

1. Agenda

Documents:

[TOWN COUNCIL SPECIAL MEETING AGENDA.PDF](#)

2. Discussion / Action Items

Documents:

[MORATORIUM ON APPLICATIONS SUBJECT TO CURRENT AND OR PROPOSED HOUSING STANDARDS OR REQUIREMENTS.PDF](#)

3. Ordinances

Documents:

[EMERGENCY ORDINANCE.PDF](#)

SPECIAL TOWN COUNCIL MEETING

Wednesday, March 21, 2018

1:00 PM

Town Council Chambers

Chair: Pete Muldoon

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

I. ROLL CALL

II. DISCUSSION / ACTION ITEMS

- A. Moratorium on Applications Subject to Current and/or Proposed Housing Standards or Requirements

III. ORDINANCES

- A. EMERGENCY ORDINANCE PLACING A 180 DAY TEMPORARY MORATORIUM ON APPLICATIONS UNDER THE LAND DEVELOPMENT REGULATIONS TO WHICH THE CURRENT AFFORDABLE HOUSING STANDARDS OR CURRENT EMPLOYEE HOUSING REQUIREMENTS APPLY, OR TO WHICH THE PROPOSED AFFORDABLE WORKFORCE HOUSING STANDARDS WOULD APPLY; DECLARING AN EMERGENCY, PROVIDING FOR AN EFFECTIVE DATE AND A TIME FOR TERMINATION (to be designated Ordinance 1189)

IV. ADJOURN

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: March 21, 2018
MEETING DATE: March 21, 2018

SUBMITTING DEPARTMENT: Planning
DEPARTMENT DIRECTOR: Tyler Sinclair
PRESENTER: Tyler Sinclair

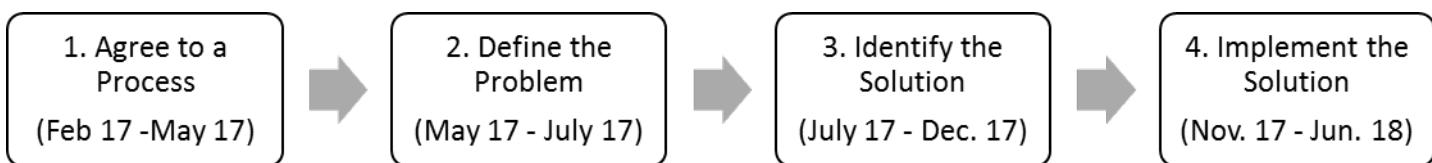
SUBJECT: Moratorium on Applications Subject to Current and/or Proposed Housing Standards or Requirements.

STATEMENT/PURPOSE

The purpose of this item is to consider the adoption of a 180 day, temporary moratorium on large applications to allow Council time to consider and adopt updated housing mitigation requirements.

BACKGROUND

The update to the housing mitigation requirements LDRs is in the final phase of a 4-phase process, branded as Engage 2017: Housing, Parking, and Natural Resources.



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 - March 19: Presentation of public review draft by staff
 - April 12: Public open house/workshop to review draft (evening timing and location TBD)
 - April 24: Council, Board, joint Planning Commission brainstorming workshop to identify potential modifications to the draft (5:30pm, Town Hall)
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 - June 6: Joint Council/Board 1st reading/hearing on draft (6:00pm, Town Hall), continue to 9:00am, June 7, Town Hall if needed
 - June 20: Release of adoption version of housing mitigation requirements LDRs
 - June 25: Joint Council/Board 2nd reading/hearing on adoption version (3:00pm, Town Hall)
 - July 2: Joint Council/Board 3rd reading/adoption (Regular JIM, 2:00pm, County Chambers)

ALTERNATIVES

The implications of the draft updated housing mitigation requirements LDRs are that the cost of multi-unit residential development will go down, single-family residential development will no longer be exempt, and the cost of nonresidential development will go up.

Section 1.8.1 of the LDRs states:

An application shall be processed in good faith under the standards and procedures of the LDRs in place at the time the application is determined sufficient. An application that is substantially changed following being determined sufficient, or an application that fails to comply with the required time frames or any terms or conditions of its approval, shall expire and future applications shall be subject to the current LDRs.

The potential implications of the updated housing mitigation requirements, coupled with the language of Section 1.8.1 create the prospect that large projects, which will not actually be built for years, will be subject to the current, instead of updated, housing mitigation requirements. To avoid this prospect, give Council time to consider the updated housing mitigation requirements, and to give staff time to support Council's consideration, Council may consider adoption of a temporary moratorium. A draft emergency ordinance to adopt a temporary moratorium is attached.

As Council considers the updated housing mitigation requirements LDRs, the attached 180 day moratorium (expires September 17, or upon adoption of the updated housing requirements) would prohibit submission, acceptance, or consideration of any project that:

- Is not exempt from the current Divisions 6.3 and 7.4; and
- Is not exempt from the proposed Division 6.3 dated March 16, 2018; and
- Is subject to review and approval by Town Council; and
- Has not been submitted prior to March 21, 2018.

Projects that would be prohibited by the moratorium include, but are not limited to:

- Construction of 19,500 square feet or more in the DC zone; and
- Construction of 9,750 square feet or more in the CR-1 zone; and
- Construction of 6,900 square feet or more in the CR-2 or OR zones; and
- Construction of 3,450 square feet or more in any other nonresidential zone
- Any residential subdivision; and
- Any new Conditional Use Permit (CUP).

Projects not prohibited by the moratorium include, but are not limited to:

- Construction of less than 19,500 square feet in the DC zone; and
- Construction of a single-family dwelling or ARU in a residential zone; and
- An application to execute an approved Sketch Plan or Development Plan; and
- Any Basic Use Permit for a new use or change of use.

As an alternative, the moratorium could be adopted to apply to all projects not exempt from the proposed housing mitigation requirements, which have not been submitted. Staff will also be prepared to talk about other alternatives at the meeting should Council desire.

STAKEHOLDER ANALYSIS

The moratorium directly effects owners of multiple commercial lots and residential land that can be subdivided.

ATTACHMENTS

Ordinance D: An Ordinance Placing a 180 Day Temporary Moratorium on Applications Under the Town of Jackson Land Development Regulations To Which the Current Affordable Housing Standards or Current Employee Housing Requirements Apply, or to Which the Proposed Affordable Workforce Housing Standards Would Apply; Declaring an Emergency, Providing for an Effective Date and a Time for Termination.

FISCAL IMPACT

The fiscal impact of passage of this ordinance varies between \$250 and \$700 depending on the length of the ordinance. (Shorter ordinances average around \$350 and short franchise ordinances can reach \$700.)

STAFF IMPACT

The staff impact has been on the legal and planning departments for the preparation of the draft Ordinance and staff report.

The staff impact of passage of this ordinance is minimal in the Town Clerk's office and involves preparing a brief public notice of the ordinance informing the public of the ordinance. The ordinance is also processed for permanent record storage book, electronic database, and posted on the Town's website.

LEGAL REVIEW

The Town has the power to promulgate emergency ordinances as set forth in W.S. § 15-1-115. An emergency ordinance is defined under Wyoming Statute 15-1-101(a)(iii) as an "ordinance operating for the immediate preservation of the public peace, health, safety or welfare, in which the emergency is defined."

With an emergency ordinance, the requirements or public reading may be suspended by the affirmative vote of three-fourths (3/4) of the qualified members of the governing body. W.S. § 15-1-115(c). Passage of an emergency ordinance also requires the affirmative vote of three-fourths (3/4) of the qualified members of the governing body. W.S. § 15-1-115(d). Emergency ordinances are effective upon proclamation of the mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances. W.S. § 15-1-116(a).

RECOMMENDATION

Staff makes no recommendation.

SUGGESTED MOTIONS

1) I move to suspend the requirements for three (3) public reading of ordinances under W.S. § 15-1-115(c).

(W.S. § 15-1-115(c) requires a vote of ¾ of the Town Council as a whole, or 4 votes)

2) I move to approve Ordinance D attached hereto placing a 180 day temporary moratorium on applications under the Town Land Development Regulations to which the current affordable housing standards or current employee housing requirements apply, or to which the proposed affordable workforce housing standards would apply for the immediate preservation of the public peace, health, safety or welfare: : 1) allow the Town Council time to consider the proposed Division 6.3 standards as they relate to affordable workforce housing; 2) allow Town Council and Town staff time to present options and discuss legislative intent of the proposed Division 6.3; 3) allow time to present and discuss the impacts to the Town of Jackson and its citizens, and allow staff time to provide explanations or clarifications to the Town Council and citizens regarding the proposed standards; and 4) to assist the Town Council in its consideration of the proposed standards as applicable to new physical development, use, development options, and subdivision; declaring an emergency, providing for an effective date and a time for termination,, to be designated as Ordinance 1189.

(W.S. § 15-1-115(c) requires a vote of ¾ of the Town Council as a whole, or 4 votes)

Synopsis for PowerPoint (120 words max):

Purpose:

Consider adoption of an emergency ordinance placing a 180 day temporary moratorium on applications under the Town Land Development Regulations to which the current affordable housing standards or current employee housing requirements apply, or to which the proposed affordable workforce housing standards would apply.

Background:

Proposed updated housing mitigation requirements were released March 16.

Fiscal Impact:

The fiscal impact of passage of this ordinance varies between \$250 and \$700 depending on the length of the ordinance. (Shorter ordinances average around \$350 and short franchise ordinances can reach \$700.)

ORDINANCE D

AN ORDINANCE PLACING A 180 DAY TEMPORARY MORATORIUM ON APPLICATIONS UNDER THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO WHICH THE CURRENT AFFORDABLE HOUSING STANDARDS OR CURRENT EMPLOYEE HOUSING REQUIREMENTS APPLY, OR TO WHICH THE PROPOSED AFFORDABLE WORKFORCE HOUSING STANDARDS WOULD APPLY; DECLARING AN EMERGENCY, PROVIDING FOR AN EFFECTIVE DATE AND A TIME FOR TERMINATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED, THAT:

SECTION I.

The Town of Jackson does hereby impose a one-hundred eighty (180) day temporary moratorium on the submission, acceptance, or consideration of any applications under the Town of Jackson Land Development Regulations not exempt from Division 6.3 and Division 7.4 as they are currently in effect and not exempt from Division 6.3 as proposed on March 16, 2018. The purpose of this ordinance is for the immediate preservation of the public peace, health, safety or welfare in connection with current affordable housing standards or current employee housing requirements as compared to the proposed affordable workforce housing standards to: 1) allow the Town Council time to consider the proposed Division 6.3 standards as they relate to affordable workforce housing; 2) allow Town Council and Town staff time to present options and discuss legislative intent of the proposed Division 6.3; 3) allow time to present and discuss the impacts to the Town of Jackson and its citizens, and allow staff time to provide explanations or clarifications to the Town Council and citizens regarding the proposed standards; and 4) to assist the Town Council in its consideration of the proposed standards as applicable to new physical development, use, development options, and subdivision.

SECTION II.

The provisions of this ordinance are effective through September 17, 2018 or adoption of an amended Division 6.3, whichever occurs first, unless sooner repealed, after which time they shall become null and void.

SECTION III.

This ordinance shall apply to any application for approval under the Town of Jackson Land Development Regulations for which the Town Council is the decision maker, which has not been submitted prior to the effective day of this Ordinance.

SECTION IV.

If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION V.

Adoption of this ordinance shall be by emergency ordinance provisions under suspension of rules and approved by not less than three quarters (3/4) of the qualified members of the governing body as required and set forth in Section § 15-1-115 of the Wyoming Statutes. This ordinance shall take effect immediately upon proclamation by the Mayor.

PASSED the _____ day of March, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

Sandy Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the _____ day of _____, 2018.

I further certify that the foregoing ordinance was duly recorded on Page _____ of Book _____ of the Ordinances of the Town of Jackson, Wyoming.

Sandy Birdyshaw, Town Clerk



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

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MEETING DATE: March 21, 2018

SUBMITTING DEPARTMENT: Planning
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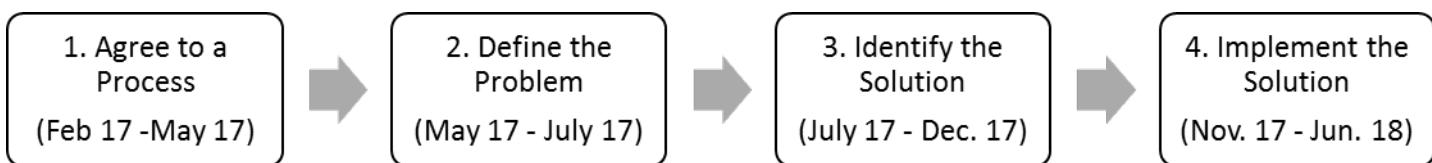
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PASSED the _____ day of March, 2018.

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

Sandy Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming on the _____ day of _____, 2018.

I further certify that the foregoing ordinance was duly recorded on Page _____ of Book _____ of the Ordinances of the Town of Jackson, Wyoming.

Sandy Birdyshaw, Town Clerk