.

B. Approve reducing the percentage of affordable and attainable housing required for the project to 50%, finding that the reduction factors set forth in Section 2170.D.1.b.(3) More expensive location, (4) Expensive site work or provision of services, and (5) Small lot or parcel size, are present. In no event can this requirement be reduced to lower than 50%,
and Approve adjustment to the even distribution of affordable and attainable housing among each category as justified by the applicant subject to the agreement of the Teton County Housing Authority pursuant to Section 170.D1.c. Additionally, should the applicant desire to add a bedroom(s) to market unit for marketing purposes, the applicant shall be required to provide an equal number of bedroom(s) in the affordable/attainable housing categories, subject to approval by the TCHA. The TCHA may also accept an affordable housing fee in lieu for additional market bedrooms per the TCHA Guidelines in effect at that time.

C. Approve Sagebrush Development’s application SKC 03-0001, finding that the application meets all the applicable standards for approval of Development Plans set forth in the Teton County Land Development Regulations as iterated in the Planning Commission Staff Report, June 3, 2002, subject to fulfillment of the following Conditions:

1. The applicant shall provide affordable and attainable housing as required by Section 2170.D.1. in the Land Development Regulations, subject to any reduction in percentage approved by the Board of County Commissioners in accordance with Section 2170.D.1.b. In no event can this requirement be reduced to lower than 50%.

2. The applicant shall provide a draft agreement with Melody Ranch regarding the adoption and extent of compliance with the Melody Ranch CC&R’s and Design Guidelines prior to Sketch Plan approval by the Board of County Commissioners. A final version of the agreement shall be provided for submission of Final Development Plan. Depending on the details of this agreement, the agreement may be sufficient as a substitute for the required Rule and Regulations document. Without an approved Rules and Regulations, or approved substitution, the applicant cannot act on the rezone to PUD-AH.

3. The applicant shall preserve or replant all viable existing mature cottonwood trees and spruce on the property that do not interfere with meeting the proposed development standards, and shall provide a landscape plan illustrating locations and proposed relocation sites with the Final Development Plan application for approval.

4. The applicant shall provide final agreements for water and sewer service prior to issuance of Final Development Permit. This includes necessary easements from Melody Ranch and approval from the Town of Jackson to hook into the Town sewage treatment plant.

5. The applicant shall provide a more equitable mix of affordable and attainable housing as recommended by the TCHA in their 5/20/03 letter to Mr. Bergmeyer, unless a different distribution is justified by the applicant and approve by the Board of County Commissioners pursuant to Section 2170.D1.c.

6. The applicant shall follow the recommendations in the submitted geotechnical report regarding construction of safe and functional building foundations.

7. Based on comments from the County Engineer, and due to concerns by Planning Department, the alignment of some driveways may be modified at Final Development Plan to ensure safe and functional circulation within the subdivision.

8. The applicant shall provide access easements to ensure legal use of all proposed shared driveways that require encroaching onto adjacent owners lot prior to Final Development Plan approval.

9. The applicant must provide, to the satisfaction of the Fire Marshal, a fire hydrant and turn around per the Fire Marshal’s 5/19 letter prior to Final Development Plan approval. In addition, the fire turn around for the northern end of the site may need to
be modified at Final Development Plan to ensure clear fire truck access acceptable to the Fire Marshal and the Planning Department.

10. The applicant shall provide a road access easement through Melody Ranch prior to Final Development Plan approval.

11. The applicant shall provide a border fence at the west property line prior to start of construction to minimize the impact of construction related activities on adjacent properties, design to be approved with the Final Development Plan submittal.

12. The applicant shall modify the site plan and PUD standards for the Final Development Plan to provide a 15’ minimum setback from the west property line to any buildings in the project. Additional landscaping shall also be provided for the two proposed units on the far southern and northern ends of the site that are closest to the neighbors, to the satisfaction of the Planning Director as part of the Final Development Plan submittal.

13. The applicant shall provide a preliminary design satisfactory to the County Engineer for the site storm water management and retention system as part of the Final Development Plan submittal.

14. The applicant shall identify any needed erosion control to the existing slope and repairs to the existing irrigation ditch traversing the property from north to south identifying the legal entity responsible for maintenance and repair, and provide that entity’s written Maintenance and Operation Plan including their stipulation to perform, as part of the Final Development Plan submittal.

15. The market units and the affordable/attainable units shall be marketed concurrently after Final Plat approval. However, this condition does not require that the final sale and occupancy of the market and affordable/attainable happen at equal rates, as actual sales rates may vary for different units types.

16. Should the applicant desire to add a bedroom(s) to a market unit for marketing purposes, the applicant shall be required to provide an equal number of bedroom(s) in the affordable/attainable housing categories, subject to approval by the TCHA. The TCHA may also accept an affordable housing fee in lieu for additional market bedrooms per the TCHA guidelines in effect at that time.

17. Applicant shall reduce the number of dwelling units by two to a total of 22, including 11 market, 4 affordable and 7 attainable units, with the intent to move the units out of the 30% slope, reduce proximity to adjacent backyards and to increase open space in the project.

18. All measures necessary to control noxious weeds as identified by Teton County Weed & Pest shall be implemented by the applicant during the development of this project.

D. Postpone consideration of VAR 03-0002, noting that the applicant’s response to SKC condition #17 in its Final Development submittal may affect the requirement for or extend of proposed VAR 03-0002. Staff recommends that if VAR 03-002 is to be considered for adoption, the application meets all the standards for approval of a Variance as iterated in the Staff Report, subject of fulfillment of the following conditions:

1. The applicant shall provide a revised site design minimizing development on any slope great than 30% as part of Final Development Plan submittal.

2. VAR 03-002 is directly related to the development proposal depicted in SKC 03-0001 and shall be null and void if SKC 02-0001 or a subsequent Final Development Plan application based upon SKC 02-0001 is not approved.

Mori Bergmeyer addressed the Board as the applicant. He gave an overview of the project with regard to the slope issues. They have no issues with the proposed
conditions. They have worked with the neighbors, including Melody Ranch with regard to any issues and have tried to address them. He handed out an analysis of the Lawrence Subdivision Economics.

Shawn O’Malley, Rendezvous Engineering, addressed the Board on behalf of the applicant with regard to engineering issues. He stated there have been comments made that the cost to tie into the Melody Ranch infrastructure is too high. As a comparison, the Hillside project average cost per unit for 50 units was 18,800. Millward to tie into water and sewer was around 20,000 per unit to the Aspens. It is not quite as bad of a deal as been painted. It will increase traffic.

Mr. Carney asked who was doing the soil and structural tests. Womack is the soil and Chavez is the structural.

Mr. Schwartz stated he was glad for the breakdown of the infrastructure tie in costs. Mr. Collins stated Melody Ranch was not present to comment.

Mr. Collins stated the property the Learning Center has acquired is due to an illegal subdivision and is on the enforcement list.

Ann Hayden addressed the Board on behalf of the Affordable Housing Trust. They agree with staff that a reduction in affordable/attainable housing to 50%. They urge the Board to consider the mix very carefully.

Mr. Carney asked if the County Engineer had reviewed the application. Mr. Jackson stated he has reviewed the project. They have some small issues, but nothing to hinder this process today. The ditch is a tricky concern.

Mr. Schwartz moved approval of DBA 03-0002 as presented, seconded by Mr. Carney. Mr. Carney stated since this is a key motion and the first PUD as such, he is convinced that the numbers are tight and he wonders about the viability. Certainly, the viability is lowered with the higher ratio, which will be considered in the next motion. Mr. Carney has great concern with the financial viability of the project. Doing some quick numbers, it will cost approximately $68,000 per unit for infrastructure. Is this a precedent to be set?

Mr. Schwartz asked for clarification regarding the passage of this DBA and could it be reversed if the project does not become viable? Mr. Gingery stated it is a rezoning. Mr. Collins stated if the project does not become viable, then the process would have to begin to reverse the zoning.

Mr. Jorgenson has concern with how viability becomes so close that it jeopardizes the goal of affordable housing. He appreciates developers wanting to address the issue. Because of this, he will support the concept.

Mr. Darwiche stated this is not an easy project for various reasons: water, soil, neighbors, costs, etc. On one hand, it isn’t worth it, on the other hand, we need the housing. He hopes it makes a profit.

Mr. Paddleford thanked Mr. Bergmeyer, stating he has been waiting for this type of project for six years.

Motion on DBA 03-0002 passed unanimously.

Mr. Schwartz moved to approve the reduction of affordable/attainable from 66% to 50% and the approval of the adjustment of the distribution per staff’s recommendation, seconded by Mr. Carney.

Mr. Carney then asked how the numbers are reached? Is attainable completely voluntary. Mr. Collins stated it is completely within the authority of the Board. It is across all 6 categories.
Mr. Schwartz and Mr. Carney clarified the motion to read as follows:

Approve reducing the percentage of affordable and attainable housing required for the project to 50%, finding that the reduction factors set forth in Section 2170.D.1.b.(3) More expensive location, (4) Expensive site work or provision of services, and (5) Small lot or parcel size, are present. In no event can this requirement be reduced to lower than 50%, and Approve adjustment to the even distribution of affordable and attainable housing among each category as justified by the applicant subject to the agreement of the Teton County Housing Authority pursuant to Section 2170.D.1.c. Additionally, should the applicant desire to add a bedroom(s) to a market unit for marketing purposes, the applicant shall be required to provide an equal number of bedroom(s) in the affordable/attainable housing categories, subject to approval by the TCHA. The TCHA may also accept an affordable housing fee in lieu for additional market bedrooms per the TCHA Guidelines in effect at that time.

Motion passed unanimously.

Mr. Schwartz moved to approve SKC 03-0001, having been able to meet the standards as recommended by staff, with the 18 conditions as presented, seconded by Mr. Darwiche. Mr. Carney proposed a friendly amendment to remove condition #17 from the motion. Mr. Schwartz agreed, along with Mr. Darwiche.

Mr. Schwartz asked about condition #12. Mr. Bosch stated it only related to the Melody Ranch neighboring units.

Mr. Bosch stated condition #16 is included to memorialize the previous motion. He stated with the removal of #17, it allows for flexibility in the ratio.

The amended motion passed unanimously.

Mr. Schwartz moved to postpone VAR 03-0002 indefinitely, seconded by Mr. Carney. Motion passed unanimously.

Mr. Schwartz moved waiver of 50% of the development and review fee associated with this application, seconded by Mr. Carney. Motion passed unanimously.

Mr. Carney moved for adjournment, seconded by Mr. Darwiche. Motion passed unanimously.

Adjournment at 11:57am

The following SALARIES and EXPENSES were approved by the board:

SALARIES: the gross salaries for Teton County employees for the month of June were:

787,551.89

EXPENSES: attached.

TETON COUNTY BOARD OF COMMISSIONERS

Bill Paddleford, Chair

Andrew Schwartz, Vice-Chair

Larry Jorgenson, Commissioner