

Special Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER & TOWN & COUNTY PLANNING COMMISSIONS

Tuesday, April 24, 2018

5:30 PM

Teton County Chambers

Chair: Mark Newcomb

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. Housing Requirements – Land Development Regulations

III. UPCOMING SPECIAL JOINT MEETINGS

- | | | |
|------------|-----------------|--|
| A. June 6 | 6:00 – 9:00 PM | Housing Requirements LDRs (1 st reading) |
| B. June 7 | 9:00 – 12:00 PM | Housing Requirements LDRs (1 st reading) <i>if needed</i> |
| C. June 25 | 3:00 – 5:00 PM | Housing Requirements LDRs (2 nd reading) |

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.

Reunión Especial de Información
CONCILIO DEL PUEBLO Y DEL COMISARIO DEL CONDADO
&
COMISIONES DE PLANIFICACION DEL PUEBLO Y CONDADO

Martes, 24 de abril del 2018
5:30 PM
Cámaras del Condado de Teton
Presidente: Mark Newcomb

AVISO: EL VIDEO Y AUDIO DE ESTA REUNIÓN SE TRANSMITEN AL PÚBLICO A TRAVÉS DE DISPOSITIVOS DE INTERNET Y MÓVILES CON OPINIONES QUE COMPRENDEN TODAS LAS ÁREAS, PARTICIPANTES Y MIEMBROS DE LA AUDIENCIA

POR FAVOR, SILENZAR TODOS LOS DISPOSITIVOS ELECTRÓNICOS DURANTE LA REUNIÓN

I. LLAMADA DE ROLL Y ANUNCIOS

II. ARTÍCULOS DE DISCUSIÓN / ACCIÓN

- A. Requisitos de vivienda - Regulaciones de desarrollo de tierras

III. PROXIMA REUNIONES DE INFORMACION CONJUNTA

- A. 6 de junio 6:00 – 9:00 PM Requisitos de vivienda (1ª lectura)
- B. 7 de junio 9:00 – 12:00 PM Requisitos de vivienda (1ª lectura) si es necesario
- C. 25 de junio 3:00 – 5:00 PM Requisitos de vivienda (2ª lectura)

IV. APLAZAR

Please note that at any point during the meeting, the Mayor and Chairman 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.



BOARD OF COUNTY COMMISSIONERS



TOWN COUNCIL

JOINT INFORMATION MEETING AGENDA DOCUMENTATION

PREPARATION DATE: April 19, 2018
MEETING DATE: April 24, 2018

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

SUBJECT: Modifications Brainstorm Workshop on Draft Housing Mitigation Requirements LDRs

STATEMENT/PURPOSE

The purpose of this meeting is to develop a list of proposed modifications to the draft Housing Mitigation Requirements LDRs. The list of proposed modifications will be considered by staff, then the joint Planning Commissions, and then the joint Council and Board.

BACKGROUND/ALTERNATIVES

The creation of a list of proposed modifications is the first step in the adoption process. This step is occurring jointly among Town and County elected officials and Planning Commissions to ensure the elected officials have the benefit of the Planning Commissions' recommendations on any modifications considered. Once the list of potential modifications is created, staff will make a recommendation on each proposed modification. The joint Planning Commissions will consider the modifications and staff's recommendations before making a recommendation on each proposed modification. Finally, Council and the Board will consider each of the modifications along with staff and the Planning Commissions' recommendations to determine which modifications will be included in the final draft considered for adoption. Ultimately, the motion to approve the updated housing mitigation requirements on first reading will be subject to those modifications from the list that are supported by Council and the Board.

An example of the table that will be presented to the Planning Commissions and elected officials is below.

Modification			Staff Recommendation		PC Recommendation		JIM Direction	
#	Sec.	Modification	Rec.	Discussion	Rec.	Discussion	Dir.	Discussion
1	6.3.3	Example modification	A	Rationale for recommendation				

Additional modifications can be introduced to the list at the Planning Commissions' hearing or the JIM hearing, but the hope is that as many of the potential modifications as possible can be identified prior to the Planning Commissions' hearing to allow for staff and Planning Commission recommendation.

Proposed Meeting Format

The Planning Director proposes the following meeting format for the modifications brainstorm. The purpose of the proposed format is to allow the Mayor and Chair to participate and to maximize everyone's time by establishing a list of proposed changes to the draft prior to taking public comment, so that the public knows what modifications are already on the list for consideration before providing comment. The purpose of the meeting is not to consider or vote on any of the proposed modifications – that will occur at the Planning Commission and JIM hearings. The purpose of this meeting is purely to identify modifications for future discussion at the noticed hearings.

In preparation planning commissioners and elected officials should identify modifications they would like to see made to the draft prior to adoption. An initial list of proposed modifications is attached and will be posted at the meeting to "prime the pump". If a desired modification is already on the initial list, it does not need to be added again at the workshop, it will be considered at the upcoming hearings. The initial list of proposed modifications are provided as a template and are also modifications staff believes should be considered. The initial list of proposed modifications are from public comment, elected officials and planning commissioners who cannot attend the meeting, and staff's further review of the draft, which includes initial legal review.

Staff will not necessarily support each of the modifications proposed on the initial list, but has heard these modifications proposed and has prepopulated them on the list to expedite the meeting. The purpose of the meeting is not to discuss the modifications on initial list – the purpose of the meeting is to add any additional modifications for consideration to the list.

Roles

- Facilitator: Tyler Sinclair, Planning Director
- Content Expert: Alex Norton, Long-Range Planner
- Participants: Council, Board, Planning Commissions

Agenda

1. Staff presentation/questions (5:30-6:30)
 - Staff will present the draft and the meeting agenda.
 - Staff will answer any questions the elected officials or planning commissioners have about the draft or agenda
2. Council/BCC/PC initial modifications exercise (6:30-6:50)
 - Elected officials and planning commissioners will be asked to write proposed modifications to the draft and post them on boards organized by topic.
 - Staff will assist in the organization of the proposed modifications.
 - Proposed modifications can be preprinted if provided to staff by 8:00am the day of the meeting
 - Proposed modification should also include a brief rationale.
3. Presentation of exercise (6:50-7:00)
 - Once all of the proposed modifications are posted, staff will read each of the proposed modifications so that everyone in attendance is aware of the modifications that have been proposed

4. Public comment (7:00-8:00)

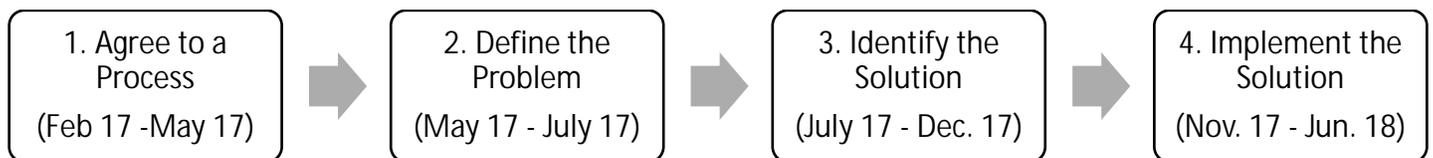
- The Chair will open the floor to public comment, asking that comments be limited to proposal of modifications to the draft that have not yet been proposed. (The time for support or opposition to proposed modifications will be the Planning Commission and JIM hearings.)

5. Council/BCC/PC additional modifications exercise (8:00-8:30)

- Following public comment, the elected officials and planning commissioners will have the opportunity to ask any additional questions of staff.
- The elected officials and planning commissioners will then have the opportunity to add any additional modifications to the list in the same format as before.
- The meeting will conclude with staff reading each of the additional modifications proposed.
- Additional modifications may be proposed by planning commissioners and elected officials following the meeting. Please provide any additional modifications to staff by Monday, April 30.

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. The original goal of the 4-phase process was to define the problem and identify the solution prior to considering adoption of regulations so that the review of the draft LDRs would be the culmination, rather than the initiation, of months of public dialogue. The draft housing mitigation requirements LDRs released March 16 implement the policy direction provided November 13, 2017, which responded to the policy questions identified July 10, 2017.



- Phase 1
 - March 6, 2017 JIM: Approval of project purpose, schedule, roles, and responsibilities
 - May 1, 2017 JIM: Approval of contract with Clarion Associates for technical support
- Phase 2
 - The public identified issues at:
 - § Community Discussion in Spanish, May 30 (17 participants)
 - § Open House, June 1 (about 75 participants)
 - § Community Discussion, June 1 (about 75 participants)
 - § Online Survey, May 23 – June 5 (220 participants)
 - July 10, 2017 JIM: Approval of 10 policy questions to answer through the updates
- Phase 3
 - The public analyzed policy alternatives at:
 - § Spanish Community Discussion “Public Comment Event” October 2 (40 attendees)
 - § English Community Discussion “Public Comment Event” October 9 (80 attendees)
 - § Online alternatives analysis survey open September 13 – October 11 (197 responses)
 - § Comments submitted by email September 13 – October 11 (5 comments)
 - November 13, 2017 JIM: Direction on the 10 policy questions
- Phase 4 (to date)
 - March 16, 2018: Release of public review draft
 - March 19, 2018 JIM: Presentation of public review draft

- April 12, 2018: Public open house/workshop to review draft (90 ± participants)
- April 24, 2018: Modifications Brainstorming Workshop

Next Steps

- May 11: Release of list of proposed modifications with staff recommendations
- May 21: Joint Planning Commission hearing on draft (6:00pm, County Chambers)
 - Staff presentation
 - Public comment
 - Add any additional modifications to list
 - Discuss and straw poll proposed modifications for which Commissioners disagree with staff recommendation
 - Vote on updated housing mitigation requirements subject to list of recommended modifications
 - Continue to 6:00pm, May 22, County Chambers if needed
- June 6: Joint Council/Board 1st reading/hearing on draft (6:00pm, Town Hall)
 - Staff presentation
 - Public comment
 - Add any additional modifications to list
 - Discuss and straw poll proposed modifications for which Commissioners disagree with staff recommendation
 - Vote on updated housing mitigation requirements subject to list of supported modifications
 - Continue to 9:00am, June 7, Town Hall if needed
- June 20: Release of adoption version of housing mitigation requirements
- June 25: Joint Council/Board 2nd reading/hearing on adoption version (3:00pm, Town Hall)
 - Staff presentation
 - Public comment
 - Discussion of additional modifications (substantive modifications will require an additional 2nd reading)
 - Vote on adoption version of housing mitigation requirements
- July 2: Joint Council/Board 3rd reading/adoption (Regular JIM, 2:00pm, County Chambers)
 - Public comment
 - Vote on adoption version of housing mitigation requirements

ATTACHMENTS

- Initial list of proposed modifications (subject to future additions)
- Public comment received March 16, 2018 through April 19, 2018

FISCAL IMPACT

The Clarion Associates contract to update the housing mitigation requirements LDRs is for a not-to-exceed amount of \$74,763, which is in the approved Town and County Planning Department budgets for professional services.

STAFF IMPACT

Staff estimates that the total staff impact of the update to the housing mitigation requirements LDRs will be about 1,000 hours spread over the 18 month project timeline.

LEGAL REVIEW

Ongoing. The Town Attorney and County Attorney's Office continue to review the updates to the housing mitigation requirements LDRs.

RECOMMENDATION

This is a brainstorming workshop, not an action item. No action will be taken by any body.

SUGGESTED MOTION

None.



Initial List of Proposed Modifications



Housing Mitigation LDRs Update

4/19/18

LDR Sec.	Proposed Modification
6.3.1.B.2	Complete a new housing Nexus Study that considers the affordability of rental product
6.3.2.A.2	Define "substantially amended"
6.3.2.B	Add an exemption for development or change of use that promotes historic preservation
6.3.2.B.3	Include a carve out for replacement of a unit destroyed by natural disaster
6.3.2.B.3	Give a landowner credit for any use existing prior to 1995 or which has been legally established since 1995, but place the burden on the land owner to prove existence of a prior use that has been discontinued for longer than 12 months
6.3.2.B.3	Give a landowner credit for the replacement of one single-family home with another single-family home of the same size
6.3.2.B.6	Keep County exemption for SFD at 2,500 sf and add exemption in Town
6.3.2.B.12	Remove the public/semi-public exemption
6.3.3.A	Reduce or eliminate the requirements to provide housing, and free up more housing supply instead
6.3.3.A	Clarify the residential requirement calculations to not include an exponential equation
6.3.3.A	Amend the denominator in the residential calculation from 2.414 to 2.176 to correct error
6.3.3.A	Reduce the requirement on smaller residential projects
6.3.3.A	Reduce the requirement on entrepreneurial nonresidential development
6.3.3.A	Reduce the requirement for nonresidential development that includes housing on-site
6.3.3.A	Develop a single nonresidential requirement that is a weighted average of all uses so that there is not so much difference between uses
6.3.3.A	Reduce the requirement on nonresidential development to 38% of year-round workers. If the goal is to house 65% of the workforce locally and 27% of employees generated can afford housing, that leaves 38% of year-round employees generated (65-27=38) in need of housing assistance to meet the goal.
6.3.3.A	Reduce the requirement across the board to 65% of what is proposed
6.3.3.A	Increase nonresidential mitigation from 43% to 100%
6.3.3.A.5	Require housing at the time of home construction not subdivision
6.3.3.A.5	Require housing at the time a use is established not the time the space is built, or alternatively use an average use rather than the maximum use allowed.
6.3.3.A.6	Exempt basements from the calculation of required housing
6.3.3.A.6	Exempt outdoor seating because it is only seasonal and the intent is to mitigate the housing need of year-round employees
6.3.3.A.8	Remove the local occupancy restriction provision, it is confusing and inconsequential
6.3.4	Simplify the requirement for the types of housing units required
6.3.4	Allow more flexibility in the types of housing units allowed to meet the requirement
6.3.4.B	Remove the income categories, just require a workforce restriction on required housing
6.3.4.C	Differentiate between a one bedroom and studio unit
6.3.4.C	Assume one employee per bedroom in every instance
6.3.4.C	Include a minimum square footage requirement for each unit size
6.3.4.E	Remove the one-sided ability of the Housing Department to fundamentally and materially rives rules over time
6.3.4.E.2	Remove the ability for the Housing Department to establish Rules and Regulations

LDR Sec.	Proposed Modification
6.3.5.A	Remove the requirement for an Housing Mitigation Agreement
6.3.5.B	Allow for market creativity in proposal of new methods for meeting the housing requirements
6.3.5.C	Make the standards for proving impracticality more strict
6.3.5.C	Allow and on-site ARU to count as mitigation for a residential units without any deed restriction
6.3.5.C.1	Allow anything under 2 units to go straight to fee-in-lieu
6.3.5.D.1	Allow developers to bond for construction of required housing to build it on their own timeline
6.3.5.D.4	Include a relief valve for the requirement that existing units must be less than 15 years old
6.3.5.D.5	Utilize the middle of the current range of unit sizes in the Rules and Regulations when calculating the fee-in-lieu
6.3.5.D.5	Include allowance for a "claw-back" provision that lets a developer get a refund of the in-lieu fee if housing can be provided by a higher priority method within 3 years
6.3.6.B	Remove the power for the decision-maker or Housing Department to include in the housing mitigation agreement any provision deemed relevant.

From: scott harmon
To: [Regan Kohlhardt](#)
Subject: Re: Engage 2017: Town & County Release Draft Regulations
Date: Friday, March 16, 2018 10:19:42 PM
Attachments: [OutlookEmoji-1484591253258_PastedImage.png](#)
[OutlookEmoji-1484593400535_montana-small2download.png.png](#)
[OutlookEmoji-1484591411715_PastedImage.png](#)

I give up on affordable housing in this town. I have lived here for 43 years, both my kids were born here and have professional jobs but still had to move away to be able to purchase a home in a realistic community somewhere else.

You never will have affordable housing, it is too late thanks to non thinking politicians, realtors, developers and County administration.

Spend your money on trying to control the run away traffic problems and congestion we face daily.
Mr. Harmon

Scott Harmon

Rossignol Alpine / Nordic / Snowboard



Montana Sport USA



VUARNET



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Be kind to the Environment. Think before you print.

On Mar 16, 2018, at 5:43 PM, Teton County & Town of Jackson Planning Departments
<rkohlhardt@tetonwyo.org> wrote:

[View this email in your browser](#)



Housing Requirements and Town Zoning & Parking Drafts Released

The Town and the County released the new Housing Requirements and Town Zoning & Parking: Districts 3-6 Draft Regulations earlier today. Links to the release documents and a schedule of upcoming public meeting dates can be found below:

Housing Requirements: Mitigation LDRs Update:

- [Housing Requirements Explanation of Draft](#) (7 pages) - Explanation of the proposed language, the policy direction it implements, and the implications on development
- [Housing Requirements Release Memo](#) - Provides background information on process, upcoming dates, and staff analysis.
- [Housing Requirements Draft](#) - Read the entire draft of the new regulations

Mark your Calendars! Public Meetings reviewing the new Housing Requirements draft regulations will occur on the following dates:

- **First Review of Draft.** March 19, 2 pm at Town Hall. Joint Town Council & County Commissioners Meeting
- **Public Comment Event.** April 12, 6 pm – 8:30 pm. Snow King Grandview Lodge
- **Modifications Workshop.** April 24, 5:30 pm at Town Hall. Joint Town Council & County Commissioners Meeting & Joint Planning Commission
- **1st Reading.** June 6, 6 pm at Town Hall. Joint Town Council & County Commissioners Meeting
- **2nd Reading.** June 25, 3 pm at Town Hall. Joint Town Council & County Commissioners Meeting
- **3rd Reading/Adoption.** Jul. 2, 3 pm at Town Hall. Joint Town Council & County Commissioners Meeting

Town Zoning & Parking: Districts 3-6:

- [Town Zoning & Parking Summary](#) (9 pages) - Summarizes major changes in new regulations.
- [Town Zoning & Parking Release Memo](#) - Provides background information on process and staff analysis.
- Draft Regulations

- [Town Zoning & Parking Draft Regulations User Guide](#) (35 pages) - Provides detailed explanation of changes in new zoning regulations.
- [Town Zoning & Parking Draft](#) - Read the entire draft of the new regulations.
- [Town Zoning & Parking Draft Zoning Map](#) - View the new zoning map

Mark your Calendars! Public Meetings reviewing the Town Zoning draft regulations will occur on the following dates:

- **First Review of Draft.** March 19, 2 pm at Town Hall. Joint Town Council & County Commissioners Meeting
- **Public Comment Event.** April 12, 6 pm – 8:30 pm. Snow King Grandview Lodge
- **Modifications Workshop.** April 23, 5:30 pm at Town Hall. Town Council & Town Planning Commission Meeting
- **1st Reading.** May 29, 6 pm at Town Hall. Town Council Meeting
- **2nd Reading.** June 25, 1 pm at Town Hall. Town Council Meeting
- **3rd Reading/Adoption.** Jul. 2, 6 pm at Town Hall. Town Council Meeting

Other Engage 2017: Housing, Parking, & Natural Resource News

The Housing Rules and Regulations draft will be presented to the Housing Authority Board on Monday, March 19th, 1 pm at the Teton County Public Health Building.

Natural Resource Protections Updates will be released later this Spring, date to be determined (*note the correction from the previous newsletter which said they would be released today).

More information can be found at engage2017.jacksontetonplan.com





Teton County



www.engage2017.jacksontetonplan.com



Town of Jackson

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MEMORANDUM

TO: Teton County Board of County Commissioners &
Town of Jackson Town Council

CC: Housing Supply Board

FROM: Stefan J. Fodor

DATE: April 6, 2018

RE: Comments and Concerns Regarding Draft Affordable Workforce Housing Standards

Below, please find some comments and concerns pertaining to the draft Affordable Housing Workforce Housing Standards (the “Standards”).

The proposed Standards should enhance the functioning pieces of today’s regulations and simplify elements that do not work well. By contrast, the proposed Standards eliminate functioning aspects such as flexibility for developers and the incentive to house their own employees, while at the same time adding complexity by, among other things, prescribing unit types, sizes and numbers. Additionally, these standards greatly enhance the administrative burdens associated with the standards by having the Housing Department manage tenancy, change in use, occupancy, etc.

While there are a few positive and well thought out aspects of these Standards, overall they need more work. I would urge you in the strongest way possible to delay implementation and produce a well thought-out, well vetted set of standards. The unnecessarily short timeline between release and adoption is an artificial pressure imposed on the process and should not be applied to the most fundamental change to these housing LDRs this community has seen in decades. **Please take the necessary time to vet these standards with meaningful opportunities for public input and elected official reflection rather than rushing through regulations which may not accurately reflect the unique needs of this community.**

The Standards

6.3.1.B.2 Legislative Findings

This section discusses the rise in the price of housing along with a slight increase or static local workforce wages. The LDR Explanation (released with the Standards) of the supply of housing and the statistics that follow completely ignore the rental market (about 45% of current housing stock is renter occupied) and the fact that rents remain affordable to households earning 80% of AMI and above, or about 63% of local households. Moreover, due to the policy of downzoning property in the Town and County, the gap between workforce wages and affordability is artificially being increased. Some have argued that the workforce restrictions, along with their exorbitant exactions are growth control measures disguised as affordable housing measures. One could certainly advance that argument and

draw support from the admissions made in the LDR Explanation discussed below where it states that increased costs of development and decreased return on costs would suggest less development would occur.

Section 6.3.2.A.2. Substantial Amendment

A substantial amendment to an existing approval would trigger applicability of the new standards. However, 'substantially amended' is not a defined term and is subject to interpretation. Given the implications of this undefined term, it would be wise to define it prior to adoption as clarity and predictability are goals we should strive for in our LDRs. **Please define "substantially amended"**.

Section 6.3.2.B.3 Exemptions - Replacement

An exemption to the Standards is granted for the replacement of an existing physical development. However, the exemption does not apply to a residential use where there was no prior mitigation. This restriction fails to provide a carve-out for damage by natural disaster. We currently allow such a carve out for Nonconformities under LDR Section 1.9.2.B.3.a and the same exemption should be allowed here.

If a single family dwelling built in 1990 which did not pay an exaction fee, (as none was required at the time of construction), is demolished by an earthquake, the owners should be able to rebuild (but not expand) without having to pay affordable housing restrictions as they did not cause the destruction of their home. Further, the time table for replacement should be extended from 12 to 18 months to match the allowance currently set forth for Nonconformities in LDR Section 1.9.2.B.4. If permits are required, which they are for even the simplest and smallest amount of work, 12 months is a very tight, if perhaps unachievable, timeline from calamity to construction. Eighteen months, which would span two construction seasons, is more reasonable and accounts for design, bidding, contractor selection, permitting, financing and contractor scheduling. However, if the 12 month trigger is the issuance of a building permit, this would be a reasonable timeline and in that event, the language of this section should be clarified. **Please allow a carve out for destruction and clarify or enlarge the 12 month timeframe**

Section 6.3.2.B.6 Local Occupancy Restriction

The existing exemption for single family homes of 2,500 sf is being reduced to 2,000 sf. The Explanation of the LDRs shows a 1,500 sf threshold in both the Town and County. Irrespective, what is the reasoning behind reducing the County exemption? The data from the Employee Housing Generation Report shows a very slight increase in full-time year round employee demand from second homeowners as opposed to local occupancy and it can be argued this is insufficient justification to place a deed restriction on every new home restricting it to local occupancy until an exaction fee is paid. The 500 sf reduction is arbitrary and it is important to keep in mind that the exemption is intended as a relief valve for local households. The current exemption is not lavish and provides adequate space for a family of 4. **Please consider keeping the exemption at 2,500 sf in the County and establishing it at this same level in the Town.**

Section 6.3.2.B.12 Public/Semi Public Exemption

The public sector is exempt. As set forth in the Policy Direction dated November 13, 2017, Page 6, *"[B]ased on the employee generation numbers in the 2013 Nexus Study, public and private institutional development generated almost as much need for affordable workforce housing as commercial development from 2002 to 2014"*. In a simplistic view, there are 4 types of development: 1) residential; 2) commercial; 3) private institutional; and 4) public institutional. The draft Standards exempt a 50,000 sf public school but would require **\$7,018,870 fee in lieu for the SAME** square footage for a private school. Are we really to believe that the public school will not generate any new employees while the

private school will generate 81.65 new employees? The numbers reflected in the chart on page 5 of the Explanation belie this notion where they clearly state that the public school will generate the **SAME** number of new year round employees; 81.65. Consequently, there is no justification for the public exemption since public development generates year-round employees. In addition the essential lack of fairness, the proposed exemption further saddles residential, commercial and private institutional development for the employees generated by public institutional development. At these exorbitant exaction rates it makes little, if any, sense to exempt public institutional and lacks inherent fairness. If we believe and buy in to the theory that development generates year round employees who cannot afford market homes and those employees need to be housed, why should public institutional uses be exempt when they generate year round employees? The public institutional development should be held to the same standards as private institutional development. **Please remove the public exemption and treat governmental employee generating development in the same fashion as private employee generating development.**

Section 6.3.3.A Housing Requirements

This section sets forth the formulas to calculate Affordable Housing Units Required. The formulas for detached single family unit (local and non-local) and attached single family unit (local and non-local) do not inspire confidence and lack clarity.

Use Proposed	Affordable Workforce Housing Units Required
Detached Single-Family Unit (6.1.4.B) (Non-Local Occupancy, A.8)	$0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.414$
Detached Single-Family Unit (6.1.4.B) (Local Occupancy, A.8)	$0.000017(sf) + (Exp(-16.14 + 1.59*Ln(sf)))/ 2.414$
Attached Single-Family Unit (6.1.4.C), Apartment (6.1.4.D) (Non-Local Occupancy, A.8)	$0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/ 2.414$
Attached Single-Family Unit (6.1.4.C), Apartment (6.1.4.D) (Local Occupancy, A.8)	$0.000017(sf) + (Exp(-14.82 + 1.59*Ln(sf)))/ 2.414$

Is this really the best we can do in terms of ease of use, simplicity and clarity? There is no explanation of what these numbers mean, what the symbols stand for, where and how the formulas were derived from and/or examples of how to use them. *I challenge the elected officials to not adopt any regulations, including calculations, that each elected cannot intuitively use without a primer or explanation from staff.* **Please clarify the formulas and provide examples. The public deserves clarity and ease of use in these LDRs and the chart in this section is severely lacking on both fronts.** Simplification of the regulations was one of the objectives of this process.

Section 6.3.3.A.5 Estimating Use

- a. Platting vacant single family lots. Where plating vacant single family lots for subdivision in certain zones, the maximum habitable floor area allowed above ground on each lot proposed will be used to calculate the amount of affordable workforce housing required at subdivision. **What happens if each lot is not built to the maximum allowed? Where is the provision for a refund? To whom will the refund be granted if one is allowed? How can we require mitigation that exceeds its impact?** The Nollan and Dolan US Supreme Court cases and their ilk prohibit such action as it lacks a rational nexus between the exaction and the impact. It would be far better to impose these requirements at construction and not subdivision as construction

and occupancy generate the year round employees. Put another way, 100% of the exaction should only be exacted when 100% of the development occurs.

- b. Unknown use. For the development of floor area with an unknown use, the allowed use in the zone with the greatest need for affordable workforce housing shall be used. **What happens if a less intense use is eventually permitted? Where is the provision for a refund? To whom will the refund be granted if one is allowed?** This provision also lacks the nexus between exaction and impact. The exactions should be imposed once a use is determined and if a change in use occurs, we have the means and methods existing today to impose the exaction at that time. Alternatively, a preferred method would be to exact for an average use/impact and eliminate any consideration of change in use. This would be more equitable and would ease administration.

These rules are fundamentally unfair and exact potentially more than the claimed 73% of year-round employees generated by a use or by development. **Please revise these two sections to impose exactions once a home is built and once a use comes into being or use an average exaction.**

Section 6.3.3.A.6 Square Footage Calculations

Basements.

Square footage calculations now apply to habitable floor area in the basements of reach residential, lodging, or non-residential unit whereas today, certain basements are exempted. Where a regulation decreases density, it increases the costs of construction and artificially limits supply thereby raising prices. Fundamentally, there are only 3 ways to achieve density: 1) Up; 2) Down; and 3) out. Up allows for greater height, down allows for basements and out allows for greater FAR. Including all habitable basements in floor area calculations will likely decrease density and supply thereby raising costs/prices and increasing the affordability gap. **Please consider continuing to exempt basements.**

Subsection b. Outdoor Seating

Square footages for commercial activity which are not habitable floor area such as outdoor seating and sales areas are now included in the calculations for exaction. Again, this exaction lacks fundamental fairness as there is no discount for the fact that an outdoor seating area or outdoor sales area is unusable for up to 8 months of the year in Teton County. The policy direction was to mitigate 100% to the maximum extent legally permissible. One could easily argue that a 100% exaction, now 73%, on a use practically allowed $\frac{1}{4}$ of the time, without a discount factor for the $\frac{3}{4}$ of the year that use is not available, is more than a 73% exaction and is not legally permissible. **Please either 1) discount the exactions on these areas by a factor of $\frac{3}{4}$ to account for the fact they are only used $\frac{1}{4}$ of the year; or 2) eliminate it as the regulations are based on year-round employee generation and outdoor seating generates seasonal summer employee so this regulation lacks a rational nexus between the impact and the exaction.**

Section 6.3.3.A.8 Local Occupancy Restrictions

Please remove the Local Occupancy restriction. The difference between local and non-local exactions (if one can decipher the calculations) is not great and this would save administrative costs to manage another overly complicated program.

Section 6.3.4.B Type of Affordable Workforce Housing Required/Affordability

Who will qualify households for eligibility in the workforce rental market? If the Housing Department is taking on this additional task, will owners receive a preference to place their eligible employees in these units? **Does the Housing Department staff have the resources and expertise to become the largest rental clearinghouse in Teton County?** If so, how much will it cost the taxpayers annually to do so?

6.3.4.C Chart Unit Size – Allocation of bedrooms per unit

How does a 2 bedroom unit supply housing for only 1.85 employees? **How does a 3 bedroom unit supply housing to only 2.1 employees?** The Employee Generation Report shows that 60% of households are either adults living alone (29%) or couples with no children (31%). One bedroom units should be supplied first. Instead these regulations require larger units first which is a higher and unjustified exaction than the current standards.

Units Required	Number of Bedrooms		
	1 Bedroom or Studio	2 Bedroom	3 Bedroom
1	0	1	0
2	0	2	0
3	0	2	1
4	1	2	1
*Assumed Employees per Unit	1.45	1.85	2.1

It strains the bounds of credulity to assume less than 1 person per bedroom. There are, on average, 1.8 employees per household based on households with at least one employed member and each employee, on average, holds 1.2 jobs part and full-time combined. Moreover, in certain instances, 2 people per bedroom may very well be the norm and is the case with most couples. Where is the justification for these overly prescriptive restrictions? Common sense and fundamental fairness dictates that if a developer is required to build a 3 bedroom unit, they should be credited with housing 3 employees. **Please amend this chart to ‘assume’ at a very minimum one person per bedroom in every instance.**

6.3.4.C.1.d Adjustment of allocations of bedrooms per unit

Again, there is discount factor to 1.8 workers per unit. What happens if a developer builds a 2 bedroom unit which houses 2 couples or 4 people? The developer is only receiving credit for 1.8 workers per unit. Again, this lacks fundamental fairness.

6.3.4.E Compliance with Rules and Regulations

How are the Rules and Regulations being considered and approved before the LDRs they are designed to implement? It would seem we are putting the proverbial cart before the horse.

Each required affordable workforce housing units shall comply with the Housing Department Rules and Regulations. While on its face, this may seem to make sense until one looks at the fact that these LDRS require a permanent deed restriction on the landowner, but allow for continuously changing rules and regulations to be imposed on the owner. Some might argue that these changes are needed to keep up with changing times but again, these provisions lack fundamental fairness. We need to impose a restriction with the best available information and make it permanent. Conservation easements carry the same perpetuity, but the easement holder does not get to change the rules as time goes forward. If we want a permanent restriction, it should not be subject to change. At the very least, the change should only occur upon conveyance of the property encumbered so that each owner knows that while the restriction may change at conveyance, they have certainty as to the cost exacted and restrictions available during their ownership. **Please remove the one-sided ability of the Housing Department to fundamentally and materially revise rules over time. Objective evolving criteria can be incorporated into a deed restriction.**

6.3.4.E.2 Administration

This section anoints the Housing Department with the power and responsibility to manage and oversee all workforce housing units, determine the **structure, design, building materials, marketing and rules** for the units. It would be fair to ask, again, whether the Housing Department has the resources and expertise to undertake these roles. **Further, why should the housing department determine the structure and design?** Shouldn't these particulars be left to engineers and architects? **Why should the Housing Department be allowed to determine building materials?** Shouldn't these be dictated by international building codes as adopted by the Town and County as well as by the Owner? After all, in spite of the deed restrictions imposed this remains private property.

These regulations take away a large incentive to developers; they no longer have the ability to house their own employees, they cannot control tenants, they cannot control the design or materials of the units they are required to build. Additionally, these regulations add unnecessary administrative costs to the Housing Department (tax payers) instead of keeping these expenses where they currently lie with the private sector. Annual reporting similar to what was required with Sagebrush Apartments seems more reasonable and administratively feasible while retaining ultimate regulatory authority with the Housing Department. **Please remove this power from the Housing Department.**

6.3.5.A Methods of Providing Required Affordable Workforce Housing

This section requires a deed restriction – understandably so – but also requires the recordation of a housing mitigation agreement to be recorded against the workforce housing unit and the employee generating development? **Why do we need two separate agreements?** If the sole reason is to track that an employee generating development has paid its exactions, this could easily be referenced in the deed restriction. Here again, simplifying the regulations to exact for average impact would greatly simplify this process and eliminate change in use monitoring along with other tracking burdens.

6.3.5.B Preferred Methods of providing housing

Beyond the enumerated ways of providing housing, no alternatives may be proposed. Why artificially limit the ways in which housing can be provided. **Please allow for market creativity in coming up with new methods of meeting mitigation requirements which would be subject to elected official's review and approval.**

6.3.5.C Priority Method impracticable.

This provision allows a fee in lieu when less than one unit is required. **Please change this to two units as it would be more workable for very small developments.**

6.3.5.D.1.a.ii Timing of construction

This section requires that each required affordable housing unit constructed shall receive a CO **prior** to the granting of a CO for the employee generating development. This rigidity ignores the fact that in most instances the deed restricted and market units will be built at the same time. If the concern is that a developer may not meet its requirement, this concern can be alleviated by requiring a bond or letter of credit for 125 to 150% of the cost of construction. This type of surety is already available under our current LDRS for wetland mitigation, reclamation, subdivision improvements and other obligations. Further, this type of surety is proposed for onsite infrastructure in Section 6.3.5.D.2.f. **Please grant developers the flexibility to build their units according to their construction timelines** and if for some reason a developer defaults, the County has ample protection with the bond to complete construction.

6.3.5.D.4.a Age and condition of restricted unit.

This section artificially limits the allowances on restricting an existing unit to a unit less than **15 years** old. Why would we artificially and arbitrarily have a cutoff of 15 years? Is a 16 year old home no longer able to provide decent housing? What if said 16 year old home was gutted to the studs and remodeled? Wouldn't a fully remodeled 16 year old unit be better than a run down 14 year old home? **If there is insistence on an arbitrary cutoff, a relief valve must be included.**

6.3.5.D.5.c.ii Unit sizes

The minimum size requirements for fee in lieu assumptions for 2 and 3 bedroom workforce housing units (1,050 sf and 1,350 sf respectively) are too great. These are the maximum square footage requirements under the Housing Department Rules and Regulations. Why require an assumption of the maximum size; would it not be fairer to take the mean? **Please amend this section to allow the assumption for fee in lieu payment to be the mean size requirement.**

I note that the Town of Jackson required Sagebrush Apartments to construct 2 bedroom units no larger than 975 sf. The actual requirement was to not allow units to exceed the size of the Housing Departments minimum unit size. If the Town is willing restrict size of market units to maintain the product as workforce housing, shouldn't the Standards for fees in lieu be the same as opposed to larger more costly standards? **In the event you choose not to allow the assumption to match the mean size requirement, please amend this section to match the size requirements imposed on Sagebrush apartments.**

6.3.6.B Housing Mitigation Agreement

This section requires that the Housing Mitigation Agreement include the Housing Mitigation Plan, all deed restrictions **"and any other provision the decision-maker or Housing Department deems relevant"**. Please see above comments concerning the Town and County's ability to continuously change Rules and Regulations while requiring permanent deed restrictions. The above quoted language gives carte blanche to the 'decision maker' or Housing Department to add any other provisions without any system of checks and balances. This goes too far. **Please remove this open ended and one sided arbitrary power. We are requiring permanency on behalf of the provider of housing while reserving to the Town and County unlimited rights to impose additional restrictions.**

Explanation of Draft LDRs dated 3/16/18

Explanation P. 2

This document identifies that housing in Teton County is less affordable than it was in 1994 and the growth in the affordability gap means that at least 73% of households cannot afford market housing.

Instead of relying primarily on exactions, we should consider increasing the supply of homes in Teton County. Basic laws of supply and demand dictate that with an increase in supply, prices should go down. Increasing the supply of housing may run contrary to some of the goals in the Comprehensive Plan but we need to ask ourselves how do we achieve competing interests in the Plan? One could argue that a more balanced approach relying less on exactions and more on increasing supply, incentives and subsidies might be a better, more equitable, and an ultimately fairer result. While the Town of Jackson District 3-6 Zoning Recommendations take some steps to site more housing in the Town of Jackson, more can be done. We have artificially limited supply by downzoning the County and capping growth. This may need to be revisited if, as some predict, the high exaction fees for the proposed Standards stifle development.

The Explanation identifies that increasing exactions and requiring more deed restricted units to be built increases the cost of development. Building lower income units requires greater subsidy by the private sector, which in turn decreases the return on development cost. An increased cost of development and decreased return on costs would suggest less development would occur. Explanation P. 3.

The Explanation suggest that all developers (residential and nonresidential) will be required to provide, as part of their development, enough affordable workforce housing so that employees generated who cannot afford market housing have local options. The Nexus study is used to calculate the housing need for employees generated. Explanation P. 4. However, this statement contains one glaring and material misrepresentation. **The proposed AWHs do NOT require all developers to provide workforce housing.**

The public sector is exempt. As set forth in the Policy Direction dated November 13, 2017, Page 6, **“[B]ased on the employee generation numbers in the 2013 Nexus Study, public and private institutional development generated almost as much need for affordable workforce housing as commercial development from 2002 to 2014”.** In a simplistic view, there are 4 types of development: 1) residential; 2) commercial; 3) private institutional; and 4) public institutional. The draft AWHs exempt public institutional development from all exactions. As discussed above, the Standards exempt a 50,000 sf public school but would require \$7,018,870 fee in lieu for the SAME square footage for a private school where both developments create the same employee demand. **There is no justification for the public exemption.** In addition the essential lack of fairness, the proposed exemption further saddles residential, commercial and private institutional development for the employees generated by public institutional. At these exorbitant exaction rates, this makes little, if any sense.

If we believe and buy-in to the theory that development generates year round employees who cannot afford market homes and those employees need to be housed, why should public institutional uses be exempt when they generate employees? **Please remove the public exemption.**

A statement on Page 4 makes the claim that the decrease in costs of multi-family residential development may **increase the amount of multi-family and conservation development that occurs.** While the lower exactions on multi-family development may decrease the costs, the claim that this will increase conservation development is devoid of any fact or support. The indicator report recently released fails to identify the amount of acreage placed under conservation easement through LDR based density increases as opposed to donative easements and outright purchased easements. Having done my own research, since 2012, there were nearly twice as many non-LDR acres conserved as LDR based conservation easements.

Moreover, the claim that there is a decreased cost of multi-family residential development is not entirely true. Showing wisdom, the Town Council, adopted a text amendment to the LDRS in 2017 which exempted some multi-family residential development from affordable housing exactions in exchange for workforce housing restrictions (Sagebrush Apartments). This exemption led to the approval and planned construction of 90 workforce housing units. However, the exemption is being eliminated from the proposed updated LDRs which would actually increase the cost to construct multi-family housing in the future.

This document identifies an overall cost increase for non-residential development. **This statement flirts dangerously with understatement** when one looks at the chart on page 5.

A 3,000 sf restaurant’s fee in lieu will increase to \$1,099,499 (a 5.2x increase). What locally owned restaurant of this size could absorb a \$1M charge?
 \$5,000 sf of retail’s fee in lieu will increase to \$685,179 (a 4.7x increase).
 10,000 sf of office’s fee in lieu will increase to \$1,473,776 (a **56x** increase). As we try and diversify away from lower paying retail jobs, this seems to go against that very goal.
 5,000 sf industrial’s fee in lieu will increase to \$310,047 (a 39x increase). We still need mechanics shops and plumbers. Will any new business be able to absorb these types of increases?
50,000 sf private school (or center for the arts/walk festival hall, etc.) will have to pay \$7,018,870.
50,000 sf of public school will pay \$0. Where is the fairness and equity in this policy decision?
 Surely the public school generates the same full time year round employees as the private school.
 40 unit hotel’s fee in lieu will increase to \$1,590,744 (a 4.04x increase).

With these increases, I would venture to guess we will rarely; if ever, see another locally owned hotel like Hotel Jackson constructed in town. In fact, the only businesses that could absorb these massive costs are likely national chains or extremely high end exclusive companies. As the Explanation and Comp Plan discuss preserving community character, a by-product of these exactions may very well destroy the character we have remaining in this community, or completely stifle non-residential development. Some have speculated that the Standards are a wolf in sheep’s clothing and really a disguised attempt to stifle non-residential development under the guise of workforce housing. When one looks at the exaction fees on non-residential development, there seems to be some support for this notion.

Current vs. Draft Housing Requirement: Nonresidential						
Development Type	Year-round Employees	Seasonal Employees	Current		Draft	
			Units	Fee-In-Lieu	Units	Fee-In-Lieu
3,000 sf restaurant	11.868	7.266	1.8	\$ 209,560	4.768	\$ 1,099,449
5,000 sf retail	6.235	13.18	1.244	\$ 144,881	2.863	\$ 685,179
10,000 sf office	16.43	2.28	0.222	\$ 25,872	6.549	\$ 1,473,776
5,000 sf industrial	3.655	0.99	0.067	\$ 7,761	1.631	\$ 310,047
50,000 sf private school	81.65	?	exempt		34.90	\$ 7,018,870
50,000 sf public school	81.65	?	exempt		exempt	
20 – 2 bedroom short-term rentals	21.120	18.840	5	\$ 1,660,511	8.172	\$ 1,590,744
40 unit conventional hotel	21.120	18.840	3.378	\$ 393,249	8.172	\$ 1,590,744



April 12 Public Open House Comment

Housing Mitigation LDRs

4/12/18

April 12, 2018, Teton County and the Town of Jackson jointly hosted a Public Open House to gather public input on the Engage 2017: Housing Mitigation Requirements and Town Zoning – Districts 3-6 Updates. The Open House was held at the Snow King Grand View Lodge from 12 pm to 8 pm. The structure of the Open House was self-guided, allowing participants to review 21 informational boards on the two updates at their own pace. Planning Staff was present to answer questions.

80-100 people attended and provided their comments. Staff solicited comments by asking participants what they liked about the updates, what they did not like about the updates, and what should be improved. These comments are shown below:

What I like

- Important to see the vision for 10-15 or more years in the future. The mitigation rate increase finally begins to address the problem of commercial employees added.
- Planned housing for new development/building. Increased in deed restricted housing.
- 85% affordable housing - thanks for recognizing the depth of this problem and addressing it.
- Decreasing multi-family development requirements.
- Prioritizing building housing as a method of providing housing.
- Units must have storage.

What I don't Like

- Why 65% local residents? In this property mix, 65% goal will eventually not be possible to maintain.
- The percentages of mitigation will bring in institutionalized money. Our Town character and small businesses will be priced out.
- Fee for both unrestricted and restricted for a small house (1500 sf) seems excessive and contra to providing affordable housing.
- Deed restrictions shouldn't be based on income.
- [The types of housing process] is very involved. Simplify and allow housing type to serve developer needs.
- Please do not let developers decide if 1 bed or studio. 1 bed is more expensive for single person.
- Why is 1 bedroom and studio listed as together? Very different.
- Not fair to only allow singles and couples to have a 1 bedroom.

What I would improve.

- What happens long term - 50 years? Can't sustain this growth rate. Need to taper off and accept housing limit reality.
- Reduced fees / mitigation % for businesses building commercial building that has employee housing attached.
- Commercial mitigation should be 100%.

- Alpine/Star Valley/ Teton Valley should have better START service.
- If you build an ARU, that should fulfill your SFD requirement.
- New restaurant would be carrying all the burden of mitigation for the landowner. These employee generation rates should be closer to equal across the board. Go for a 4th floor. Increased requirement is ok but need better incentive to make it happen.
- Go for 4-5 stories and solve the housing problem.
- Should have minimum sq. ft required to have decent standards, otherwise tiny units.
- Deed restrictions should be based on workforce occupancy only. No income or price caps.

From: Chris Dickey | Purple Orange
To: Feedback@jacksontetonplan.com
Subject: PUBLIC COMMENT: Non-Residential Workforce Housing Mitigation
Date: Thursday, April 12, 2018 8:13:44 PM

TOJ Planning,

I am a resident of downtown and a small business owner. In 2009 I started [a small communications agency](#) from my kitchen table in East Jackson. Just last year — 8 years later — I realized a dream of owning a small commercial space within walking distance of Snow King's Rafferty chairlift. The building is a 960 sq ft converted mechanic garage, and since moving in, we have eliminated the daily car commute for 4 out of 5 of our employees (they all now walk or bike to work). It has been a good move for our business.

Our office, as currently built, can accommodate 5-7 people comfortably. At 5-people, we're nearly built out. I have postulated about the idea of adding a second story to the structure, which would double our workspace without increasing our footprint in the neighborhood. This addition — if it happens at all — is several years away, but has me wondering about the logistical possibilities of such an expansion. Currently, if a larger company approached us and asked if we could service their brand, I'm not sure we could staff it within our small space. If within the next 10 years, more than one large company approached us, we would have to decline all this great business without some sort of office expansion.

Under the proposed Housing Mitigation Requirements, adding this second story to my office would require me to purchase an off-site free-market condo or home, and deed restrict it as employee housing. Combined with the building costs, this requirement not only onerous, it is a complete and total barrier to any kind of expansion of my small business.

According to the Q & A section of the Housing Mitigation Requirements guide, the town somewhat arrogantly assumes that "Mom & Pop" businesses are all renters and thus won't be affected by this requirement. They also assume that we operate in "older places" that bigger businesses don't want. My small business (and many others) is a perfect example of how wrong this assumption is.

I'm afraid that this requirement, while aimed at large hospitality and big-money commercial development, will severely restrict Jackson's promising entrepreneurial scene. Other industries that will see this as a barrier are boutique financial services, architecture, tech startups, micro-brew / distillery, and many more of the small professional businesses that provide good-paying year-round employment in Jackson. Many of these companies, like mine, find themselves on the precipice of being able to afford a small shop to call home, however, for those who succeed, we will face insurmountable financial hurdles to expand our operations.

These businesses are good for Jackson — for instance, we pay 2-3x the average wage of the hospitality industry (according to the Bureau of Labor Statistics, Teton County hospitality salaries averaged \$30,000 in 2017). We also don't require much in terms of public utilities, traffic, or parking. And lastly, 100% of our income comes from out-of-state clients... meaning, we bring a LOT of money into the community (payroll is by far our biggest expense).

These are all reasons why we should be making it easier for small professional service oriented businesses to stay in Jackson and employ as many people as possible. However, with this new requirement, I see a definite terminal point in our near future where my business cannot grow unless I relocate it to another town. I still have 20+ years of my career, and given the cost of living for myself and my employees, I will need to take on bigger clients in order to pay everyone better.

I hope you can reconsider how you apply workforce housing mitigation for non-commercial development.

Thank you,
Chris Dickey

Chris Dickey

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From: Dick & Linda Martin
To: feedback@jacksontetonplan.com
Subject: comments on April 12, 2018 meeting
Date: Monday, April 16, 2018 3:02:29 PM

Tyler Sinclair
Head Planner
Jackson/Teton County

Tyler:

The following comments are meant to be productive, but straightforward regarding the plans for workforce housing and mitigation fees imposed on property owners in the Town and County:

We have resided in Teton County for over 50 years and have observed many attempts by various local government entities to solve affordable housing issues here, and to be honest, the ability to do so is seldom a success. The basic problem is the “choice” of creating open space by restricting development on private property by zoning, or land trust by willing land owners. Or, allowing these private land owners to develop their lands for housing and continue with residential building to expand outside of the commercial areas i.e. South Park and beyond, as well as west of Jackson.

The expansion view has been met with strong resistance from special interest groups and NIMBY’s for many years now and the large property owners have made few inroads, since the development of Rafter J, Cottonwood Park and Melody Ranch, and these developments are no longer affordable. It is hard to see that this situation will change with the limited land that is available, plus wildlife concerns over human needs. Even if zoning were to relax and let larger land owners subdivide and the community approved of some dense zoning for affordable housing, we are not sure how much would be affordable since even with a small lot, the cost of the lot and building the house may still be unaffordable.

Affordable housing in Teton County is not possible for most service workers without being subsidized, unless the Community is willing to get behind well planned mobile home parks, allowing large property owners to lease a portion of their land for a smaller subdivision with smaller housing sites thereby building a home without the large expense of the land purchase, and the landowner avoiding capital gains taxes, or perhaps finding an inholding in the forest service to do a land swap for land bordering town to be used for affordable housing or a mobile home park. In addition, perhaps,(don’t know) the Land Trust or some other land holding entity may have the ability in some remote corner of a parcel in trust to allow a small subdivision, thereby giving back to the community.

There are limited variations to assist in affordable housing, but rather than jump into a plan that punishes current land owners by outlandish mitigation fees, let's look a little harder for the answer. It seem totally out of the question to punish long time land owners, whether in town or in the county with a fee so large it makes any deal upside down. Many of the long term members of this community have held their land for years through thick and thin as an investment for retirement, and then it comes the time to sell or improve their existing structures on their land and the mitigation fee is so large it makes it impossible to do either; unintended consequences can be very cruel.

As a landowner, it is almost impossible to do long term planning for our land, as the zoning changes almost every time the elected's change. First, you are conforming, then you are non-conforming and yet you have not moved a building. We have paid hundreds of thousands of dollars in property tax on our commercial property and we cannot even vote for town management as we live in the county.

Another thought, it seems that paying for commercially priced property to build residential housing on is not the best use of our money, We know, some feel the need for everyone to be able to walk to town shopping, but then, they may have to drive to the village or another location outside of town for work.

We're also a little curious as to what Teton Village requirements are for housing their employees. We are familiar with the housing behind K-Mart for some Village employees, but are concerned that the Town of Jackson is being unusually burdened by employees needed for the larger homes & business in the Village & on the Village Road. We'd be interested in the breakdown of employees by Town businesses and Village businesses.

We have other concerns, but felt these were the major points. Thanks for the time spent with us on Thursday.

Dick & Linda Martin