JOINT INFORMATION MEETING
Town Council & County Commissioner Meeting
Monday, July 2, 2018 at 2:00 pm
County Commissioners 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. CALL TO ORDER, ROLL CALL, AND ANNOUNCEMENTS

II. PUBLIC COMMENT
This section of the agenda is reserved for public comments on items that are not on today’s agenda.

III. CONSENT CALENDAR
III. A. Meeting Minutes
1. June 4, 2018 regular JIM
2. June 6-7, 2018 special JIM
3. June 18, 2018 special JIM

Documents:
060418-JIM-Minutes.pdf
060618-SpJIM-Minutes.pdf
061818-SpJIM-Minutes.pdf

IV. HOUSING ITEMS AND TOWN ORDINANCES
IV. A. Housing Department Rules and Regulations.
1. (County) Adoption.
2. (Town) Ordinance G (Housing Department Rules): An Ordinance Adding a New Title 16 to the Town of Jackson Municipal Code regarding Housing, with a new Chapter 16.10 Enacting the Town of Jackson Housing Rules and Regulations (Presented for 3rd Reading and designated Ordinance 1195)

IV. B. Housing Mitigation Requirements LDR Updates.
1. (County) Approval.
2. (Town) Ordinance L (Housing Mitigation Requirements LDRs): An Ordinance Amending and Reenacting Sections 1-4, 6, 7, and 9 of the Town of Jackson Land Development Regulations regarding the Affordable Workforce Housing Required to be Provided with Development. (Presented for 2nd Reading)

Documents:
IVA_HousingDeptRulesRegulations.pdf
IVB_HousingMitigationLDRs.pdf

V. DISCUSSION AND/OR ACTION ITEMS
V. A. SPET Process Discussion (Alyssa Watkins & Larry Pardee, 30 minutes)
Documents:
VA_SPETProcess.pdf
VI. MATTERS FROM COUNCIL, COMMISSION, AND STAFF
   VI. A. Discussion of holding a July 16 Special JIM for final Housing Regulation LDRs
          Action

VII. UPCOMING PROPOSED AGENDA ITEMS
   VII. A. August 6 Housing Supply Plan (April Norton, 60 Minutes)

VIII. ADJOURN
   County Commission Adjourns.
   Town Council adjourns to executive session to consider the selection of a site or the
   purchase of real estate when the publicity regarding the consideration would cause a
   likelihood of an increase in price in accordance with Wyoming Statute 16-4-405(a)(vii) –
   held at Town Hall.

Please note that at any point during the meeting, the Chairman or Mayor 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.
The Jackson Town Council met in conjunction the Teton County Commission in a regular joint information session in the Council Chambers of Town Hall located at 150 East Pearl at 3:00 P.M. Upon roll call the following were found to be present:

Mayor & Council: Mayor Pete Muldoon, Jim Stanford, Hailey Morton Levinson, Bob Lenz, and Don Frank.
Chair & Commissioners: Chairman Mark Newcomb, Natalia Macker, Paul Vogelheim, and Greg Epstein. Smokey Rhea was absent.

Consent Calendar. On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Bob Lenz to approve item A and B as presented on the Consent Calendar. On behalf of the County, a motion was made by Paul Vogelheim and seconded by Greg Epstein to approve item A and B as presented on the Consent Calendar.

A. Meeting Minutes. To approve the May 7, 2018 regular joint meeting minutes, and special joint meeting minutes dated May 16 and 21, 2018 as presented.

B. Training Facility for Jackson Hole Fire/EMS Live Fire Training. To select Fire Training Structures, LLC following the terms and conditions within the received specifications for the purchase price of $360,000.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried on behalf of the Town. Chairman Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

Energy Conservation Works Budget. Roxanne Robinson made staff comment. Phil Cameron Executive Director of Energy Conservation Works made comment on their budget.

On behalf of the Town, a motion was made by Bob Lenz and seconded by Hailey Morton Levinson to approve the Energy Conservation Works Board budget as presented with the understanding that the revenue depicted in the budget from the Town and County will receive final authorization with the fiscal year budget approval of each governing entity. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried on behalf of the Town.

On behalf of the County, a motion was made by Greg Epstein and seconded by Paul Vogelheim to approve the Energy Conservation Works Board budget as presented with the understanding that the revenue depicted in the budget from the Town and County will receive final authorization with the fiscal year budget approval of each governing entity. Chairman Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

Jackson Hole Travel & Tourism Board Budget. Roxanne Robinson made staff comment. Alex Klein, Treasurer, Kate Sollitt, Executive Director, and Keely Herron, Chair, with the Travel & Tourism Board made comment on their budget.

On behalf of the Town, a motion was made by Don Frank and seconded by Hailey Morton Levinson to approve the Travel and Tourism Board budget as presented. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried on behalf of the Town.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Natalia Macker to approve the Travel and Tourism Board budget as presented. Chairman Newcomb called for the vote. The vote showed 3-1-0 in favor, with Epstein opposed, and Rhea absent. The motion carried on behalf of the County.

Jackson Hole Airport Board Budget. Roxanne Robinson made staff comment. Jim Elwood, Airport Director, and Michelle Anderson, Assistant Airport Director, made comment on their budget. Public comment was given by Jerry Blann.
On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Don Frank to approve the proposed budget for the Airport as presented. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried on behalf of the Town.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Greg Epstein to approve the proposed budget for the Airport as presented. Chairman Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

**Town Ordinance.** Town Attorney Audrey Cohen Davis read Ordinance G in Short Title.

**ORDINANCE G**

AN ORDINANCE ADDING A NEW TITLE 16 TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING WITH A NEW CHAPTER 16.10 ENACTING THE TOWN OF JACKSON HOUSING RULES AND REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Don Frank to approve Ordinance G on second reading. Discussion was held with April Norton on workforce restrictions on rental units through a deed restriction, appreciation cap, and noticing.

Bob Lenz moved to amend the motion to add that workforce rental unit rental increases be increased on same schedule as the ownership units. The amendment was not accepted by the motion maker.

Mayor Muldoon called for a vote. The vote showed 3-2 in favor, with Stanford and Lenz opposed. The motion carried.

Chairman Newcomb left the meeting at 5:02 p.m.

**Staff Recommendation on SPET Process.** Roxanne Robinson made staff comment.

On behalf of the Town, a motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue discussion on this item to the next joint meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried on behalf of the Town.

On behalf of the County, a motion was made by Greg Epstein and seconded by Paul Vogelheim to continue discussion on this item to the next joint meeting. Vice-Chair Macker called for the vote. The vote showed 3-0 in favor with Newcomb and Rhea absent. The motion carried on behalf of the County.

**Adjourn.** On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Don Frank to adjourn to executive session to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price in accordance with Wyoming Statute 16-4-405(a)(vii). The vote showed all in favor and the motion carried. On behalf of the County, a motion was made by Greg Epstein and seconded by Paul Vogelheim to adjourn. The vote showed 3-0 in favor with Newcomb and Rhea absent. The motion carried. The meeting adjourned at 5:07 p.m.

TOWN OF JACKSON

ATTEST: Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk

minutes:spb
Published JH News & Guide: June 13, 2018
SPECIAL JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING
JUNE 6-7, 2018    JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a special joint information meeting located in the Town Hall Council Chambers located at 150 East Pearl at 6:01 P.M. Upon roll call the following were found to be present:

MAYOR & COUNCIL: Mayor Pete Muldoon, Jim Stanford, Hailey Morton Levinson, and Bob Lenz. Don Frank was absent.

Housing Mitigation Requirements Land Development Regulations (LDRs) Updates. Tyler Sinclair and Alex Norton made staff comment on the goal of these updates were to consider replacing Division 6.3 and deleting Division 7.4 of the LDRs. A presentation was given on the background of the modifications.

Public Comment. Public comment was given by Scott Pearson, Lisa King, Stefan Fodor, Steven Friess, Rebecca Beckstill, Chris Dickey, Ty Hoath, Melissa Turley, Dan Walker, Brett Wagstaff, John Carney, Mark Barron, Rob Deslauriers, Jennifer Scott, Bill Schreiber, Paul Beaupre, Anna Olson, Mary Kate Buckley, Anne Cresswell, Zack Padilla, and Alissa Chambers.

Discussion took place on points brought up in public comment. Staff began stepping through the proposed modifications. At the end of the meeting, each Elected Official weighed in with their thoughts on the Overall Mitigation Rate. Hailey Morton Levinson left the meeting at 9:06 p.m.

On behalf of the Town, a motion was made by Bob Lenz and seconded by Jim Stanford to continue this item to tomorrow morning at 9:00 A.M. in the County Commissioners Chambers. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Greg Epstein to continue this item to tomorrow morning at 9:00 A.M. in the County Commissioners Chambers. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 9:23 P.M. on June 6, 2018, and reconvened the next morning at 9:07 A.M., June 7, 2018, in the Teton County Commissioners Chambers located at 200 South Willow. Upon roll call the following were found to be present:

MAYOR & COUNCIL: Mayor Pete Muldoon, Jim Stanford, Hailey Morton Levinson, and Bob Lenz. Don Frank was absent.
CHAIR & COMMISSIONERS: Chairman Mark Newcomb, Paul Vogelheim, Greg Epstein, Paul Vogelheim, and Smokey Rhea. Natalia Macker was absent.

Housing Mitigation Requirements Land Development Regulations (LDRs) Updates. Tyler Sinclair and Alex Norton continued stepping through the proposed modifications, beginning with the Overall Mitigation Rates and continuing through the modification table while receiving feedback from the Council and Commission.

Town Action. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve Item P17-052, the housing mitigation requirements updated dated March 16, 2018, finding as recommended by the Planning Director that pursuant to Section 8.7.1 of the Town of Jackson Land Development Regulations Item P17-052 is 1) consistent with purposes of LDRs, 2) Improves consistency with other LDRs, 3) Provides flexibility with standards that clearly define desired character, 4) Necessary to meet changes or public necessity, 5) Improves implementation of Comprehensive Plan, and 6) Consistent with other Town Ordinances. Mayor Muldoon called for the vote. The vote showed 3-1-0 in favor, with Lenz opposed and Frank absent. The motion carried on behalf of the town.

Teton County Action. A motion was made by Smokey Rhea and seconded by Mark Newcomb to continue AMD2017-0004 to a Special Joint Information Meeting on June 25 at 3:00 PM and direct staff to make the Board of County Commissioners directed modifications for consideration at that
meeting. Chair Newcomb call for the vote. The motion failed as the vote was 2-2-0, with Rhea and Newcomb in favor, Epstein and Vogelheim opposed, and Macker absent.

The Town continued action on the Housing LDR Updates with a Town Ordinance. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to read ordinances by short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Town of Jackson Ordinance L.  AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) TO DELETE DIVISION 7.4 AND SECTION 9.5.V, AND AMEND DIVISIONS 6.3, 1.4, AND SECTIONS 1.9.3.B.2, 1.9.3.C.2, 2.2.2.C.2, 2.2.2.D.2, 2.2.3.C.2, 2.2.3.D.2, 2.2.4.C.2, 2.2.4.D.2, 2.2.5.C.2, 2.2.5.D.2, 2.3.1.B.1, 2.3.1.C.2, 2.3.1.D.2, 2.3.2.B.1, 2.3.2.C.2, 2.3.2.D.2, 2.3.10.B.1, 2.3.10.C.2, 2.3.10.D.2, 3.3.1.C.2, 3.3.1.D.2, 4.2.1.C.2, 4.2.1.D.2, 4.2.2.C.2, 4.2.2.D.2, 4.3.1.D.3, 4.3.1.F.6, 4.3.1.F.11.f, 6.1.3.B.2.d.i.b, 6.1.5.C.2.c, 6.1.11.B.3.c, 6.2.2.B.1, 7.8.3, 7.8.4, 9.5.A, 9.5.B, 9.5.E, 9.5.L, AND 9.5.N OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING THE AFFORDABLE WORKFORCE HOUSING REQUIRED TO BE PROVIDED WITH DEVELOPMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

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

On behalf of the Town, a motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve Ordinance L on first reading as modified today by the Town Council. Mayor Muldoon called for a vote. The vote showed 3-1-0 in favor, with Lenz opposed and Frank absent. The motion carried.

Since the County’s earlier motion failed the County Commissioners continued discussion on the Housing LDR Updates. A motion was made by Paul Vogelheim and seconded by Smokey Rhea to continue AMD2017-0004 to the special joint meeting on June 25th at 3:00 p.m. (for additional discussion and without making today’s proposed modifications). The vote showed 3-1-0 in favor, with Newcomb opposed and Macker absent. The motion carried on behalf of the County. [Post meeting note: the June 25 meeting was changed to July 2, 2018 at 2:00 p.m.]

Housing Department Rules and Regulations.

Town of Jackson Ordinance G.  AN ORDINANCE ADDING A NEW TITLE 16 TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING WITH A NEW CHAPTER 16.10 ENACTING THE TOWN OF JACKSON HOUSING RULES AND REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford to continue the third reading of Ordinance G to the June 25, 2018 Special Joint Information Meeting as the first item. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried on behalf of the Town. [Post meeting note: the June 25 meeting was changed to July 2, 2018 at 2:00 p.m.]

On behalf of the County, a motion was made by Greg Epstein and seconded by Smokey Rhea to continue the 2018 Housing Department Rules and Regulations to the June 25, 2018 Special Joint Information Meeting. The vote showed all in favor and the motion carried on behalf of the County. [Post meeting note: the June 25 meeting was changed to July 2, 2018 at 2:00 p.m.]

Teton County Adjourns. On behalf of the County, a motion was made by Smokey Rhea and seconded by Paul Vogelheim to adjourn the meeting. The vote showed all in favor and the motion carried on behalf of the County Commission.

Town Only Item:  Summer Parking Proposal.  Roxanne Robinson made staff comment on a summer parking proposal received from West Gardner.

A motion was made by Hailey Morton Levinson and seconded by Bob Lenz to direct staff to review the request, place the item on the June 18 regular meeting agenda to allow the public the opportunity to comment, and for staff to present a recommendation that addresses the request include the staff and fiscal impact of granting the request. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.
**Town Council Adjourns.** On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford to adjourn the meeting. The vote showed all in favor and the motion carried on behalf of the Town Council. The meeting adjourned at 11:52 a.m.

TOWN OF JACKSON

ATTEST:

Sandra P. Birdyshaw, Town Clerk

Pete Muldoon, Mayor

minutes:spb

Published JH News & Guide: June 27, 2018
The Jackson Town Council met in conjunction with the Teton County Commission in the County Chambers located at 200 S. Willow at 1:19 p.m. The Special meeting was held to interview, deliberate, and appoint a member to the JH Sustainability Project Joint Powers Board and the Jackson Hole Travel & Tourism Board. Upon roll call the following were present:

TOWN COUNCIL: Pete Muldoon Mayor, and Hailey Morton Levinson. Jim Stanford, Bob Lenz, and Don Frank were absent.

COUNTY COMMISSION: Mark Newcomb Chair, Natalia Macker Vice Chair, and Greg Epstein. Paul Vogeleim and Smokey Rhea were absent.

Paul Vogelheim and Smokey Rhea arrived at 1:22pm.

Jim Stanford arrived at 1:27pm.

The following candidates were interviewed for the JH Energy Sustainability Project Joint Powers Board:  Caroline Baker, Laura Bonich, and Jim Speyer.

The following candidates were interviewed for the Jackson Hole Travel & Tourism Board: Stephen Lane, Joshua Mickelson, and Brian Modena.

Bob Lenz arrived at 2:19pm.

The following candidates were interviewed for the Jackson Hole Travel & Tourism Board: Eric Dombroski

Executive Session.

At 2:27 p.m. and on behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Macker to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii) to consider the appointment of a public official to a volunteer board. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Lenz to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii) to consider the appointment of a public official to a volunteer board. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

TOWN COUNCIL: Pete Muldoon Mayor, Jim Stanford Vice-Mayor,  Bob Lenz, and Hailey Morton Levinson. Don Frank was absent.

COUNTY COMMISSION: Mark Newcomb Chair, Natalia Macker Vice Chair, Paul Vogelheim, Greg Epstein, and Smokey Rhea.

STAFF: Kate Sollitt and Shelley Fairbanks. Kate Sollitt left the executive session at 2:30pm.

On behalf of the County, a motion was made by Commissioner Vogeleim and seconded by Commissioner Epstein to adjourn from executive session. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. Mayor Pete Muldoon adjourned the Town’s executive session at 2:46pm.

Chair Newcomb stepped out of the meeting at 2:45pm and returned at 2:48pm.

Appointment.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Vogeleim to appoint Jim Speyer and Laura Bonich to full 3-year terms on the JH Energy Sustainability Project Joint Powers Board (Energy Conservation Works) expiring June 30, 2021 and to confirm the appointment of Jim Webb representing Lower Valley Energy to a full 3-year term expiring June 30, 2021. Vice Chair Macker called for the vote. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Stanford to appoint Jim Speyer and Laura Bonich to full 3-year terms on the JH Energy Sustainability Project Joint Powers Board (Energy Conservation Works) expiring June 30, 2021 and to confirm the appointment of Jim Webb representing Lower Valley Energy to a full 3-year term expiring June 30, 2021. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Rhea to appoint Brian Modena and Eric Dombroski to full 3-year terms on the Jackson Hole Travel and Tourism Board expiring June 30, 2021. Vice Chair Macker called for the vote. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Lenz to appoint Brian Modena and Eric Dombroski full 3-year terms on the Jackson Hole Travel and Tourism Board expiring June 30, 2021. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Adjourn.

On behalf of the County, a motion was made by Commissioner Macker and seconded by Commissioner Epstein to adjourn the meeting. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.
On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Lenz to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

The meeting adjourned at 2:46 p.m.

Minutes: sdf

TETON COUNTY BOARD OF COMMISSIONERS
/s/ Mark Newcomb, Chair
ATTEST: /s/ Sherry L. Daigle, County Clerk
STATEMENT/PURPOSE
The Town Council will consider the Housing Rules & Regulations on Third Reading. The Board of County Commissioners will consider adoption of the Housing Rules & Regulations.

BACKGROUND/ALTERNATIVES
Beginning in May 2017, the Jackson/Teton County Housing Department and the Town and County Planning Departments have collaborated on a multi-faceted project called Engage 2017: Housing, Parking, and Natural Resources. Attached to this staff report you will find a memo summarizing the Engage 2017 Housing Department Rules and Regulations update, including community engagement and the public process followed.

On April 11, 2018, the County Commissioners and Town Council confirmed final policy direction for the Jackson/Teton County Affordable Housing Rules and Regulations. The Board of County Commissioners directed staff to start the 45-day public comment period and the Town Council held the first reading for the ordinance to adopt the Rules and Regulations.

On May 21, 2018 the Town Council and County Commissioners revisited whether to keep the appreciation caps on rents and home values for Workforce Housing units. The decision was made to remove the cap on Workforce rental units and keep the cap on ownership values. This was a material change to Ordinance G so First Reading was held again. The Town Council held Second Reading on June 4, 2018, and due to the material change not getting incorporated into the Second Reading ordinance, Second Reading was held again on June 25, 2018.

ATTACHMENTS
- Housing Rules and Regulations Update Summary
- Draft Ordinance G for approval at second reading by the Town
- Jackson/Teton County Housing Department Rules and Regulations
- Jackson/Teton County Housing Department Rules and Regulations Teton County Commissioners Resolution.
FISCAL IMPACT
Once the new Jackson/Teton County Housing Rules and Regulations are approved, staff will conduct a comprehensive public outreach campaign to inform community members of the changes. Funding for this is in the FY 19 Housing Department budget request.

STAFF IMPACT
Impacts to staff include updates to the existing collateral and website, updating restrictions (which will also require legal staff time), and communicating changes to the public.

LEGAL REVIEW
Reviewed by Audrey Cohen-Davis and Erin Weisman. Ordinance prepared by Audrey Cohen-Davis.

SUGGESTED MOTION
Town: I move to approve Ordinance G on Third Reading as presented to be designated as Ordinance 1195.

County: I move to approve the Jackson/Teton County Housing Department Rules and Regulations as presented to be effective July 4, 2018.

Synopsis for PowerPoint (120 words max): A summary of the demand for workforce housing in Teton County, the tools available to create supply, and the relationship between the two.
The Jackson/Teton County Housing Department is updating the Housing Rules and Regulations that govern who qualifies to live in a Housing Department home and what restrictions apply to living in a Housing Department home. The Rules and Regulations help to make sure that the approximately 800 homes managed by the Housing Department are used in a way that best meets the needs of the community.

The Housing Rules and Regulations have not been updated since 2008. In 2015, the community adopted a Workforce Housing Action Plan which requires that another update be done to the Housing Rules and Regulations.

Public Engagement Process
The Housing Department and the Town and County Planning Departments held five public engagement events from May of 2017 through October of 2017. These engagement meetings were conducted in both Spanish and English in order to get feedback from the community. Staff also held six sessions of office hours to discuss the Rules and Regulations and answer questions. In total, there were 297 individuals engaged in these meetings and office visits. Staff utilized newspaper advertisements, Facebook campaigns, email campaigns, and educational presentations to various non-profit organizations and advocacy groups to further gain input from the community. Additionally, two surveys addressing the topic of housing rules and regulations were administered to the public. These surveys yielded 325 responses from community members. The public also had the opportunity to provide public comment at six public meetings with the Town Council, County Commissioners, and Housing Authority Board.

What did we hear from the community?
The following bullets provide a summary of comments received from members of the public, and do not represent an exhaustive list of all feedback received:

- A new selection process should be implemented that is more transparent and fair to everyone.
- Households should not be required to provide proof of legal documentation to qualify for affordable rentals.
- Some members of the community said that households should have to work 40 hours per week to qualify and some said 30 hours.
- Non liquid business assets should not be counted in the asset limit calculation.
- Some members of the community said households should be required to occupy their homes 11 months out of each calendar year, some said 10 months, and some said 9 months.
- Some members of the community said that we should keep the status quo on livability standards, and others said to adopt livability requirements instead of having minimum size requirements. Others said that the size requirements should be increased or decreased.
- Some members of the community thought that no more than 30% of a household’s income should be used towards housing costs. Others said that percentage should be increased.
- Some said that households should not be required to requalify annually. Others thought they should.
- Some members of the community said that roommates should be allowed in restricted homes as long as they work in Teton County and do not exceed the income or asset limits. Others said do not allow renters.
The New Regulations

After extensive outreach to the community, as well as internal input, staff made recommendations to the Jackson Town Council and the Teton County Board of County Commissioners using public comment collected during the Engage 2017 public outreach process along with other community feedback that informed the Jackson/Teton County Comprehensive Plan and Workforce Housing Action Plan. Recommendations to the elected officials were also provided by the Jackson/Teton County Housing Authority Board. The elected Officials were given all the public comment received throughout the process.

The Jackson Town Council and Teton County Board of County Commissioners used this public comment to answer twelve high level policy questions to direct staff in the Housing Rules and Regulations update. These questions, the direction provided by the elected officials in response to these questions, and how this direction has changed the Rules and Regulations is outlined below. Note, we have only listed the changes that make the new regulations different from the old. In many cases, the elected officials provided direction that was consistent with existing policies in the old Rules and Regulations. These policies will be carried forward into the new Rules and Regulations.

1. What should the employment criteria be to rent or purchase a restricted home?
   Direction: At least one person in the household must work at least an average of 30 hours per week (1560 hours per year). Remove the ability for retirees to qualify to purchase or rent a restricted home. Remove the requirement that at least one person in the household must be a U.S. Citizen or Lawful Permanent Resident for rental units.
   Currently, the Housing Department requires that at least one member of a household works a minimum of 30 hours per week, which allows dual-seasonal workers to qualify. This did not change. The Housing Department will no longer require citizenship or lawful permanent residency documentation for rental units. Retired individuals will no longer qualify to purchase or rent restricted homes.

2. What kind of assets should be allowed and/or counted, and how much is the limit?
   Direction: To qualify to purchase an Affordable home, households are allowed to own a limited amount of assets. In calculating the value of a household’s assets, the Housing Department will count anything of value more than $500, funds in retirement accounts are not included, and residential property must be sold. Only liquid business assets are counted. The asset limit equals twice the income limit for a 4-person household. Mobile homes are considered the same as residential property.
   The change is that only liquid business assets are counted. This allows business owners to possess equipment needed to operate their business. Business income and liquid assets count toward the household’s income and assets. Mobile homes have not been addressed in the Regulations in the past, but the Housing Department has always considered them the same as residential property. They will now be addressed in the regulations. The method of calculating assets is not changing. A household must be below the asset limit for the income category in which they fit. If their assets exceed the limit, they will not qualify for the Affordable program.

3. How many months out of a calendar year should a household be required to occupy a restricted unit?
   Direction: Standardize all units 10 months out of a calendar year.
   The direction is consistent with existing policies and no changes will be made.
4. What livability standards should apply to restricted units?

Direction: Minimum size requirements should be removed and livability standards should be adopted.
The policy change eliminates minimum unit size requirements and creates standards to ensure that the units are livable and maximize functionality. Developers’ housing requirement will be to provide a certain number of units. With no minimum size requirements, developers will have the ability to design projects with flexibility and functionality at a potential lower cost to build while remaining within the livability standards.

5. What percentage of a household’s income should be spent on housing?

Direction: 30% of a household’s income should be spent on housing.
There is no change to this policy. 30% of a household’s income spent towards housing is the standard set forth by HUD for housing affordability. For rental units, this includes the cost of utilities (water, sewer, electricity/gas, and trash).

6. When should a household have to qualify for a rental or ownership home?

Direction: Rental units should qualify at the time of their lease renewal. Employment-based units should continue to provide employment and income verification annually. Annual check-in with households in ownership Affordable units to verify employment and occupancy. Standardize annual qualifications for ARU, Employee and Employment-based units.
This policy change will require Affordable homeowners to prove annually that they are still employed full-time at least 30 hours per week and that they are occupying their homes at least 10 months out of the year. This will ensure that owners of Affordable homes will continue to be a part of the workforce until they reach retirement age. This annual check-in will not affect existing owners. It will only affect units sold after June 4, 2018 and new units built after June 4, 2018.

7. How should the sale/rent price be set?

Direction: base the rental rates for JTCHA owned units and employee housing units on 30% of the low end of the category. Base maximum sales prices using 30% of a household’s income toward housing (22% toward principle and interest, 8% toward HOA dues, taxes and insurance). Use a 30-year mortgage with 5% down, 20 year rolling average interest rate, and income at middle of the income range.
This is a big change to the Housing Rules and Regulations.
For rental units, this will ensure that tenants are paying a maximum of 30% of their income towards housing. This will make rent affordable to every household in the category. The chart below shows current maximum rents and the new maximum rents for a one-bedroom unit in 2017. Rates include electricity, gas, water, sewer, and trash removal.

<table>
<thead>
<tr>
<th>1-bedroom unit</th>
<th>Current JTCHA Owned Rental Rates</th>
<th>New JTCHA Owned Max Rental Rates</th>
<th>Current Employee Housing Max Rental Rates</th>
<th>New Employee Housing Max Rental Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>$1,125</td>
<td>$960</td>
<td>$1,038</td>
<td>$960</td>
</tr>
<tr>
<td>Category 2</td>
<td>$1,125</td>
<td>$1,280</td>
<td>$1,038</td>
<td>$960</td>
</tr>
</tbody>
</table>
For ownership units, we will use 8% of housing costs towards HOA dues, taxes and insurance rather than 5% which is the current policy. This will benefit the community because HOA and insurance costs are rising and are a big part of a household's housing costs. This will make homes more affordable to the owners because the HOA dues, taxes and insurance will be more accurately reflected in the price of the home.

The chart below shows current maximum sales prices and how they will change with the new regulations for 2 bedroom homes. The prices are affected by two things. One is the change from 5% to 8% to account for HOA taxes and insurance (causes price to go down) and using a 20-year rolling average interest rate, which is currently a change from 7.5% to 6% (lower interest rate increases purchasing power and causes the prices to go up).

<table>
<thead>
<tr>
<th>2 bedroom unit</th>
<th>Current Max Sales Price</th>
<th>New Max Sales Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td>$160,500</td>
<td>$164,700</td>
</tr>
<tr>
<td>Category 2</td>
<td>$206,400</td>
<td>$211,700</td>
</tr>
<tr>
<td>Category 3</td>
<td>$252,300</td>
<td>$258,900</td>
</tr>
</tbody>
</table>

8. How should restricted ownership homes be valued at resale?
Direction: Homes should appreciate using the Denver-Boulder-Greeley CPI capped at 3%. Currently 2.5% annual appreciation is used. The CPI will give appreciation a connection to the fluctuations in the economy without allowing for too much appreciation, which, over time, could make the home unaffordable to households in the category.

The following chart shows the difference of a home purchased at $200,000 appreciating at 2.5% over a 10 year period and one using the CPI capped at 3%.

<table>
<thead>
<tr>
<th>Max Resale Price with 2.5% Appreciation</th>
<th>Max Resale Price with CPI Capped at 3% Appreciation</th>
</tr>
</thead>
<tbody>
<tr>
<td>$252,374</td>
<td>$244,252</td>
</tr>
</tbody>
</table>

9. How should renting or subletting be handled?
Direction: Keep the current process for owners to apply for approval to rent except make the criteria for approval much easier to increase availability of workforce housing.
Direction was given by the Town and County to keep the process that we currently have allowing owners to ask for approval to rent, but to generously loosen the rules on reasons for allowing rentals. The Housing Department will still approve rental rates and qualify tenants.
10. How should the buy/sell process work?

Direction: Utilize a weighted drawing system that will give entries based on number of years worked in Teton County and for being a qualified Critical Services Provider. Households will be given points that translate into entries in the weighted drawing. Employment-based and Affordable drawings will be handled using this process. Points will be given for years working in Teton County and Critical Services Providers. This is a change to the selection process that will be more transparent, easier to understand and will allow everyone who qualifies for the home and enters a drawing to have a chance at getting chosen first for a home.

Households will be required to meet minimum occupancy standards to enter a drawing. These standards will benefit the community by maximizing the space in homes and filling the bedrooms.

<table>
<thead>
<tr>
<th>Unit size</th>
<th>Household size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>One or two persons</td>
</tr>
<tr>
<td>1 bedroom unit</td>
<td>One or two persons</td>
</tr>
<tr>
<td>2 bedroom unit</td>
<td>At least one adult and at least one dependent</td>
</tr>
<tr>
<td>3 bedroom unit</td>
<td>At least one adult and at least two dependents</td>
</tr>
<tr>
<td>4 bedroom unit</td>
<td>At least one adult and at least three dependents</td>
</tr>
</tbody>
</table>

11. What types of relief should be allowed from the Rules and Regulations?

Direction: Formalize the appeal process, including the appeal hearing, and model after the Wyoming Contested Case Rules. Set out standards for making determinations on exceptions, appeals, and grievances. This policy change will standardize the appeal process to provide a more transparent, predictable process.

12. How should new Rules and Regulations be applied to existing units?

Direction: Place new restrictions on units at resale. The standard restriction and/or lease agreement will refer to the Rules and Regulations where appropriate. Once the new Rules and Regulations are adopted they will apply to all units unless the restriction on the unit states otherwise. For those units, the Housing Department may purchase back the unit when it comes up for sale, reprice the unit if appropriate, place a new restriction on the unit that will refer to the Rules and Regulations, and then sell the unit.
ORDINANCE G

AN ORDINANCE ADDING A NEW TITLE 16 TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING WITH A NEW CHAPTER 16.10 ENACTING THE TOWN OF JACKSON HOUSING RULES AND REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION I.

There is hereby added to the Town of Jackson Municipal Code a new Title 16 regarding Housing and with a new Chapter 16.10 enacting the Town of Jackson Housing Rules and Regulations to read as follows:

Title 16 Housing

Title 16
Housing

Chapters:

16.10  TOWN OF JACKSON HOUSING RULES AND REGULATIONS

Chapter 16.10
TOWN OF JACKSON HOUSING RULES AND REGULATIONS

Sections:

16.10.000  Introduction.
16.10.001  Purpose and General Goals.
16.10.003  Qualification and Eligibility.
16.10.004  Weighted Drawing.
16.10.005  Purchase and Sale Standards and Procedures.
16.10.006  Rental Standards and Procedures.
16.10.007  Compliance and Exception, Appeal, Grievance Standards and Procedures.
16.10.008  Definitions.

16.10.000  Introduction.

A.  List of Commonly Used Acronyms.
B. Summary of Housing Programs.

The general goal of all housing programs covered by the Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming. The housing programs addressed in the Housing Department Rules and Regulations are: Affordable Ownership, Affordable Rental, Workforce Ownership, and Workforce Rental. Legacy programs (including Accessory Residential Units, Attainable units, Employee units, and Employment-based units) are referenced in some properties’ restrictions, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs.

Descriptions of Applicable Programs:

1. Accessory Residential Units (ARU) – Units created through this program are developed as part of nonresidential developments that are exempt from the housing requirements set by the LDRs. These units are rented to workers employed in Teton County, and they must remain as rental property (i.e., they cannot be converted to condominiums). Accessory Residential Units developed after June 4, 2018 will be part of the “Workforce Rental” program.

2. Affordable – These are units created through the mandatory affordable housing mitigation requirements included in the Town and County Land Development Regulations (LDRs). The Affordable housing program is divided into “Affordable Ownership” and “Affordable Rental,” and each has restricted pricing based on applicable affordability ranges.

3. Attainable – These units were built before housing standards were codified in the LDRs. No more Attainable housing units will be constructed, but the Housing Department Rules and Regulations still apply through the management of existing units. Specific requirements for these units are recorded as covenants on the property deed, and the Housing Department Rules and Regulations are referenced through these covenants.
4. **Employee** – These rental housing units are built to comply with the housing mitigation requirements for new nonresidential development set out in the Town and County LDRs. Initially, these units were intended to provide housing to seasonal workers, but they are not restricted to occupancy by seasonal workers. These Housing Department Rules and Regulations have been updated to reflect the Town and County’s policy direction in 2017, which aligns with the Comprehensive Plan’s goal of housing the local year-round workforce. The owner of the Employee housing units ultimately makes the decision about unit tenancy so long as the household qualifies, and household income is capped at 120% AMI. These units can be converted to condominiums for workforce employers. If the Housing Department Rules and Regulations and the restrictions recorded on the deeds of these properties conflict, then the language, requirement, and/or provision of the restrictions shall be applied and followed, not the Housing Department Rules and Regulations. Employee units developed after June 4, 2018 will be part of the “Affordable Rental” program.

5. **Employment-Based** – This is a program that the Town of Jackson initiated to create restricted ownership units for sale to households that are employed in Teton County, but do not fit within the affordability ranges set out in the LDRs. These units are not developed under a mandatory requirement set out in the Town’s LDRs. These units do not have income or asset limits. Qualifying households are required to be employed at least 30 hours per week at a local business and earn 75% of income from employment at a business located in Teton County. Employment-Based units developed after June 4, 2018 will be part of the “Workforce Ownership” program.

6. **Workforce Housing Programs** – This program is divided into “Workforce Rental” units and “Workforce Ownership” units. There is no cap on the original purchase price or the rental rate. Once an ownership unit is sold, the maximum resale price is restricted to an appreciation cap on the unit as recorded in the covenants on the deed. The Housing Department Rules and Regulations apply to these units with respect to qualification rules, livability and minimum/maximum square footage requirements, and resale standards.

### 16.10.001 Purpose and General Goals.

**A. Purpose** – The Jackson/Teton County Affordable Housing Department (“Housing Department”) was created by Teton County, Wyoming and the Town of Jackson, Wyoming on March 14, 2016 Town Resolution 16-04 and County Resolution 16-008. The purpose of these Housing Department Rules and Regulations (“Housing Rules”) is to provide comprehensive and consistent provisions that apply to housing units created through the Town or County established housing programs and/or administered by the joint Town of Jackson/Teton County Housing Department (hereafter “Housing Department”).

The Housing Department Rules and Regulations were formerly known as the “Guidelines.” When the Housing Guidelines are referenced in documents promulgated prior to the adoption of the 2018 Housing Department Rules and Regulations, the reference of guidelines refers to these Housing Department Rules and Regulations.

1. Applicability.
a. Subject to Provisions that are Unique to Specific Program - Each housing program covered in these Housing Department Rules and Regulations is subject to provisions that are unique to that program as indicated in these Housing Department Rules and Regulations.

b. Subject to Provisions of the Restrictions Recorded on the Property - Restricted housing units are subject to individual deed restrictions, special restrictions, or ground leases, (collectively “restrictions”) which may have additional requirements or provisions. If the Housing Department Rules and Regulations and the restrictions conflict, then the language, requirement, and/or provision of the Restrictions shall be applied and followed, not the Housing Department Rules and Regulations. The Restrictions recorded on the property supersede any inconsistency in these Housing Department Rules and Regulations.

c. Subject to Federal Fair Housing Law (The Fair Housing Amendments Act of 1988) - The Housing Department recognizes that the Office of Fair Housing and Equal Opportunity administers and enforces federal laws and establishes policies that ensure that all Americans have equal access to the housing of their choice. The Housing Department does business in accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988).

i. Discrimination - It is Illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the sale or rental of housing, in the financing of housing, in the provision of real estate brokerage services, or in the appraisal of housing.

   a) Filing a Complaint - Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination to the HUD Housing Discrimination Hotline, 1-800-669-9777 (Toll Free), or the TDD line for the hearing impaired, 1-800-927-9275.

   ii. Blockbusting - Blockbusting is also prohibited. Blockbusting is the practice of illegally frightening homeowners by telling them that people who are members of a particular race, religion, or national origin are moving into their neighborhood and that they should expect a decline in the value of their property. The purpose of this scheme is to get the homeowners to sell at a deflated price.

d. Disclaimer - The Jackson/Teton County Affordable Housing Department (“Housing Department”) expressly disclaims any and all warranties, express or implied, including without limitation fitness for a particular purpose with respect to the provision of restricted housing units. The Housing Department does not represent, warrant, or promise to construct, finance, or otherwise produce, in whole or in part, any restricted housing units pursuant to these Housing Department Rules and Regulations or under any other programs. No applicant may rely upon any promise implied or expressed that restricted housing units shall be constructed, financed, or otherwise produced, in whole or in part, by the Housing Department. In no event shall the Housing
Department be liable to any applicant for any direct, indirect, incidental, punitive, or consequential damage of any kind whatsoever, including without limitation lost profits, lost sales, lost business, lost opportunity, lost information, lost or wasted time. None of the information contained in these Housing Department Rules and Regulations constitutes an offer to sell or the solicitation of an offer to buy a restricted housing unit.

B. General Policy Goals – The general goal of all housing programs covered by these Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming, which includes the Affordable, Attainable, Employee, Employment-Based, Accessory Residential Unit, and Workforce housing programs. This is accomplished by regulating the occupancy, use, sale and/or rental of the restricted housing units covered by the Housing Department Rules and Regulations to qualified households as defined herein.

1. Promoting Economic and Social Diversity - Certain housing programs also limit initial eligibility of qualified households based on financial means criteria, which may include both household income and household net assets. Such financial qualifying factors promote economic and social diversity within the Jackson Hole community.

2. Ensuring Long-Term Affordability - Many of the restricted housing units covered by these Housing Department Rules and Regulations are subject to price limitations for sale, resale and/or rental. These limitations are intended to ensure affordability for both the current household occupying the restricted housing unit and to ensure the long-term affordability of the restricted housing unit.

3. Providing Housing for the Local Workforce - Minimum occupancy requirements apply to all restricted housing units to ensure that the unit meets the community’s goals of providing housing for the local workforce by maximizing the space and filling the bedrooms, and to ensure that the restricted housing unit does not serve as a second home.

4. Providing Fair and Consistent Administration - These Housing Department Rules and Regulations are intended to provide clear, fair, and consistent administration of the housing programs to which they apply. It is recognized that there are individual households or restricted housing units that may not fit clearly into the specific provisions of the Housing Department Rules and Regulations, but still meet these general policy goals. For these cases, exception, appeal, and grievance processes have been included in Section 16.10.007 Compliance and Exception, Appeal, and Grievance Standards and Procedures.

C. Relationship to Land Development Regulations – The Town of Jackson and Teton County Land Development Regulations (LDRs) set out standards for the development and use of land within each jurisdiction. The LDRs include requirements for certain developments to provide affordable housing or fees to offset the additional housing need that the developments create. Specific programs address different types of development.
The Planning Department of each jurisdiction reviews development applications to check for compliance with the LDRs.

These Housing Department Rules and Regulations impose additional requirements on the developers of any type of restricted housing units. The Housing Department reviews compliance with these Housing Department Rules and Regulations, both prior to development and during occupancy and use.

1. Standards Applicable Under LDRs versus Housing Department Rules and Regulations - Generally, the LDRs address any provisions that must be met during the development approval phase, while the Housing Department Rules and Regulations address provisions that ensure proper use and maintenance of the restricted housing units throughout their lifetime.

<table>
<thead>
<tr>
<th>LDR Provisions</th>
<th>Housing Department Rules and Regulations Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental/Sale Mix (required mix of units)</td>
<td>Livability Standards (Interior)</td>
</tr>
<tr>
<td>Occupancy Standards</td>
<td>Dormitory Livability Standards</td>
</tr>
<tr>
<td>Distribution of Income Categories</td>
<td>Livability Requirements for Conversion of Existing Housing Stock</td>
</tr>
<tr>
<td>Requirements for Fees in Lieu</td>
<td>Restrictive Covenant Form and Process</td>
</tr>
<tr>
<td>Requirements for Conveyance of Land or Conversion of Existing Housing Stock</td>
<td>Sale/Rental Standards and Procedures including Qualification and Eligibility for Each Program</td>
</tr>
<tr>
<td>Procedure for Banking Credits</td>
<td>Compliance with Housing Department Rules and Regulations</td>
</tr>
<tr>
<td>Phasing Plan</td>
<td></td>
</tr>
<tr>
<td>Mix by Number of Bedrooms</td>
<td></td>
</tr>
</tbody>
</table>

2. References Retained for Convenience - All references to the LDRs in these Housing Department Rules and Regulations are for convenience and are not a part of the Housing Department Rules and Regulations.


A. Purpose - The Jackson/Teton County Comprehensive Plan lists three common community values, one of which is quality of life. One of the ways called out to achieve quality of life is through local workforce housing. With regards to workforce housing, the Comprehensive Plan includes the four following principles:

1. Maintain a diverse population by providing workforce housing
2. Strategically locate a variety of housing types
3. Reduce the shortage of housing that is affordable to the workforce
4. Use a balanced set of tools to meet our housing goal
The Town of Jackson and Teton County have several tools to increase the amount of housing that is affordable to the workforce. One of these tools is the requirement and/or incentive in the LDRs for residential and non-residential development to provide permanently restricted workforce housing. This housing represents a substantial and long-term public investment. As such, it is imperative the restricted housing produced be livable and of good quality.

This section, Housing Development Standards and Procedures, is meant to provide guidance to the prospective developers of restricted housing units. Subsection B lays out the requirements of the Housing Mitigation Plan, which is reviewed by both the Planning Department and the Housing Department. Subsection C sets out the Livability Standards, which are under the Housing Department’s purview.

1. Applicability - This Section applies to all developments subject to Division 6.3 and Division 7.4 of the County LDRs and Division 6.3 and Division 7.4 of the Town LDRs. It also applies to any restricted housing units not required through the LDRs that are presented to the Board of County Commissioners or Town Council in development applications.

2. General Policy Goals.

   a. Inform Developers of Standards and Procedures - These Housing Development Standards and Procedures inform prospective developers of the standards and guidelines for construction and sale of restricted housing units, as required by the LDRs and the Housing Department Rules and Regulations.

   b. Provide Fair and Consistent Implementation of Standards and Procedures - These Housing Development Standards and Procedures help the Housing Department implement policies of the LDRs and the Housing Department Rules and Regulations in a fair and consistent manner.

B. Housing Mitigation Plan - A Housing Mitigation Plan for each project shall be submitted according to the provisions of the Teton County and Town of Jackson LDRs [See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4]. A packet with a checklist for a Housing Mitigation Plan can be obtained through the Housing Department or the Town or County Planning Departments.

1. Procedures.

   a. Consultation with Applicant (Optional) - Applicants may meet with Housing Department staff prior to submitting a Housing Mitigation Plan. Although this step is not required, it is often helpful for the applicant and the Housing Department staff to discuss the development proposal and how it meets the LDRs and Housing Department Rules and Regulations.
b. Review - Applications for development that have been submitted to the Town or County Planning and/or Building Departments are reviewed by the Housing Department for compliance with these Housing Department Rules and Regulations.

2. Content - The Housing Mitigation Plan contains some provisions that fall under the purview of the Planning Department, while others fall under the purview of the Housing Department. Specifically, the Housing Department oversees the maximum unit size. Developers should refer to the LDRs for requirements such as the mitigation methods, the mix of units by number of bedrooms and the mix of units by affordability ranges.


c. Fee Calculations - If the developer proposes Fees In-Lieu as the preferred form of mitigation, the developer shall submit the proposed amount with a Final Development Plan.

The Housing Department shall update the fees in-lieu for the restricted housing units on an annual basis effective April 1 or within 30 days of HUD publishing updated annual median income data. Fees in-lieu figures are available at the Housing Department office or on the Housing Department website.

d. Unit Descriptions.

i. Unit Size - There is no minimum or maximum unit size based on square footage. Size by bedroom mix is located in the LDRs.

ii. Rental/Sale Mix - As part of the Housing Mitigation Plan, the developer shall state which units are intended as rentals and which are intended as ownership in accordance with the LDRs (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).

iii. Mix of Units by Number of Bedrooms - The intent of the restricted housing programs is to provide a variety of unit types to meet the housing needs of our diverse workforce. The Town and County LDRS set out the specific occupational requirements for housing units. The mix of units by number of bedrooms in each unit is also determined by the Town and County LDRs.

e. Special Restriction Form and Process - A Special Restriction is a contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to satisfy the Town or County LDRs. It also applies to other restricted housing units that will be administered by the Housing Department. Special Restrictions shall keep the restricted housing units affordable in perpetuity and provide proper notification of this obligation to subsequent buyers or other interested parties. (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).

i. Requirement - The developer shall record Special Restrictions in the public land records for the subject property prior to the issuance of a Certificate of Occupancy by the County or Town.

ii. Process - The Housing Department shall prepare special restrictions according to the process below. Restrictive covenant templates are available from the Housing Department or the Housing Department website.
   a) Special Restriction Information Sheet - The developer shall complete the “Special Restriction Information Sheet” and submit to the Housing Department. This form is found at the Housing Department website, or at the Housing Department offices.
   b) Preparation of Special Restriction - The Housing Department will prepare the special restriction and provide the document to the developer for review via email or other delivery method.
   c) Review - Once reviewed by the developer for accuracy, the Housing Department and the developer (“declarant”) will sign the special restriction and deliver to the County or Town for the required signature.
   d) Developer Responsibilities - The developer is responsible for signing the special restriction, recording the special restriction with the Teton County Clerk, paying for the recording fees, providing the County or Town Planning Department with a copy of the recorded document, and returning the original to the Jackson/Teton County Housing Department office. The Housing Department shall witness the recording.
   e) Modification/Amendment - The developer shall not make modifications to the special restrictions with the exception that when an alternate housing program is approved by the Town Council or County Commissioners. Modifications or amendments to the restricted covenant must be agreed to in writing by the Housing Department. The developer or owner may be responsible for any legal costs to amend a restrictive covenant.
C. Livability Standards - To meet the community’s goals of providing working families a viable choice of housing, to protect social diversity, and to contribute to economic stability, the LDRs and the Housing Department Rules and Regulations require that restricted housing units are designed to provide adequate size, building and site design, and finishings to serve future tenants. These are all criteria in the Housing Department’s decisions as to whether a development meets the goals of the LDRs and the Housing Department Rules and Regulations. For additional construction standards, see Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4.

1. Process - These Livability Standards are associated with interior components of the units, functionality, light, and outdoor space. Review by the Housing Department will be completed during the planning process and at time of building permit. It is encouraged that applicants review restricted housing unit designs with the Housing Department early in the design process.

   Restricted housing units will also be subject to Planning Department review, as some livability standards are requirements of the LDRs (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).

2. Intent - The livability standards in the LDRs do not include minimum size requirements for units. To ensure functionality of units regardless of size, these Livability Standards have been adopted. The Housing Department may consider flexibility within these standards as long as the intent of functionality is being met. All building, plumbing, electrical, and fire code requirements are still required to be met. These standards do not supersed other requirements.

   Restricted housing units are expected to be designed with logical and functional room layout. This includes adequate space for normal living based on two (2) persons per one-bedroom unit, three (3) persons per two-bedroom unit, and four (4) persons per three-bedroom unit and adequate circulation pathways through the unit based on a reasonable furniture configuration.

   The standards contained in this document provide minimum requirements for specific items and are not intended to be “build to” specifications.

   a. Exceptions - Applicants may request approval of components that don’t conform to these Livability Standards by completing the “Request for Exception” form. The request must include a detailed explanation of why the applicant wishes to diverge from these Livability Standards, and how the proposed difference is meeting the intent of these Livability Standards. Detailed drawings of what is being proposed shall also be submitted (See Section 7-3)

3. Acceptance of Restricted Housing Units - Proposed floor plans will be reviewed by the Housing Department at time of Sketch Plan submittal, Final Development Plan submittal and/or other permit submittal. Proposed unit designs and components must be approved by the Housing Department prior to submittal for building permit. The
Housing Department will inspect all restricted units before certificate of occupancy to ensure that the unit is built according to the approved designs.

4. Standards for Restricted Ownership Units.
   a. Kitchen.
      i. Cabinets - All units shall have kitchen cabinet or other storage area (such as a pantry) proportionate to unit size that, at a minimum, meet the required space listing in the table below. A stove/oven may not be used to meet cabinet requirements, and no more than two cabinet spaces less than one foot in width may be used to meet cabinet requirements.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Lineal Ft of Base Cabinets*</th>
<th>Lineal Ft of Upper Cabinets*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency / studio / one-bedroom &lt; 475 SF</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>One bedroom &gt; 475 SF</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Three bedrooms or more</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>

*Assumes standard 24” depth and 26” height for base cabinets and 12” depth and 30” height for upper cabinets.

Note that additional kitchen storage beyond the minimum is desirable. In some cases, additional cabinetry is provided as either base or upper cabinets and credit is requested to reduce cabinetry elsewhere. Requests to storage requirements will be considered as an exception to be approved by the Housing Department.

ii. Countertops - The surface of countertops shall be made of new, durable, easily cleaned materials that are commonly used for countertops. One, two and three bedroom units must provide a minimum 3 feet of continuous countertop work space not including interior corner space.

iii. Appliances.

a) Table of Appliance Specifications - The following table specifies minimum appliance requirements.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Sink width*</th>
<th>Range/oven width*</th>
<th>Refrigerator cubic feet*</th>
<th>Dishwasher*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/One bedroom &lt; 475 SF</td>
<td>24”</td>
<td>24”</td>
<td>18</td>
<td>18”</td>
</tr>
<tr>
<td>One bedroom &gt; 475 SF</td>
<td>30”</td>
<td>30”</td>
<td>25</td>
<td>24”</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>32”</td>
<td>30”</td>
<td>30</td>
<td>24”</td>
</tr>
<tr>
<td>Three bedrooms or more</td>
<td>32”</td>
<td>30”</td>
<td>30</td>
<td>24”</td>
</tr>
</tbody>
</table>

*Minimum Size

b) Quality and Warranty - All appliances shall be new, Energy Star, and UL (Underwriters Laboratories Standards for Safety) listed, and approved.
appliances. Documentation of the estimated reliability of proposed appliances, such as Consumer Report ratings, should be provided. Appliances must be of sound quality with the following minimum warranties:

1) Range or Stove and Oven - One-year minimum warranty. All major appliances used for surface cooking must have a ventilation system that meets code (typically, a fan rated at a minimum of 150 CFM).

2) Refrigerator - One-year minimum warranty on the entire appliance.

3) Dishwasher - One-year minimum warranty on the entire appliance.

4) Garbage Disposal - If provided in the market rate units, all restricted ownership units shall include a garbage disposal each with a one-year minimum warranty on the entire appliance.

5) Microwaves and other small appliances are optional.

b. Bathrooms - At least one full bathroom is required and must contain a bathtub with shower, sink, toilet, and a minimum of four (4) square feet of storage. Flexibility is allowed as to how the storage is provided and will be approved by the Housing Department.

c. Closets and Storage Areas - Adequate storage is essential to providing livable housing. For safety reasons, mechanical rooms should be separate from any storage space and to ensure usable storage space should not open into storage space. All closets and storage areas should have a minimum 7.5’ height except those under stairs which can include sloping ceilings down to 6’ height unless it is not being counted toward the requirement. All dimensions shall be calculated from the finish trim dimension.

i. Table of Minimum Storage Dimensions.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Bedroom closet width</th>
<th>Linen closet* width</th>
<th>Additional storage square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/one-bedroom &lt; 475 SF</td>
<td>6 feet</td>
<td>24 inches</td>
<td>25 square feet</td>
</tr>
<tr>
<td>One-bedroom &gt; 475 SF</td>
<td>6 feet</td>
<td>30 inches</td>
<td>30 square feet</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>6 feet</td>
<td>30 inches</td>
<td>40 square feet</td>
</tr>
<tr>
<td>Three-bedroom or more</td>
<td>6 feet</td>
<td>36 inches</td>
<td>50 square feet</td>
</tr>
</tbody>
</table>

ii. Other Storage Standards.

a) Closet depth must be 26 inches.

b) Bedrooms must each contain a closet that includes one shelf over a rod.
c) Entryway closets are not a requirement. If an entryway closet is not provided that will adequately store coats and shoes/boots for one person in a studio, two persons in a one-bedroom, three persons in a two-bedroom and four persons in a three-bedroom, then an area for hanging/storing coats and shoes/boots near the entryway is required that will adequately provide for the same persons per unit.

d) In addition to bedroom, linen and entryway storage, additional storage must be provided. Locations may include the basement, garage, exterior to the unit or interior to the unit. The intent of this storage is to provide space for large or outdoor items such as bicycles, strollers, recreational gear, etc. If appliances are located in this area, their footprint cannot be counted toward square footage of storage and must be approved by the Housing Department.

e) Closet and storage doors must be sliding doors, folding doors, or doors that open outwards to allow for access to space. Doors are not required on interior storage. Closets and storage space may not have any other doors opening into the space.

D. Floor Coverings - New carpet, wood, tile, vinyl or linoleum floor covering shall be provided, with a minimum 10-year warranty. New water resistant floor covering other than carpet is required in kitchens and bathrooms. Floor coverings are required on all subfloor material with the exception that concrete can be used as flooring material.

E. Room Sizes and Shapes - All units must include appropriate and adequate room sizes and room shapes (generally rectilinear) that allow for functional furniture placement. Minimum sizes should be measured at the narrowest point in the room. Where any room such as the dining room is adjacent to the kitchen area, a 3’ wide buffer between all kitchen cabinets, appliances and work spaces may not be included in the minimum room calculation. All dimensions shall be calculated from the finish trim dimension.

It is highly recommended that room dimensions include an additional 1-2” as a margin of error to accommodate discrepancies in the framing and finish.

i. Minimum Room Size.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Minimum Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/One-bedroom &lt;475 SF</td>
<td>100 SF</td>
</tr>
<tr>
<td>One-bedroom</td>
<td>120 SF</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>180 SF</td>
</tr>
<tr>
<td>Three-bedroom or more</td>
<td>200 SF</td>
</tr>
</tbody>
</table>

ii. Bedrooms - The first bedroom shall be a minimum of 120 square feet. Additional bedrooms shall be a minimum of 90 square feet. No bedroom shall have a finish dimension less than nine feet (9’0).
iii. Living/Dining Rooms - Living/Dining Rooms shall provide the following minimum dimensions with no dimension less than ten feet (10’0).

iv. Connections and openings, circulation to and through, and exterior doors and windows shall not compromise the ability to furnish the living/dining area. Furniture layouts shall be used to set critical room dimensions. There shall be a minimum of one layout that is possible that will seat every household member assuming one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom and at least one seven-foot sofa, space for side tables, and ample leg room. Mechanical features, such as fuse boxes, shall not be visible or a central feature in the living area.

v. The eating/dining area may be in a separate room, part of a combined living/dining area, or in the kitchen provided a 3’ wide buffer between all kitchen cabinets, appliances and work spaces is not included in the minimum room calculation and a table and chairs (minimum 2 chairs – 4 chairs for two-bedroom or larger) can be shown to fit into the space without blocking circulation or doorways. A countertop eating area a minimum of 12” deep and 36” in length may be an acceptable alternative for units with less than two-bedrooms.

vi. Studios and One-Bedrooms less than 475 square feet - All units must include appropriate room shapes (generally rectilinear) that allow for functional furniture placement including a sleeping area that will accommodate a twin bed, a living area that can accommodate a 6’ sofa, and a cooking eating area (table or island) that will accommodate two persons/chairs or stools. Furniture layouts shall be used to set critical room dimensions that include room for circulation.

F. Windows/Noise Mitigation - All living areas and bedrooms shall have a minimum of one window that can be opened.

Housing units that share walls with other residential or non-residential spaces must provide noise mitigation in walls, floors and ceilings for both airborne and impact sound.

All windows in rental units that have locations where pedestrians or passersby can see directly into the window must provide window shades or coverings that open from the top down to allow partial closing that provides privacy but also allows for the maximum amount of natural light to enter the unit and for ventilation.

For developments that propose affordable units facing on and within 100 yards of road-ways with allowable speeds in excess of 35 miles per hour or other types of industrial or other noise must have windows facing these conditions that meet a 32 Sound Transmission Class (STC) rating standard for noise mitigation or greater.

g. Laundry - Restricted ownership units shall include washer/dryer hookups.
h. Heating and Hot Water - Furnaces, boilers, or hot water heaters provided must have a 5-year minimum warranty. Hot water heaters must be appropriately sized to adequately serve the number of anticipated occupants based on one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom.

Heating mechanical units may not be located on any patio or deck used to meet open space requirements or interior to the unit in a way that reduces usable floor area.

i. Other Design Features - The following features are encouraged and may be used in the place of other requirements with approval from the Housing Department:

   i. Built-in storage space such as drawers under beds, stairs, etc.
   ii. Creative shelving in dead space
   iii. Washer/Dryer or communal laundry area in rental units
   iv. Extra storage for recreational equipment
   v. Additional closet space
   vi. Additional cabinetry

5. Standards for Dormitories - General livability standards (Section: C) will apply except when these dormitory standards differ. There shall be a minimum of 150 square feet net livable floor area per person, including sleeping, bathroom, kitchen, and lounge space. Net livable floor area shall not include interior or exterior hallways, parking, patios, decks, laundry rooms, mechanical areas, and storage.

   a. Bathroom - At least one bathroom shall be provided for shared use by no more than four persons, containing at least one toilet, one sink, one bathtub with a shower, and a total area of at least 60 habitable square feet.

   b. Kitchen Facility - A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Housing Department’s approval and determination that the facilities are adequate in size to service the number of persons using the facility.

   Provide seating at a table or bar area for each person proposed to use the facility. The kitchen must have a range with a minimum of 4 burners and an oven. A refrigerator at least 5 cubic feet per person proposed to use the dorm. Each unit must have a minimum of 7 lineal feet of base cabinets and upper cabinets. Each unit shall have a kitchen sink at least 31 inches wide.

   c. Storage Space - Each unit occupant shall be provided at least 20 net square feet of enclosed storage space located within, or in close proximity to, the unit. This is in addition to the required 150 square feet of net livable floor area of living space per person.
d. Occupancy - A dormitory unit shall not be occupied by more than eight persons.

e. Variances - At its discretion, Housing Department staff may allow a variance to the requirement of 150 square feet. To receive approval for a variance, an applicant shall provide a minimum of 60 square feet of sleeping area per person and meet conditions 1-4, listed above.

6. Standards for Conversions of Existing Housing Stock - If existing unrestricted housing is offered and accepted by the Town of Jackson or Teton County, as adequate to meet an affordable housing requirement, the existing units must be upgraded in accordance with the following standards, unless a variance from these requirements is approved by the Planning Department of the Town or County.

Applicants shall bear the costs of any required upgrades to meet the standards, as listed below. Applicants will also be responsible for any structural/engineering reports requested by the Housing Department to assess compliance with the Housing Department standards of the proposed units.

a. Standards.

i. All units must be freshly painted;

ii. All appliances must be purchased within the last five years and be in good condition and in working order. Evidence must be provided to verify the appliance was purchased within the last five years;

iii. New carpet shall be provided (unless carpet has been purchased in the last five years and is in good condition and repair). Evidence must be provided to verify the carpet was installed within the last five years;

iv. The exterior walls shall be freshly painted within one year of dedication, a general level of upgrade to yards and landscaping shall be provided, and windows, heating, plumbing, and electrical systems, fixtures and equipment shall be in good condition and working order;

v. The roof must have a remaining useful life of at least ten years. Evidence must be provided to verify this; and

vi. The unit shall meet Uniform Building Code minimum standards, as well as any applicable housing code.

vii. See Section 6.3 of the LDRs for other existing housing stock requirements.

16.10.003 Qualification and Eligibility.

A. General Descriptions - Each housing program described in these Housing Department Rules and Regulations is evaluated on two levels to determine the requirements of
occupants and/or owners to purchase and/or occupy the housing unit in question; the two levels of evaluation are herein referred to as qualification and eligibility.

1. Qualification - Qualification is the most general and applies to all housing programs.

2. Eligibility - Eligibility refers to additional requirements specific to a particular restricted housing unit or program.

B. Qualification - To be considered a qualified household under these Housing Department Rules and Regulations, all of the following criteria must be met prior to the time of closing:

1. Employment Requirement - At least one member of the household must fit one of the following categories:

   a. Employed in Teton County - Be employed at a local business or organization located in Teton County an average of at least thirty (30) hours per week or 1560 hours in a calendar year, or be under contract for employment at a local business or organization located in Teton County, Wyoming, where such contract commences employment before move-in or closing on a restricted housing unit, and the employment will be for a minimum of 30 hours per week or 1560 hours per year.

   b. Self-Employed - If self-employed, hours of work must be documented to substantiate meeting the 30-hour per week / 1560 hours per year requirement. Since self-employment is often unique, different methods of verification may be used. Reasonable annual income is the first method that will be reviewed. Other methods may include verification from vendors, employees, or other applicable methods.

   c. Employment Exemptions.

      i. Military Service - Active military service in the U.S. Armed Services counts as employment in Teton County, Wyoming if that member of the household met employment criteria in Teton County, Wyoming for a minimum of two years prior to enlisting.

      ii. Disabled - An individual who is defined as disabled and is unable to be gainfully employed due to the disability meets the employment qualifications for housing in Teton County if the individual has a minimum of one (1) year of full-time residency in Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

      iii. Caregiver - Work as a caregiver counts as an employment exemption if the following criteria are met:

         a) Full-time Resident - The caregiver is a full-time resident of Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

         b) Duration and Timing of Caregiving - The caregiver was or is volunteering all or a portion of their time caring for their own children or an ailing or
disabled immediate family member and, therefore, was unable to gain full-time employment in Teton County. Verification will be required using varying methods including but not limited to birth certificates, letter from health provider, and affidavits from family members or neighbors.

iv. Secondary School Attendance - Secondary education counts as an employment exemption if other employment criteria were met in Teton County, Wyoming at least two (2) years immediately prior to seeking secondary education.

v. Hospitalization - Hospitalization counts as an employment exemption if the hospitalized member of the household worked in Teton County, Wyoming at least two (2) years immediately prior to becoming hospitalized.

2. Citizenship - At least one (1) member of the household must be a U.S. Citizen or be hold a Lawful Permanent Residency card in the United States in order to qualify to purchase a restricted housing unit.

3. Age - At least one (1) member of the household must be eighteen (18) years of age.

4. Financial Ability - The Household must qualify without a cosigner for a loan through an institutional lender to purchase a restricted housing unit.

a. Contingencies - Any contingencies on lender’s qualification may be a cause for the Housing Department to deny qualification to the household. If a contingency requires the household to sell a home prior to the purchase of a restricted housing unit, it will be disclosed to the seller, and the seller will have the option to deny going under contract with the selected household.

b. Disclosure of Financial Gifts - Financial gifts received by the household must be disclosed to the Housing Department and will be counted toward household net assets. A letter from the gift or certifying the gift and the amount of the gift will be required.

c. Use of Retirement Savings for Down Payment - Down payment funds that are withdrawn from retirement accounts will be counted toward household net assets.

d. Qualified Mortgages - All liens that encumber the property must be ‘qualified mortgages’ made by a ‘qualified mortgagee’ or will not be secured by the property (See Section 16.10.008 Definitions).

5. Occupancy - The Household must occupy the restricted housing unit as its primary residence for a minimum of 10 months out of a calendar year and in accordance with the restrictions recorded on the property.

a. Leave of Absence - The Housing Manager of the Housing Department may grant a one (1) year leave of absence if the household submits a “Request for Leave of Absence” form, along with the coinciding fee.
b. Attainable Housing Program Exception - Attainable housing units allow owners to rent a room in their home as long as the owner still occupies the units on a substantially full-time basis (9 months per year as required by their restriction).

C. Eligibility - Households may be required to meet one or all of the following eligibility criteria to be eligible to purchase, rent and / or occupy a housing unit. The restriction on the housing unit and / or the specific housing program will determine if additional eligibility requirements apply.

1. Household Income - Eligibility Criteria differs between units that are targeted to different affordability ranges. The “Household Income and Asset Chart” that sets income and asset requirements is updated annually and published on the Housing Department website. It can also be obtained from the Housing Department.

a. Affordability Ranges - Below are the affordability ranges based on percentage of Median Family Income (MFI) as calculated by the U.S. Department of Housing and Urban Development (HUD). Legacy units restricted prior to 2018 adoption of Housing Mitigation Standards in the LDRs used different “income categories.” These income categories will still apply to legacy units that set out these income categories in the unit’s restrictive covenants.

i. Affordable and Affordable Rental.
   Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards:
   - 0 – 80%
   - 80 – 100%
   - 100 – 120%
   - 120 – 140%
   - 140 – 175%
   - 170 – 200%

   Rental units developed after 2018 adoption of Housing Mitigation Standards:
   - 0 – 50%
   - 50 – 80%
   - 80 – 120%
   - 120% – 200%

   Ownership units developed after 2018 adoption of Housing Mitigation Standards®2)
   - 80 – 120%
   - 120 – 200%

ii. Legacy Attainable Units.
   - Category 2 = <=120%
   - Category 3 = <=140%
   - Category 4 = <=175%

iii. Employee.
Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards.

Households are eligible for these Employee housing units if they make up to 120% MFI. If this is inconsistent with the deed restriction recorded on the particular Employee Housing Unit, the deed restriction shall supersede these Housing Department Rules and Regulations.

iv. Employment-Based - There is no income eligibility for Employment-Based units. However, at least 75% of the household’s combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a local business.

v. Workforce Housing Program - There is no income eligibility for Workforce housing units. However, at least 75% of the household’s combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a local business.

vi. Other Restricted Housing Units - Income eligibility for other restricted housing units may be set out in restrictive covenants that apply to the particular restricted housing unit.

b. Calculation of Income - Household income is based on the current income earned by all intended adult occupants of the restricted housing unit at estimated closing date and is calculated by the Housing Department using the current household income to estimate an annual (12 month) income basis. Households must use their current income and may not make changes or adjustments to earnings in order to fit into a category. Any changes to income must be given to the Housing Department prior to the initiation of a weighted drawing process in order to be eligible to enter the weighted drawing.

i. College-Aged Children - The income of adult children who are members of the household and who are attending college will not be counted.

ii. Business Income - Business income of a qualifying Household is calculated using an average of the last three (3) years of income on the business’ tax returns. A year to date profit and loss determination will also be used to calculate business income, along with a current balance sheet. If the business has not been operating for three (3) years, the Housing Department will average income over the time the business has been operating.
iii. Household Members - All individuals who are intending to occupy the unit must be included on the application. All adults who are not attending college must include income and assets on the application. No adults not listed on the application may reside in the home within the first year and without prior approval from the Housing Department. No approval will be given without adding any adult occupants to title.

2. Household Net Assets - Eligibility for some restricted housing units is also based on a qualifying household’s net assets.

a. Calculation of Net Assets - Household net assets include the value of all assets over $500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

Total household net assets shall not exceed two times the four-person household income requirement for the income category of the housing unit. All household members’ shares of liquid business assets shall be included in determination of total household net assets. Net assets of all household members shall be combined in determination of total household net assets. See the “Household Income and Asset Chart” for net asset thresholds, which is updated annually and published on the Housing Department website. A copy may be obtained from the Housing Department.

b. Ownership of Real Property.

i. Ownership at Time of Application - At the time of application, a Household may own other undeveloped or developed residential or commercial property. The fair market value of such property will be taken into consideration when determining household net assets. A price opinion using a market analysis will be obtained by the Housing Department through a local real estate firm within thirty (30) days from the date of submittal of an application for a restricted housing unit to determine fair market value of the other undeveloped or developed property. The owner of the property will be solely responsible to pay for the price opinion in conjunction with submittal of the Housing Department Application.

a) Ownership of Commercial Property - A household will be able to maintain ownership of commercial property.

b) Designation of Mobile Homes - Mobile homes situated in a mobile home park or on other land with hook-ups to water/sewer and electricity will be considered residential property, and thus, will be required to be sold as with other residential property. If the mobile home is not situated in a mobile home park or other land with hook-ups to water/sewer and electricity, it will only be considered an asset.
c) Rental Income and Rental Assets - Rental income from any residential real
estate will be counted toward household income and the asset will be
counted toward net assets.

c. Required Sale of Residential Property - Once under contract for a restricted housing
unit, the qualifying Household must list residential property (developed or
undeveloped), located within 150 miles driving distance from the Town of Jackson,
for sale at a price commensurate with the price opinion. If the property has not sold
or is not under contract after one year from the listing date, within 30 days of the
year expiring, another price opinion will be obtained. If the price opinion is lower
than the listed price, the owner will have 30 days from the date of the price opinion
to lower the asking price to that of the price opinion. If after 24 months from the
date first listed, the property still has not sold or gone under contract, the Housing
Manager of the Housing Department will issue an analysis of the property with a
determination of the salability of the restricted housing unit along with the next
steps required. A copy of the analysis will be provided to the owner, and the owner
will have the opportunity to appeal the determination of the Housing Authority
Board. The owner may be required to sell their restricted housing unit if the
residential property has not sold.

d. Disposition of Assets - Any member of a household who has assigned, conveyed,
transferred or otherwise disposed of property or other assets within the last two (2)
years in order to meet the net asset limitation or the property ownership limitation
shall be ineligible to purchase a restricted housing unit.

3. Readiness to Purchase - Individuals purchasing a restricted housing unit must
demonstrate readiness to purchase by showing the following:

a. Contingencies - Contingencies on lender’s qualification must be approved by the
Housing Department prior to entering a weighted drawing. Such contingencies
include but are not limited to requirement to sell property, requirement to prove
down payment via account statement, gift letter or other, and requirement to pay
off debt. Examples of proof of down payment are a letter from a family member
who may be providing a gift or a bank statement showing funds available.

b. Age - At least one individual in the household must be at least 18 years of age.

c. Execution of Legally Binding Contract - Individuals must be capable to legally
enter into a contract.

4. Homebuyer Education - Completion of the Homebuyer Education course is be required
to meet eligibility criteria to enter a weighted drawing for a restricted housing unit
and/or purchase a restricted housing unit. The required course is offered by Wyoming
Housing Network or another Housing Department approved organization.

5. Online Intake Form - The Online Intake Form must be completed prior to entering a
weighted drawing for a home. Completion of this form will put a household on the
Housing Department’s email list, and the household will begin receiving emails with
information about homes when they are available. All advertising of homes available will be done through email to those who have completed the Online Intake Form and on the Housing Department website. The online Intake Form can be found on the Housing Department’s website: jhaffordablehousing.org. This form must be completed in its entirety and updated at least annually. It cannot be completed or updated during a weighted drawing process that the household wishes to enter. The Online Intake Form does not enter a household into a weighted drawing. The weighted drawing is a separate process. See Section 16.10.004.C.5.

16.10.004 Weighted Drawing.

The Affordable and Workforce Housing requirements may utilize the weighted drawing process to select a qualified household using the procedures listed below. The weighted drawing will be advertised on the Housing Department website, jhaffordablehousing.org, and via email to all households that have completed the Online Intake Form. See Section 3-3e: Online Intake Form.

A. Minimum Occupancy Requirement - In order to ensure that the units meet the intended goals of housing the Teton County workforce and are consistent with mitigation requirements, the following occupancy preferences are:

   Studio: One (1) or two (2) persons
   One-bedroom: One (1) or two (2) persons
   Two-bedroom: One (1) or two (2) adults with one (1) or more dependents
   Three-bedroom: One (1) or two (2) adults with two (2) or more dependents
   Four-bedroom: One (1) or two (2) adults with three (3) or more dependents

For purposes of counting household size, children must be able to be claimed as a dependent on Federal Income tax returns.

B. Weighted Drawing Points - Eligible households receive points that will determine the number of entries the household will receive in the weighted drawing. One point equals one entry in the weighted drawing. One point is assigned for each full year of consecutive full-time employment at a local business immediately prior to entering a weighted drawing, with a maximum of ten (10) points. One point is assigned for each qualified critical services provider with a maximum of two (2) points. The total maximum points a household can receive is twelve (12). Households are not eligible to enter a weighted drawing until they have one (1) full year of full-time employment in Teton County for a local business or one (1) point.

Points are given based off of one person in the household. Years working in Teton County cannot be doubled up and must be verifiable. For example, a two-person household, one of which has been employed in Teton County for two years and the other for four years, would be assigned four (4) points.

1. Employment - At least one member of a household must be employed full-time in Teton County at a local business. Full-time employment is defined as at least one thousand five hundred sixty (1,560) hours per year or an average of at least thirty (30)
hours per week. Employment exemptions found in Section 16.10.003.B. Qualifications apply.

a. Interruption of Employment - Interruption of employment will be allowed in special circumstances if other employment criteria are met in Teton County, Wyoming at least two (2) years immediately prior to the interruption of employment. Interruption of employment will only be allowed for a maximum period of two (2) years. Points will not be given for the time period during the interruption of employment. Points will be given for years employed full-time at a local business immediately prior to the interruption of employment. To obtain points for prior employment, a household must have reestablished full-time employment at a local business immediately upon termination of the reason for the interruption of employment. Reasons for allowed interruption of employment include: caring for a sick or disabled immediate family member, attending secondary school, and hospitalization. Verification documentation of the reason for interruption of employment will be required to obtain points for prior employment.

2. Additional Points.

a. Critical Services Provider - Qualified critical services providers, as defined in Section 16.10.008 Definitions, may be eligible for a maximum of two (2) additional points. Any household may not receive more than two (2) points. However, if a household has one (1) person who qualifies as a critical services provider for two (2) organizations, they will receive two (2) points. The following conditions must be met to receive the critical services provider designation and priority:

i. Critical Services Provider Designation - Organizations who believe their employees or volunteers meet the definition of critical services provider can apply to the Housing Department to become an approved critical services provider organization and have certain job positions deemed ‘qualified.” The Teton County Board of County Commissioners and the Jackson Town Council will approve or deny critical services provider organization applications.

a) Required Documentation - Employees who work in these “qualified” positions for approved critical services provider organizations can enter a weighted drawing and receive additional points. These individuals must submit a “Critical Services Provider Supervisor Questionnaire” along with their weighted drawing entry documents. These will be held on file for a period of six months before needing to be updated.

ii. One Year of Full-Time Employment - A qualified critical services provider must earn one (1) point for one (1) year of full-time employment in Teton County at a local business prior to receiving points as a critical services provider.

iii. Approval Process - Applications received by the Housing Department for approval as Critical Services Provider Organizations will be processed by staff.
The Housing Manager will make a recommendation to the Jackson/Teton County Housing Authority Board who will approve or deny the application.

3. Accessible Units - Priority will be given to households with member(s) who are mobility impaired. If more than one weighted drawing entry is received for Accessible units, a weighted drawing will be held. If no households with members who have mobility impairments apply, the weighted drawing will be held with all other applicants.

16.10.005 Purchase and Sale Standards and Procedures.

A. Sale and Resale Standards.

1. Applicability - Each restricted housing program dictates both the initial sales price and the maximum resale price. The restrictions for each unit should be consulted for exact details.

   a. Affordable Housing Program - For the Affordable housing program, these Housing Department Rules and Regulations set out how to determine both the initial sales price and the maximum resale price.

   b. Employment-Based Housing Program - The initial sales prices and maximum resale prices for Employment-Based housing units are determined by these Housing Department Rules and Regulations.

   c. Workforce Housing Program - The initial sales prices for Workforce housing units are negotiated between the owner and the buyer. There are some legacy Workforce units that have maximum sales prices and limited appreciation.

   d. Attainable Housing Program – The Attainable housing program does not place limits on sale or resale prices, but buyers still must meet the qualification and eligibility rules laid out in Section 16.10.003. Qualification and Eligibility.

   e. Other Programs – For other restricted housing units, the property’s restrictions clarify how the sale and resale prices are configured.

   f. Rental Rates - For information on maximum rental rates permitted by the rental housing programs, see Section 16.10.005.B. Tenancy and Rental Standards and Procedures.

2. Initial Sales Price (Maximum Sales Price).

The Housing Department updates the maximum sales prices for Affordable housing units obligated by the LDRs on April 1st of each year. The maximum sales prices are available on the Housing Department’s website or at the Housing Department. The methodology listed below shall determine the maximum sales prices. The intent of the maximum sales prices is to ensure initial and long-term affordability.
a. Median Family Income - Each year, the U.S. Department of Housing and Urban Development (HUD) releases Median Family Income figures for Teton County, Wyoming. The Housing Department uses this data to determine household incomes for the applicable restricted housing units based on number of bedrooms and persons per bedroom.

b. Household Size - The Household Size for determining maximum sales price is based on number of persons per bedroom in the applicable restricted housing unit.

c. Affordability Range - The household income for the applicable restricted housing unit is set at the middle of the affordability range to ensure affordability. For example: the income range for affordability range 3 is 81% - 120% MFI; therefore, an income of 100% MFI would be used in calculating the maximum sales price.

d. Percentage of Income - The national standard for household affordability is that a household does not pay more than 30% of its gross income toward housing costs. Therefore, monthly payments (including principle, interest, taxes, insurance and HOA dues) cannot exceed 30% of the Median Family Income for each affordability range.

e. Maximum Sales Price Calculation - The maximum sales price for a restricted housing unit is determined by calculating 30% of a qualifying household’s income, using the following assumptions:

i. 22% of household income covers principal and interest,

ii. 8% of household income covers HOA dues, taxes, and insurance,

iii. Assumptions for the mortgage include: 30-year mortgage, 5% down payment, 20-year rolling average interest rate for a qualifying household earning the median of the applicable income category.

f. Potential Variability of Maximum Sales Price.

i. The maximum sales prices will be lower if the unit is below grade, or if there is no garage.

ii. If an owner is determined to be in default of their restrictions, the Housing Department will have the option to purchase the property for a purchase price equal to the maximum resale price or the appraised value, whichever is less, subject to the Housing Department’s ability to limit appreciation and/or reduce proceeds, and on such other terms as are provided in the restrictions.

iii. If an owner is found to be in default of their restrictions, the Housing Department may cease the appreciation of the property when determining the maximum resale value beginning on the known date the owner began being in default.

a. The intent of the maximum resale price is to ensure long-term affordability of the restricted housing units at resale. The maximum resale price (MRP) shall be the original purchase price (OPP) with the following adjustments:

Appreciation 3% or Denver-Boulder-Greeley CPI - Appreciation of the value of the restricted housing unit is based on the Denver-Boulder-Greeley CPI each year capped at 3%. The latest published numbers for Quarter 2 and Quarter 4 of each year will be used unless the deed restrictions or ground lease specifically reference an alternative appreciation method or no measured appreciation.

The following standards apply:

1) Date of purchase is defined as seller’s original closing date (date seller purchased the restricted housing unit). If the closing date is on or after the 15th of the month, the month is not counted for prorating the value. If the closing date is before the 15th of the month, the entire month is counted.

2) Three (3) months will be added to the date that the “Letter of Intent to Sell” is received and will be considered the estimated closing date.

3) If the Letter of Intent to Sell is received on or before the 15th of the month, the entire month is counted. If the “Letter of Intent to Sell” is received after the 15th of the month, the month will not be counted.

4) Each eligible whole month will be prorated.

i. Denver-Boulder-Greeley CPI - The CPI used to calculate maximum resale prices in some restrictions is the Denver Boulder Greeley CPI. New figures are published by the Colorado Department of Labor and Statistics twice a year, normally in March and August. In calculating the allowed maximum appreciation of a home, the latest reported figure will be averaged with the other reported figure for the year and used up to the date new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the Denver Boulder Greeley Colorado CPI ceases to exist, a comparable index will be used.

ii. Northwest Wyoming Cost of Living Index - The NWCLI figure used to calculate maximum resale prices in some ground leases is obtained from the Wyoming State Division of Economic Analysis and is calculated with All Items minus Housing. It is updated quarterly and released generally in June for the First (1) Quarter, October for the Second (2nd) Quarter, December for the Third (3rd) Quarter and March for the Fourth (4th) Quarter. The latest reported figure will be averaged with the other reported Quarters of the year and will be used up to the date the new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the NWCLI ceases to exist, a comparable index will be used.
iii. Flat Appreciation Rate of 2.5 Percent - The flat appreciation rate of 2.5% found in some restrictions is not based on an index. Rather, it is based on an analysis of incomes over 20 years, where it was found that incomes rose on average by 2.5% per year.

b. Cost of Actual Capital Improvements - Restricted housing units that have deed restrictions or ground leases allowing for improvement credits can add the value of these improvements to the appreciated value to calculate the MRP based on the following.

Credit for capital improvement expenditures on the restricted housing unit given at resale will be no more than 10% of the OPP of the home except where the Housing Department has determined otherwise. All capital improvements must be pre-approved by the Housing Department and properly permitted and inspected by the Town of Jackson or Teton County Building Official. Approval/disapproval must be determined prior to actual construction to be considered at time of sale. Improvements done without prior approval will not be considered for capital improvement credit. It is the owner’s responsibility to secure any approval necessary from the restricted housing unit’s Homeowners Association and obtain any necessary permits prior to undertaking any Capital Improvement. Please consult Section 16.10.005.A.5 for more details.

c. Depreciated Costs of Capital Improvements - The depreciated costs of Capital Improvements can be added to the appreciated value to calculate the MRP, so long as they do not exceed ten percent (10%) of the OPP or as determined by the Housing Department on a project-specific basis. All capital improvements will be depreciated as applicable according to the Marshall and Swift Residential Cost Handbook or a similar resource.

d. Maintenance Adjustment - Households are required to keep restricted housing units in a properly maintained state. Housing Department staff and/or a third-party inspector hired by the Housing Department will inspect the property after receiving the “Letter of Intent to Sell” from the owner. The inspector will provide an inspection report to the Housing Department. The Housing Department may require the owner to repair or replace items on the inspection report. The buyer also has the opportunity to inspect the property and provide the Housing Department with a list of items. If required repairs, replacement, or cleaning are not made by the owner prior to the Housing Department’s final walkthrough two (2) business days before closing, the Housing Department will estimate the costs at its sole discretion, and an adjustment may be made to the seller’s proceeds or to the maximum resale price.

e. Other Costs - Any additional costs allowed by the Housing Department pursuant to the policies in effect on the date of the restricted household’s “Letter of Intent to Sell.”

4. Selling Procedures.
a. Letter of Intent to Sell - The seller shall submit a completed Letter of Intent to sell form to the Housing Department to begin the selling process. The form can be found on the Housing Department’s website or can be obtained from the Housing Department. The Housing Department staff will set up a meeting with the seller to review the selling process and the seller documents. The Letter of Intent must be submitted and the meeting with the seller must occur the week prior to the beginning of the weighted drawing entry period. See section 4. The seller shall be given the option to choose the Title Company. If the seller has no preference, the Housing Department will choose the Title Company.

b. Viewing of Unit - Once the weighted drawing is completed, the first household drawn will be contacted by the Housing Department and a time set up to view the unit. This viewing shall occur within five (5) business days of the household being notified that they were selected first in the drawing.

c. Inspection - The Housing Department will order a third party inspection to be done on the home by a qualified home inspector. The inspection information/report is for the use of the Housing Department and will not be released to any buyer. Buyers shall have the option to order their own inspection to be done on the home. It is the Housing Manager’s sole discretion as to whether items found by an inspector will be required to be repaired. A list of items required to be repaired will be given to the seller by the Housing Department. The seller is expected to have the items completed no later than three (3) business days prior to the closing date.

d. Complete Application - The household shall have five (5) business days from the day they are notified that they were selected first in the drawing to submit a complete application to the Housing Department. The Checklist for Complete Application and Application form can be obtained from the Housing Department’s website or from the Housing Department. The Housing Department reserves the right to request additional documentation when verifying a Household’s eligibility and qualification.

e. Qualification - The Housing Department shall review the application and supporting documents and calculate income, assets, and hours worked to verify eligibility and qualification. This process normally is complete within five (5) business days of receiving the application. However, it may take longer in unique circumstances. Once the Housing Department completes the review and verification of eligibility and qualification, the applicant is notified of approval or denial. If the applicant does not qualify, the next household drawn in the weighted drawing will be notified and the process will start over.

f. Qualified Household Meeting - When the Housing Department has identified a qualified household who wishes to move forward with the purchase of the home, a meeting is set up with the qualified household to review the purchase process and purchase documents, which include the Contract for Purchase and Sale of Residential Real Estate or Residential Improvements in the case of a Ground Lease and the buyer’s Facilitation Agreement. The applicant has five (5) business days to review and execute the purchase documents and return them to the Housing
Department with earnest money as called for in the Contract. The seller shall be notified immediately upon receipt of the signed contract and earnest money to execute the contract. A copy of the contract and the earnest money are then delivered by the Housing Department to the Title Company.

g. Final Walk Through - A final walk through will occur generally two (2) business days prior to the closing date. If the Housing Department finds maintenance or repair items that have not been completed, the Housing Department will estimate the costs of the maintenance/repair items and withhold funds from the seller’s proceeds. The funds are then given to the buyer and the buyer is responsible for completing the maintenance/repair items.

h. Closing - The closing will be held on or before fifty (50) days from complete execution of the Contract. The Buyer will take possession of the unit on closing day.

5. Capital Improvement Standards.

a. Approval Required - Owners must receive written approval from the Housing Department prior to beginning the work in order to receive credit for the capital improvement. To obtain approval, the “Request for Capital Improvement” form must be submitted along with estimated costs and drawings and/or plans and a narrative of the work to be done. Once the improvement is complete, copies of all receipts for materials and labor must be given to the Housing Department. No credit will be given for sweat equity.

b. Workmanlike Manner - All improvements must be built in a workmanlike manner, and according to Town of Jackson or Teton County building codes. All required permits and completion releases must be obtained from the Town or County. Any owner that does capital improvements without obtaining the proper permits or if it is determined at the Housing Department’s sole discretion that the improvements have not been done in a workmanlike manner may be required to make repairs or remove the improvements and return the home to its original condition.

c. Permitted Capital Improvements - The term “permitted capital improvement” shall only include the following:

i. Fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements;

ii. For the benefit of seniors and/or handicapped persons;

iii. Health and safety protection devices (including radon);

iv. Adding and/or finishing of permanent/fixed storage space;

v. Finishing of unfinished space;
vi. Landscaping; Adding trees, shrubs, lawn, patio, walkways, or sprinkler systems;

vii. Decks and balconies, and any extension thereto;

viii. Partial credit may be given for upgrade improvements that will increase the life of the component as compared to the original product or increase the long-term affordability of the home.

d. Improvements Not Permitted for Credit - Permitted capital improvements shall not include the following:

i. Jacuzzis, saunas, steam showers and other similar items;

ii. Upgrades or addition of decorative items, including lights, window treatments and other similar items;

iii. Upgrades of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of a unit, unless replacement is shown to improve the lifespan of the component or the long-term affordability of the restricted housing unit.

6. Resale and Transfer Limitations.

a. Transfer of Title - Transfer of title is not allowed unless approved by the Housing Department. To apply for approval, owners need to complete the Housing Department’s “Request for Transfer of Ownership (Title)” form and submit it to the Housing Department along with a $100.00 fee, which covers legal and recording fees. In some cases, a complete application will be required to be submitted for qualifying purposes.

i. Divorce - In the event of the divorce of an owner, the Housing Department may consent to the transfer of the residential unit to a spouse of an owner, which spouse may not otherwise qualify as a qualified household, only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

ii. Death - In the event of the death of an owner, the Housing Department may consent to the transfer of the residential unit to an heir or devisee of such deceased owner, which heir or devisee may not otherwise qualify as a qualified household only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

iii. Nonqualified Transferee - If title to the restricted housing unit vests in a nonqualified transferee, as defined in these Housing Department Rules and Regulations Section 16.10.005.B. Qualification, the restricted housing unit shall immediately be listed for sale in accordance with the restrictions and the
Housing Department Rules and Regulations. The following shall apply when the Housing Department determines there is a nonqualified transferee:

a) A nonqualified transferee shall cooperate with the Housing Department to affect the sale, conveyance or transfer of the restricted housing unit to a qualified household (or the Housing Authority in the event of its option to purchase) and shall execute any and all documents necessary to such sale conveyance or transfer.

b) A nonqualified transferee shall comply with the restrictions, the Housing Department Rules and Regulations, and all other covenants regulations, ordinances, statutes, laws, or rules governing the ownership, occupancy, use, development or transfer of the restricted housing unit, and further may only occupy the restricted housing unit with the prior written consent of the Housing Department.

b. Trusts - Restricted housing units may not be put into any type of a trust. This is the equivalent of transferring ownership, and trusts are not qualified to be the owner of a restricted housing unit.

c. Nontestamentary Transfer on Death - A “Nontestamentary Transfer on Death “deed is allowed to be recorded on restricted housing units, and must include the following:

i. It conveys an interest in real property to a beneficiary designated by the owner and states the deed is effective upon the death of the owner.

ii. It must be subject to all other encumbrances on the property to which the owner was subject to during their lifetime, including the Restrictions on the property.

iii. The Housing Department must approve the document before recordation.

d. Title - All adults who occupy the restricted housing unit for more than 30 accumulative days in a calendar year, except for children attending college, must be on the title to the restricted housing unit unless they have approval from the Housing Department to rent a room in the unit. Situations that require an addition to title include but are not limited to marriage, a significant other moving in, a friend moving in, etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title.

7. Other Sale and Resale Standards.

a. Privy to Purchase and Sales Agreement - Sellers and buyers shall provide a copy of the “Purchase and Sale Agreement” to the Housing Department. All financial information shall remain confidential, except as follows:
i. Public Records - Any document that would customarily be a matter of public record in the public records of Teton County, Wyoming, and is subject to the Wyoming Public Records Act;

ii. Weighted Drawing Positions - The names and positions of all persons who have participated in any Rental Weighted drawing held under these Housing Department Rules and Regulations;

iii. Freedom of Information Act or Wyoming Public Records Act - Any other information, which a court of competent jurisdiction rules must be released under the Freedom of Information Act or the Wyoming Public Records Act; and

iv. Audits - In addition, the Housing Department may allow access to personal and private information to any person or entity undertaking an independent audit of the records kept under these Housing Department Rules and Regulations, provided that such person or entity agrees to be subject to this confidentiality provision.

b. Independent Legal Counsel - All sellers and buyers of restricted housing units are advised to consult independent legal counsel to examine all contracts, CC&Rs, deed restrictions, agreements, affidavits, closing statement, title documents, etc. The retention of such counsel, or related services, shall be at the seller’s and buyer’s own expense. The sellers and buyers and/or their attorneys will not be allowed to make changes to Housing Department documents. A “Buyer’s Acknowledgement” form will be required to be signed prior to closing acknowledging recommendation to obtain legal counsel. The “Buyer’s Acknowledgement” form will be provided to the buyer for review prior to closing.

c. Title Company - The Housing Department advises sellers to use a title company and escrow agent located in Jackson, Wyoming to close the transaction because of their expertise with the Housing Department’s restricted housing programs and their unique and technical closing documents. The seller and buyer shall authorize the Housing Department to review the “Settlement Statement” prior to closing. Sellers can select a title company and escrow agent of their choice. If no title company is indicated, the Housing Department will select one.

d. Lenders.

i. Approved Lending Institutions - Borrowers are restricted to the following lending institutions licensed to engage in mortgage lending practices in the State of Wyoming:

   a) An “institutional lender” such as, but not limited to, a federal, state, or local housing finance agency, a bank (including savings and loan association or insured credit union), an insurance company, or any combination of the foregoing, the policies and procedures of which Institutional Lender are subject to direct governmental supervision; or
b) A “community loan fund”, or similar non-profit lender to housing projects for income-eligible persons (e.g. is not given to or acquired by any individual person); or

c) A non-affiliated, legitimate, “finance company.” In no event shall such finance company be an individual or any company that is affiliated with or has any affiliation with the owner or any family member of the owner.

ii. Required Down Payment and Loan to Value Ratio - The Housing Department requires that all buyers have at least 3.5% down payment on a purchase, and no refinance or second mortgage obtained after the original purchase is allowed to be higher than 95% loan to value.

iii. Debt to Income Ratio - The total debt to income ratio for a household may not exceed 45%.

iv. Qualified Mortgage - Lenders may submit a “Qualifying Mortgage” form to the Housing Department to have the mortgage deemed a “qualifying mortgage.” When submitting a qualified mortgage request, a copy of the title commitment and the Transmittal Summary (HUD Form 1008), or other documentation containing the same information, is required to be attached. The “Qualifying Mortgage” form can be obtained from the Housing Department or from the Housing Department’s website.

For homes that do not have a measured appreciation, such as Attainable homes, an appraisal recognizing the restriction on the property is required.

The Housing Department reserves the right to require additional information before approving a mortgage as a “qualifying mortgage”.

e. Total Debt - Owners shall not incur debt, liens or other obligations secured by the restricted housing unit that exceed 95% of the Original Purchase Price of the unit and shall notify the Housing Department immediately when a change in the total of these secured obligations is anticipated. No second mortgages, including but not limited to home equity lines of credit, shall encumber the restricted housing unit without advance approval by the Housing Department.

f. Co-Ownership - Any co-ownership arrangement other than Joint Tenancy or Tenancy-In-Common must be approved by the Housing Department. All adults occupying the unit, with the exception of children attending college, must be on the title of the restricted housing unit.

g. Co-Signors - Co-signors are guarantors for payment of mortgage. If an exception to the “no co-signors” rule is granted, co-signors shall not occupy the unit. Co-signors are not co-owners, so they are not allowed on the title. No lien or security can be placed on the property besides the mortgage itself.
h. Homeowners Associations - The restricted housing unit may be subject to a Homeowners Association (HOA). All owners of restricted housing units are required to pay HOA dues, and potential special assessments and fees if applicable, unless otherwise exempted. HOA dues may be substantial and are factored into the maximum sales price. Homeowners Associations frequently have interests and regulations, other than the Restriction, that affects the restricted housing unit. It is the owner’s responsibility to be aware of these interests and regulations. Failure of an owner to comply with the HOA Rules and Regulations or CC&Rs constitutes default of the Housing Department Rules and Regulations.

i. Homeowners’ Hazard Insurance - Owners are required to keep hazard insurance on their homes for 100% replacement cost. Since the homes are subsidized, this amount could be more than the price of the home. Often times Homeowners Associations provide insurance. Depending on how much coverage the HOA provides, the owner may be required to provide additional insurance to guarantee complete replacement of the home. Ground lease properties are required to name the Jackson/Teton County Housing Authority as additionally insured.

B. Tenancy and Rental Standards and Procedures - To maintain the character of neighborhoods and respect the nature of the community, restricted ownership units are not allowed to be rented without prior approval from the Housing Department. This includes renting any portion of the dwelling, any room within the dwelling or the garage.

1. Primary Residence - Owners of restricted housing units shall maintain the home as their primary residence.

   a. Occupancy Requirement - Households shall occupy their home full-time at least 10 months out of each calendar year.

   b. Business Activity Restricted - Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.

   c. No Guests for an Extended Period - Households who own restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.

   d. Leave of Absence - A one-year exception may be granted in cases of illness, short-term leaves of absence for education or training purposes, or other exigent circumstances with the advance written approval of the Housing Department.

      i. Rental of Restricted Unit during Leave of Absence - If granted a leave of absence, the owner is allowed to rent the property according to the provisions below in Section 16.10.005.B.2. Rental Procedures for Owner-Occupied Properties.

      ii. Post Leave of Absence.
a) After the restricted housing unit is rented for nine (9) months, owner will be required to notify the Housing Department in writing of either, (a) their intention to move back to the restricted housing unit upon expiration of the lease and/or the rent approval period; or (b) provide the Housing Department with a “Letter of Intent of Sell” form, which will begin the selling process of the restricted housing unit.

b) If the owner chooses to sell the restricted housing unit instead of returning when the lease expires, there will be no accrual of appreciation during the term of the rental (this does not apply to medical emergencies).

2. Rental Procedures for Owner-Occupied Properties - The Housing Department may approve rental of space within owner-occupied Affordable, Employment-Based, and Workforce units when pressing circumstances exist. The owner must continue to occupy the unit, and the Housing Department must certify that the renter meets the qualification and eligibility standards set out in Section 16.10.003 Qualification and Eligibility. A fee will be charged along with the request as set forth in the Annual Schedule of Fees.

a. Requests to Rent during Leave of absence - Approvals for “Requests to Rent” are given at the sole discretion of the Housing Department’s Housing Manager. Approvals to rent will only be given for a maximum period of one (1) year. Approvals to rent will only be given in unique and pressing circumstances.

i. Medical Emergency Documentation - Medical emergencies applicable to a restricted housing unit homeowner will require documentation using the “Housing Department Medical Emergency Leave” form to substantiate the need to leave the area.

ii. Processing Fee - A fee will be charged to a restricted housing unit homeowner for a “Request to Rent.” A separate “Annual Schedule of Fees” document that is updated annually and published by the Housing Department provides the processing fee amount.

b. Qualification and Eligibility of Tenants.

i. Tenants shall be a Qualified Household according to the general Qualification and Eligibility Criteria contained in the recorded Restriction and these Housing Department Rules and Regulations.

ii. Tenants shall meet the Eligibility Criteria with respect to Income and Assets that apply to the particular restricted housing unit in question at time of initial occupancy.

iii. Prior to signing a lease for or occupancy of a restricted housing unit, owner must provide the Housing Department with proof of the tenant’s qualification under the housing unit’s specific program prior to occupancy.
iv. Qualification and eligibility shall be recertified by owner of the restricted housing unit at any time there is a change in occupancy of the restricted housing unit or renewal of lease agreement.

c. Execution of Lease - Rental of restricted ownership units must be by a written Lease provided by the Housing Department. The Housing Department will retain a copy of the fully executed lease.

i. Rent Limitations - Rent charged while the owner is on leave will be limited to Fair Market Rents as published by HUD or total housing costs (mortgage payment, taxes, insurance, Ground Lease Fees and HOA dues), whichever is less.

ii. Housing Department Fee - A fee will be charged by the Housing Department for a request to rent as set forth in the Annual Schedule of Fees updated annually and published by the Housing Department.

d. Requests to Rent a Room - Approvals to rent a room in a restricted unit are at the sole discretion of the Housing Manager and are only allowed in pressing circumstances. The following process will be followed:

i. Submittal of Request to Rent - The owner will submit a “Request to Rent” form to the Housing Department along with the associated fee as outlined on the fee schedule published annually by the Housing Department. The form can be found on the Housing Department website or from the Housing Department.

ii. Approval by the Housing Manager - If the owner is in compliance with their restrictions, the Housing Manager will review the request to rent and approve or deny the request based on the circumstances. Approval can be given for a maximum of one year.

iii. Identification of Tenant - When the owner has identified a potential tenant who they believe qualifies under the income, asset, and employment requirements of the restriction on the unit, the potential tenant is required to submit a complete application to the Housing Department.

iv. Tenant Approval - The Housing Department will verify that the tenant qualifies under the income, asset, and employment requirement.

v. Lease Agreement - The Housing Department provides the Lease Agreement to be signed by the owner, tenant, and the Housing Department.

vi. Notification of Termination of Lease - The owner is required to notify the Housing Department upon termination of the lease. If the owner still wishes to rent the room and still has approval from the Housing Department, the process will start again with Step d.iii. Identification of Tenant, above.
vii. Rental Rates - The Housing Department will approve the rental rate based on the housing costs of the owner.

C. Sale and Resale Procedures - All restricted housing units shall be sold in accordance with applicable restrictions and/or these Housing Department Rules and Regulations as determined by the Housing Department, Town and/or County, which may vary depending on the specific housing program under which the restricted housing units were created.

1. Consult with Staff - Sellers of restricted housing units are required to consult with Housing Department staff prior to offering a restricted housing unit for sale in order to obtain the most current information about applicable Housing Department Rules and Regulations, sales processes, the allowable maximum resale price, and other applicable provisions of the restriction. The resale process takes approximately three (3) months to complete.

2. Letter of Intent to Sell - In order to begin the resale process, the Housing Department must receive a “Letter of Intent to Sell” from the owner(s) of the restricted housing unit. “Letter of Intent to Sell” forms are available at the Housing Department office or website.

3. Facilitation of Sale - The Housing Department facilitates the sales of restricted housing units to accomplish the sale according to the instructions of the Ground Lease / Deed Restriction and to provide a transfer to a Qualified Household. Specifically, the Housing Department facilitates sales of Affordable housing units, Employment-Based units, Workforce housing units, and Accessory Residential Units.

   a. Facilitation Fee (2%) - At the closing of the sale, the seller will pay to the Housing Department a fee equal to 2% of the sales price, unless otherwise instructed in the deed restriction, for facilitation services. The Housing Department may instruct the Title Company to pay such fees out of the funds held for the seller at closing. The Housing Department may also waive the fee, or a portion thereof, in its sole discretion, to promote the community’s goals of providing affordable housing.

   b. Facilitation Agreement - A “Facilitation Agreement” drafted by the Housing Department is provided to the seller. The Housing Manager, or the Sales Coordinator in the absence of the Housing Manager, must sign the Facilitation Agreement. The seller(s) must execute the Facilitation Agreement before the restricted housing unit can be advertised for sale. The deadline is Friday at 3:00 for advertising to begin the following Wednesday.

   After receiving an executed Facilitation Agreement, the Housing Department advertises the restricted housing unit according to Section **16.10.004** Weighted Drawing.

   c. Showing the Unit - The seller is required to make the restricted housing unit available with reasonable notice on a minimum of two (2) occasions to show the property to the selected Qualified Household.
d. Costs for Declining Initiated Sale – If the seller decides not to sell the restricted housing unit at any point before closing, the seller will be responsible for all advertising and/or other costs associated with listing the unit for sale.

e. Bridge Loan - If the seller is purchasing another restricted housing unit, a bridge loan may be required to prevent a delay in selling their restricted housing unit.

4. Maximum Resale Letter - The resale price of the restricted housing unit shall be calculated according to its restriction and stated in the “Maximum Resale Letter.” Maximum resale prices will be rounded to the nearest dollar. The “Maximum Resale Letter” will be emailed, mailed, faxed, or can be picked up at the Housing Department. The original will be mailed to the seller(s) or hand-delivered by the Housing Department.

   a. Exchange of Value - The maximum resale price shall be the only exchange of value between parties to any sale of the restricted housing unit. Any exchange of value outside the allowed sale price shall invalidate the sale.

5. Inspection - For any resale, the Housing Department will hire a third-party inspector to inspect the restricted housing unit for deferred maintenance and needed repairs. A summary of the inspection and a list of items to be cleaned / repaired will be provided to the seller.

D. Purchase Procedures.

1. Selection of Qualified Household - A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding each housing program. The restrictive covenant should be consulted for exact details.

   a. Weighted Drawing - In the event that the Housing Department receives one or more weighted drawing entry sheets at the maximum resale price from qualified households during the weighted drawing entry period, the buyer will be selected according to preferences set for that particular Housing Program. In the event no weighted drawing entry sheets are received during the weighted drawing entry period, the selection process would be determined either by a bid process or a “first come first served” process. The restrictions on the property clarify which selection procedure to use.

   i. Errors - Every effort is made by the Housing Department to ensure fair and equitable lotteries. Lotteries are not drawn by the Housing Department. Housing Department staff compiles weighted drawing entry sheets with all eligible households included. The weighted drawing is drawn by outside counsel. On the rare occasion that an error is made in compiling or drawing of a weighted drawing, the error will be corrected and the weighted drawing will be re-drawn.
b. Bid Process - If the restrictions require it, the qualified household submitting the highest bid price (not to exceed the maximum resale price) during the Bid Period shall have the first right to purchase the unit. The owner of the unit shall have the right to accept or reject the bid.

c. First Come First Served - If no households apply for the unit through the weighted drawing process, the Housing Department advertises the restricted housing unit with the maximum resale price. The first qualified applicant to submit an application will have the opportunity to purchase the home. The buyer can offer a lower price, and the seller can accept or reject the offer.

d. Other Sale/Resale Procedure.

i. Owner Selection - If the restriction permits, the owner of the restricted housing unit may be allowed to select the qualified household. Other than verifying that the qualified household meets the qualification and eligibility requirements for the restricted housing unit, the Housing Department shall not have any authority to choose the buyer of the restricted housing unit unless authorized by the owner.

ii. Attainable Housing Program Sale Procedures.

a) When an owner wishes to sell an Attainable housing unit, they can either list the home with a realtor or for sale by owner.

b) The owner of the Attainable housing unit is required to submit a “Letter of Intent to Sell” to the Housing Department before listing or advertising the unit for sale.

c) The owners will be responsible for advertising their Attainable housing unit for sale with the exception that the Housing Department will advertise the unit on their website at no cost to the owner.

d) There is not a maximum resale price for Attainable housing units. The owner will set the price with the understanding that the household who buys the unit will need to qualify under income, asset, and employment criteria. The price may be negotiated before entering into an agreement to purchase.

e) The buyer will be responsible for providing the “Purchase and Sale Agreement” at the time of making an offer to purchase an Attainable housing unit. The seller may make a counter offer that includes changes to the “Purchase and Sale Agreement.” The Attainable housing unit is under contract when an offer and/or a counter offer is accepted and both the buyer and seller have signed it. The “Purchase and Sale Agreement” must contain a contingency that the Housing Department must verify that the buyer is “qualified” to purchase the Attainable housing unit. The Housing Department will not deem a buyer “qualified” until a contract has been executed by the seller and the potential buyer.
f) A full copy of the fully executed Purchase and Sale Agreement shall be provided to the Housing Department. All financial information shall remain confidential except as noted in Section 16.10.005.D.7.a. Privy to Purchase and Sales Agreement.

g) In addition to the items listed in Section 16.10.005.D.3.a. Materials Included with Application, applicants must also include a complete copy of the fully executed “Purchase and Sale Agreement.”

1) Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.

2) Time to Process: If the application is complete and thorough, the Housing Department will have a determination of qualification within five (5) business days of receiving the application. It may take longer if the Housing Department has to request further information from the applicant.

3) Qualified Buyer Letter: Once the household is deemed to be “Qualified” to purchase the Attainable housing unit, the Housing Department will provide a “Qualified Buyer Letter” to the applicant. This letter will be used to verify to the seller and the title company that the household is qualified to purchase the unit.


5) Closing: The closing date and time is set between the sellers, buyers, financial institution, the title company, and the Housing Department. The buyers will be required to sign a “Buyer’s Acknowledgement” at the time of closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home, and also agreeing to the Housing Department’s right of first option to purchase the unit in case of default by signing a Power of Attorney in Case of Default.

2. Viewing of Restricted Housing Unit - The seller of the restricted housing unit will allow the potential buyer to view the unit to see that it meets their household’s needs. If the household decides to purchase the restricted housing unit, they will have the opportunity to inspect the unit further once it is under contract.

3. Submit Application - The potential buyer will have five (5) business days to submit a complete application. The required Housing Department documents are available from the Housing Department or from the Housing Department website.

a. Materials Included with Application.
i. Housing Department Application for Restricted Ownership or Rental Housing.

ii. The Housing Department “Application for Homeownership” is a three (3) page form with an additional two (2) pages made up of a “Certification and Oath” section that will need to be signed by all applicants and notarized, as well as an “Authorization to Release Information” (see viii and ix: Power of Attorney in Case of Default and Certification and Oath).

All documentation submitted with the complete application for the purchase of a home is the documentation that will be used to qualify a buyer. Documents will not be allowed to be changed once they are submitted (e.g. taxes submitted will be those used to qualify. Applicants will not be allowed to re-file taxes). The Housing Department will review the application before accepting it to ensure it is complete. The Housing Department may ask for additional documentation.

a) Weighted Drawing Entry Form - A “Weighted Drawing Entry” form must be completed and signed and submitted when entering a weighted drawing according to Housing Department processes. “Weighted Drawing Entry” forms may be submitted online, in person, or by USPS.

No incomplete “Weighted Drawing Entry” forms will be accepted. This means that every blank must contain information, “N/A,” or a strikethrough so that the Housing Department knows that it was not overlooked.

The Housing Department is not responsible for receiving Weighted Drawing Entry Forms. It is the responsibility of the household to confirm that the Weighted Drawing Entry Form was received and the household is entered in the weighted drawing.

b) Intake Form - All households are required to complete the “Online Intake Form.” This form must be completed in its entirety before entering a weighted drawing. Any changes made to the form must be made prior to the opening of a weighted drawing the household wishes to enter or the household will be ineligible to enter the weighted drawing. The Intake form must be updated annually to be eligible to continue to enter lotteries.

iii. Lender’s Qualification Worksheet - A current “Lender’s Qualification Worksheet” (within one year of the date the weighted drawing begins) is required to be completed by a lending institution. The “Lender’s Qualification Worksheet” must be submitted to enter a weighted drawing. “Lender’s Qualification Worksheets” may not be faxed; they can either be emailed or submitted in person or mailed by USPS. The worksheet must reflect a loan amount and down payment amount that is equal to or greater than the sale price of the home.

iv. Credit Report - A three bureau credit report including credit scores (not more than one year old) is required to help Housing Department Staff determine if
the Household is financially healthy and able to make payments on a mortgage. The credit report also helps determine debt to income ratios.

v. Verification of Down Payment - An account statement, or signed and notarized letter from someone supplying a gift, or other verification of funds for a down payment is required.

vi. Verification of Hours and Years Worked - “Affidavits of Employment,” detailed check stubs, or other adequate proof of hours and years worked is required at weighted drawing entry to receive points in the weighted drawing. Affidavits are required to be completed, signed, and notarized by the employer. They may not be completed by the applicant. If hours or years worked cannot be verified, they will not be counted.

Historical information for hours and years worked will be kept on file with the Housing Department. Information is required to be updated annually or if any changes occur.

vii. Federal Tax Returns - Signed federal income tax returns and all attachments (including W-2s and 1099s) and schedules for the last two (2) years for all adult household members are required. If there is self-employment, three (3) years of business and personal tax returns, along with a current “Profit and Loss Statement” and balance sheet, are required. The Housing Department uses tax returns to verify several different aspects of qualification such as but not limited to income, assets, residential homeownership, and sources of income.

viii. Power of Attorney in Case of Default - Buyers will be required to sign a “Power of Attorney in Case of Default” form appointing the Housing Manager of the Housing Department Attorney in Fact in the case of default and forced sale. The Housing Department may use other methods for remedying a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.

ix. Certification and Oath - A sworn statement of the facts contained in the application will be required including at least the following certifications:

a) That the facts contained in the application are true and correct to the best of the applicant’s knowledge;

b) That the applicant has been given the standard application information packet by Housing Department Staff; and

c) That the applicant, on the basis of the application presented, believes the Household qualifies to occupy the restricted housing unit in question according to the restriction, these Housing Department Rules and Regulations, and all other applicable procedures.
This “Certification and Oath” is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department.

x. Additional Information - Additional information may be requested to determine eligibility or qualification status. This may include:

a) Verification of Household Net Assets - Household net assets are verified through tax returns, account statements, verification of deposits from financial institutions, and the NADA or Kelly Blue Book.

b) Verification of Current Employment in Teton County - One or more of the following are needed to verify employment in Teton County:

1) Wage stubs.

2) Employer name, address, and phone number.

3) Contract for employment.

4) “Affidavit of Employment” (Housing Department).

5) ”Authorization to Release Information” form signed by all adults in the household to obtain third party employment verifications.

c) Verification of Completion of Homebuyer Education Course - At least one adult per household must complete the “Homebuyer Education Course.” The required course is offered by the Wyoming Housing Network or if not available, another course approved by the Housing Department. This applies to all households regardless of whether they have owned a home or not. This certification only needs to be completed once; however, if a household changes size and the adult who completed the certification is no longer a part of the household, it will need to be taken by an adult who is a part of the household. The Housing Department will keep a record of the certificate. It is encouraged that households keep a copy as well. The applicant must provide evidence of attendance of an approved “Homebuyer Education Course” prior to purchase. This is required to be submitted at time of weighted drawing.

d) Uniform Residential Loan Application - Applicants must provide a copy of the final “Uniform Residential Loan Application” at closing.

e) Occupancy Affidavit - No persons outside of the persons included in the household on the “Weighted Drawing Entry Form” and “Intake Form” at time of weighted drawing entry may be moved into the home without express written approval of the Housing Department. Approval will not be given within twelve (12) months from closing on a home for adults being added to the household. An “Occupancy Affidavit” will be required to be
signed by buyers at or before closing. Any adult that is added to a household will be required to be added to title on the home.

1) Power of Attorney in the Case of Default - All households purchasing a home are required to sign a Power of Attorney in the Case of Default at closing. The Power of Attorney will be assigned to the Housing Manager to affect the sale of the housing unit. The Housing Department may use other methods for remedying a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.

f) Accessible Unit Preference - Applicants that wish to be considered for accessible units must submit a “Verification Form for Accessible Unit Preference.”

g) Critical Services Provider - Organizations applying for critical services provider approval and their corresponding approved positions must gain approval before a critical service worker can gain points in a weighted drawing. The organization must complete a “Critical Services Organization Application” and submit it to the Housing Department. If the organization and positions are approved, a “Supervisor Questionnaire” must be completed by the applicant’s supervisor and submitted with the other required documents when entering the weighted drawing. All certifications must be completed for the position and a recommendation from the supervisor is required. The “Supervisor Questionnaire” will need to be updated every six months.

h) Birth Certificate for Children Under One (1) Year of Age - Applicants must provide the birth certificate for children less than one (1) year of age.

4. Verification of Application - To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the Application is true and correct and may request documents outlined in Section 16.10.005.D.3.a.x. Additional Information to assist in this process. The Housing Department strives to complete verification within two (2) weeks of application submittal.

Any material misstatement of fact or deliberate fraud by the household in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or forced sale of the restricted housing unit.

5. Verification of Qualified Household - The Housing Department verifies that each Household selected to purchase a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit. See Section 16.10.003 for more details on the verification process for each housing program.

6. Qualification Letter - Once the Housing Department verifies that the household meets the Qualification and Eligibility criteria for the particular restricted housing unit, it will
issue a “Qualification Letter” to the buyer, a copy of which will be provided to the title company upon request.

7. Purchase and Sale Agreement - Buyers must sign a “Purchase and Sale Agreement” within five (5) business days of being notified of being selected in a weighted drawing for an applicable restricted housing unit. Buyers will be given the five (5) business days to review the “Purchase and Sale Agreement” and are encouraged to get legal advice. Sellers and buyers shall make the Housing Department privy to the “Purchase and Sale Agreement.” All financial information shall remain confidential except as noted in Section 16.10.005.A.7.a. Privy to Purchase and Sales Agreement.

a. Earnest Money - At time of signing the “Purchase and Sale Agreement,” one thousand dollars ($1,000.00) in earnest money will be required. The check is made out to the title company referenced in the “Purchase and Sale Agreement.”

b. Closing Date - In most cases, the buyer has fifty (50) days to close on the property. The Closing Date will be agreed upon between the buyer and the seller and will be included in the “Purchase and Sale Agreement.” The closing date will be the date the buyer takes possession of the restricted housing unit.

c. Inspections - The buyer may perform inspections on the restricted housing unit commencing on the effective date of the contract until closing. However, the buyer will have 30 days from the effective date of the contract to notify the Housing Department of any objections to items found during inspections. Sellers shall make the restricted housing unit available for inspections. If the seller refuses to remedy the objection, the Housing Department will notify the buyer, and the buyer will have three (3) business days to give notice to the Housing Department of their intention, either:

i. Waiving the objection and proceeding to closing, or

ii. Terminating the “Purchase and Sale Agreement.”

d. Facilitation -Pursuant to Wyoming Statute 33-28-101 through 124, the “Real Estate License Act of 1971”, the Housing Department is participating in the transaction as a facilitator without a Wyoming real estate license and in the performance of official duties.

e. Buyer’s Acknowledgement - The buyers will be required to sign a “Buyer’s Acknowledgement” at closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home. In addition, by signing this form, the buyer agrees to the JTCHA’s right of first option to purchase the unit in case of default.

E. Business Option - The “Business Option” is a mechanism specific to a developer’s Housing Mitigation Plan that must be approved by elected officials on a case-by-case basis. It only applies to exempt units, meaning restricted housing units that are not required by
the LDRs. The “Business Option” allows a business to identify a proposed purchaser from their employees or someone who has a material nexus to the business or organization, which would allow the household to have the first option to purchase the restricted housing unit.

1. Purpose and Program Goals - The intent of the “Business Option” program is to help qualified businesses house their employees by providing the employees first option to purchase. This program furthers the Jackson/Teton County Comprehensive Plan’s goal of housing 65% of the workforce locally and its transportation goals.

2. Applicability - This section applies to restricted housing units that have been approved by the Board of County Commissioners or Town Council for the “Business Option” program.

3. Qualified Business - A qualified business is a non-profit entity, governmental entity, charitable foundation, or for-profit business which meets the definition of a qualified business according to the special restrictions on the property and/or the Housing Department Rules and Regulations.

   a. Qualified Business Application - The business completes a “Qualified Business Application,” which can be obtained from the declarant or from the Housing Department and submits it to the Housing Department. If the business has affiliates, it must be indicated on the application.

   b. Verification - The Housing Department verifies that the business meets the criteria of a qualified business with the following documentation. The Housing Department may ask for additional documentation.

      i. Option Agreement - The Housing Department verifies that the business is a true local business, organization, or government agency operating in Teton County.

      ii. Determination of Qualification.

         a) The Housing Department will provide a “Qualified Business Letter” once the verification process is complete and the business is approved to be a qualified business. The Housing Department will then sign the “Option Agreement”; or

         b) If the business is not deemed to be a qualified business, the Housing Department will inform the business with a written letter and copy the declarant or option holder. The business will not be allowed to obtain an option if it is not approved as qualified by the Housing Department.

      iii. Cause for Expulsion - Any material misstatement of fact or deliberate fraud by a business in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or for obtaining or keeping an option.
4. Option Procedures.

a. Obtaining an Option - Options are available from a declarant or from another option holder. A declarant can choose to provide an option if the business is a qualified business and does so by recording an “Option Agreement” signed by the declarant, the Housing Department, and the qualified business. An option holder may provide an option to a qualified business by assigning the option.

b. Notice of Right to Exercise or Waive Option - The Housing Department will immediately send a notice to the business holding the option (optionor) upon the following three events:

i. Housing Department’s receipt of a “Notice to Sell” by the owner of the property.

ii. Housing Department’s exercise of its default option as set forth in the special restrictions.

iii. The occurrence of a default and forced sale as set forth in the special restrictions.

This notice triggers the timeframe the optionor has to identify a proposed purchaser as outlined in the “Option Agreement.”

c. Exercise of Option - An optionor shall have a timeframe as outlined in the “Option Agreement” to exercise the option. The timeframe will begin upon receipt of the “Option Notice.” To exercise the option, an optionor must notify the Housing Department on or before the expiration of the timeframe that they have identified a proposed purchaser for the home. Additionally, the proposed purchaser must submit a complete application, as outlined in Section 16.10.005.E.3.a. Qualified Business Application, on or before the expiration of the timeframe. The Housing Department will take approximately five (5) business days to determine whether the proposed purchaser is:

i. Qualified under “Option Agreement.”

ii. Qualified under terms of the Housing Department’s special restrictions.

The Housing Department will verify that the business continues to be a qualified business each time the option is exercised (See Section 16.10.005.E.3.b. Verification).

d. Waiver of Option - If the Optionor does not wish to exercise the option, they can sign the “Affidavit of Waiver” indicating they are waiving the option. This affidavit will be recorded with the Teton County Clerk’s Office.
In the case where an option is waived, the Housing Department will find a buyer using the process outlined in Section 16.10.005.C. Sales and Resale Procedures of these Housing Department Rules and Regulations.

i. Failure to Identify Purchaser during Required Timeframe - If the optionor does not identify a proposed purchaser on or before the expiration of the timeframe, the optionor will automatically have waived their option.

e. Assignment - An optionor can assign its option to another qualified business. If at any time the business holding the option ceases to be a qualified business, they must assign the option. This is done using the following process:

i. Written Notice - The optionor provides the Housing Department with written notice that they wish to assign their option.

ii. Application - The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 16.10.005.E.3.a. Qualified Business Application).

iii. Housing Department Approval - If the business qualifies, the Housing Department will provide a “Qualified Business Letter” to the business and sign the “Option Agreement.”

iv. Consideration - The assignment may not have any consideration except for consideration required to make the assignment legal.

5. Qualified Purchaser - The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

a. Letter of Certification - The purchaser will be qualified by the Housing Department only if they have a material nexus to the optionor as approved by the Housing Department. A “Letter of Certification” form demonstrating the material nexus the proposed purchaser has with the Optionor must be completed by the optionor. The “Letter of Certification” form is available from the Housing Department. The optionor must deliver documentation satisfactory to the Housing Department that verifies (1) that the proposed buyer is a full-time employee of optionor; or (2) that the identified purchaser otherwise has a material nexus to optionor.

b. Qualified Household - A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 16.10.005.D. Purchase Procedures of the Housing Department Rules and Regulations.

If the identified purchaser does not qualify because of not meeting the Housing Department Rules and Regulations requirements, Housing Department special restrictions, or “Option Agreement,” and the timeframe has not expired, the optionor may identify another proposed purchaser.
c. Affidavit of Exercise - When the Housing Department determines the household meets qualifying criteria of the “Option Agreement,” these Housing Department Rules and Regulations, and Housing Department special restrictions, the Housing Department will sign an “Affidavit of Exercise of Option Right” indicating the household is qualified. The optionor will also sign the “Affidavit of Exercise of Option Right” indicating they are exercising the option right. The affidavit will be recorded with the Teton County Clerk’s land records.

16.10.006 Rental Standards and Procedures.

A. Applicability - All rental housing units administered by the Housing Department, including the Affordable Rental program (which includes legacy Employee housing units) and the Workforce Rental program (which includes the legacy ARU program), are subject to these Housing Department Rules and Regulations, with the exception of units that are owned by Teton County or the Town of Jackson and used for housing their employees. Section 6-1 does not apply to cases where the Housing Department has approved rental of a room in a unit.

B. Rental Standards.

1. Affordability - To ensure that the rents are affordable to households earning less than eighty percent (80%) AMI, rents will be calculated using the following method:

   a. National Standard of Affordability - The national standard for affordability provided by HUD is that no more than thirty percent (30%) of a household’s income should be spent on housing costs. Included in this thirty percent (30%) are rent, water, sewer, gas and/or electric, and trash removal.

   b. Number of Bedrooms / Number of Persons Match - For purposes of calculating rental rate only:

      Studio: One (1) or two (2) persons
      One-bedroom: One (1) or two (2) persons
      Two-bedroom: One (1) or two (2) adults with one (1) or more dependents
      Three-bedroom: One (1) or two (2) adults with two (2) or more dependents
      Four-bedroom: One (1) or two (2) adults with three (3) or more dependents

      For purposes of counting household size, children must be able to be claimed as a dependent on Federal Income tax returns.

   c. Calculation of Rent - Monthly rent will be the lower income limit for each respective affordability range (specific to the number of bedrooms to determine household size), divided by twelve (12), and multiplied by thirty percent (30%). Studio units may charge eighty percent (80%) of a one-bedroom unit. Dorm units may charge seventy-five (75%) of a studio.
i. “Plus” Units - Fifty dollars ($50) will be added for “Plus” units. “Plus” units have extra floor area for offices, play areas, etc.

ii. Lease Renewals - The rent will be calculated each year and applied to a lease renewal. Tenants will be notified three (3) months in advance of the new lease amount. The new calculation will also be applied for new households signing a lease.

2. Primary Residence.

   a. Occupancy Requirement - Households shall occupy their home full-time at least 10 months out of each calendar year.

   b. Business Activity Restricted - Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.

   c. No Guests for an Extended Period - Households who rent restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.

3. Eviction - In the event that a tenant household is in default of their lease agreement, they will be evicted from the rental unit. The eviction process will be in accordance with Wyoming law and all applicable Wyoming Statutes.

C. Rental Procedures.

   1. Selection Process - A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding the Housing Department-administered rental housing programs.

      a. Weighted Drawing - For the initial rental of new rental housing, a weighted drawing process will be used. Applicants will submit a complete application and a “Weighted Drawing Entry” form during the weighted drawing entry period. A qualified household shall be selected to rent according to the rules set forth in these Housing Department Rules and Regulations, Section 16.10.004 Weighted Drawing.

         i. Subsequent Rentals - Once the initial rentals are filled with tenants, and rental units become available from time to time, the units will be rented using the weighted drawing system.

         b. First Come First Served - In the event no weighted drawing entries are received during the weighted drawing entry period, the selection process will be determined by a first come first served basis. The first qualified household submitting a complete application will be allowed an opportunity to rent if eligible.
2. Submit Application - Each household entering a weighted drawing to rent a restricted housing unit is required to submit a completed “Application for Restricted Rental Housing” and a “Weighted Drawing Entry” form. A certification page will also be signed by the applicant and notarized. In addition, an “Authorization to Release Information” is signed by the applicant, which allows the Housing Department to obtain banking information and any other relevant information. Application forms can be obtained from the Housing Department or from the Housing Department’s website.

3. Verification of Selected Household - The Housing Department verifies that each household selected to rent a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit.

4. Materials Required - To determine that a household desiring to rent a restricted housing unit meets all of the required criteria, the Housing Department will request all of the following for a complete application, which will be submitted at weighted drawing entry:

   a. Housing Department Application for Restricted Ownership or Rental Housing - Completed and signed Housing Department Application for Housing.


   c. Credit Report - Full three-bureau credit report that reflects credit scores for all adult household members dated no more than 30 days from submittal of application.

   d. Federal Income Tax Returns - Signed federal income tax returns (electronic signature is not sufficient) and all attachments (including W-2s, 1099s) and schedules for the last two (2) years for all adult household members.

   e. Verification of Current Employment in Teton County - One or more of the following will be required for verification of Current Employment in Teton County includes:

      i. Wage stubs;

      ii. Employer name, address, and phone number;

      iii. Contract for employment;

      iv. “Authorization to Release Information” form signed by all adults in the household to obtain third party employment verifications; and

If deemed applicable, the Housing Department may request the following be submitted with an application:

   i. If self-employed, three (3) years of business and personal tax returns along with a current “Profit and Loss Statement” and balance sheet.

   ii. “Verification Form for Accessible Unit Preference.”
iii. Any other documentation that the Housing Department deems necessary to determine qualification, such as, divorce decrees, Social Security income, rental income, etc.

5. Verification of Application - To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the application is true and correct and may request documents outlined in Section 16.10.005.D.4. Verification of Application to assist in this process. All financial information shall remain confidential, except as documented in Section 16.10.005.A.7.a. Privy to Purchase and Sales Agreement.

6. Qualification Letter - After the Housing Department verifies that the household meets the qualification and eligibility criteria for the particular restricted housing unit, it will issue a “Qualification Letter” to the potential renter within 10 business days.

16.10.007 Compliance and Exception, Appeal, and Grievance Standards and Procedures.

A. Compliance Process - Special Restrictions are recorded on all Housing Department homes. These restrictions control the occupancy and use of the unit. They also refer to these Rules and Regulations

The Housing Department Compliance Specialist monitors occupancy and use restrictions to ensure owners are in compliance, and acts on various complaints from the public concerning compliance issues. The Housing Department Compliance Specialist also receives and processes requests for exceptions, appeals, leave of absence, requests to rent, transfer of title, and qualified mortgages.

1. Compliance Requirements.

   a. Affordable Units - Affordable units are required to provide information to the Housing Department annually to verify employment and occupancy. Owners of Affordable housing units with restrictions recorded after June 4, 2018 will receive annual requests for information concerning employment and use of the unit. Owners of Affordable housing units with restrictions recorded prior to June 4, 2018 are not required to verify continued employment annually, however, they may be required to verify occupancy.

   b. Employment-based and Workforce Housing Units - Employment-based units and Workforce housing units are required to provide information to the Housing Department annually concerning income, employment and ownership of other residential real estate.

   c. Employee Housing Units - Owners of Employee housing units will be required to submit information annually about the occupants of the units, their income, employment, and ownership of other residential real estate.
d. Accessory Residential Units - Owners of ARUs will be required to annually submit information concerning the occupants of the units, their employment, and ownership of residential real estate.

e. Exemption for Retirees - During ownership, if one (1) member of the household meets the retirement age as defined by the Federal Social Security Administration defined in these Housing Department Rules and Regulations, the household will be exempt from continued compliance with income and employment eligibility standards.

2. Submittal and Timeline.

a. Housing Department Request for Information - The Housing Department will send a letter to owners of restricted units requesting information. The letter will outline what type of information is required based on the unit’s restrictions. The owner will be given thirty (30) days from the date of the letter to submit the requested information to the Housing Department.

b. Default - Failure by the owner to submit requested information will be considered default.

3. Common Default Violations - In cases where the restriction defines the default process, it will control the process. If the restriction does not define the process, the default process is as follows:

Common violations include, but are not limited to:

a. Occupancy - A household that does not occupy the restricted housing unit for the number of months in a calendar year as required by the restriction is in violation of the Housing Department Rules and Regulations.

b. Guests - Guests over the age of 18 are not allowed to occupy a restricted housing unit in excess of 30 cumulative days per calendar year.

c. Renting - Renting a restricted ownership unit is only allowed per the restrictive covenant or as set out in Section 16.10.005.B.2. Rental Procedures for Owner-Occupied Properties.

d. Leave of Absence - Leaves of absence must be preapproved if the household is expected to be gone longer than permitted by the Housing Department Rules and Regulations or the deed restrictions.

e. Pets - Specific policies for pet ownership are outlined in the Covenants, Conditions and Restrictions and/or the Master Rules and Regulations and are enforced by the Homeowners Association. Policies for rental units are outlined in the lease agreement.
f. Mortgage Delinquency - Failure to maintain obligations required under any mortgages is considered a default under special restrictions.

g. HOA Delinquency - Failure to pay Homeowners Association dues is considered a violation of the special restrictions.

h. Ground Lease Delinquency - It shall be an event of default if lessee fails to pay the ground lease fee or other charges required by the terms of the lease.

i. Water/Sewer Dues Delinquency - Unpaid water and sewer dues can result in a lien placed on property that would constitute a violation of the special restrictions.

j. Employment Verification - Employment-based and Workforce units require an owner to work an average of 30 hours per week at a local business located in Teton County, Wyoming. The owner must earn at least 75% of their household income at a local business within Teton County. Annual verification of employment and income is required for owners of Employment-based and workforce restricted housing units.

Affordable units built after June 4, 2018 will be required to provide proof of employment in Teton County at a local business.

k. Ownership of Residential Property - Owners of Employment-based and Workforce housing units are not allowed to own residential property within 150 miles of Teton County. All renters of Housing Department-administered rental units are not allowed to own residential property within 150 miles of Teton County.

l. Estate Planning - Restricted housing units cannot be put into a trust. A trust does not meet the definition of qualified household and therefore cannot own a restricted housing unit. The Housing Department does accept other related documents for estate planning (Non-testamentary Deed upon Death).

m. Covenants, Conditions and Restrictions (CCR) Violations - Any default or breach of the CCRs, Mortgage Agreements, and/or Master Rules and Regulations is considered a default of the special restrictions or ground lease. This includes but is not limited to prompt payment of Homeowners Association dues and ground lease fees.

B. Process for Default Contested Case Hearings - All default hearings are conducted in compliance with the Wyoming Administrative Procedures Act and are contested cases for which the rules and processes are set forth herein. All requests for hearings and subsequent documents shall be submitted and filed with the Housing Department, and all records related to the contested case hearing shall be maintained by the Housing Department.

1. Notice of Default - When the Housing Department deems an owner to be in default of a special restriction, the Housing Department shall notify the owner with a Notice of Default Letter.
a. The Notice of Default shall be sent to the owner via U.S. Mail certified with return receipt requested and via email, if an email address is known. The letter will be considered delivered on the date it is sent.

b. The owner shall have thirty (30) days from the date of the Notice of Default to:
   
i. Cure the default,
   
ii. Request a default hearing of the Jackson/Teton County Housing Authority Board, or
   
iii. Provide the Housing Department with a “Letter of Intent to Sell” the home or unit in accord with the special restriction.

c. The Housing Department shall determine what constitutes a cure of the default based upon the special restriction and the circumstances of the owner.

2. Request for Default Hearing - In the event the owner fails to cure the default or desires to challenge the default identified by the Housing Department, the owner may request a hearing before the Jackson/Teton County Housing Authority Board (JTCHA) to determine the merits of the allegations of the default.

   a. To request a hearing, the owner must submit a “Request for Default Hearing” form to the Housing Department within the thirty (30) day cure period.

   b. A fee shall be charged by the Housing Department for such “Request for Default Hearing.” The fee amount will be set annually in a separate document titled “Annual Fees” to be updated and published by the Housing Department.

3. Failure to Respond to Default - If the owner fails to respond to the Notice of Default, the Housing Department will consider the non-action or failure to respond as a breach of default and shall take steps to enforce the default in accord with the applicable Special Restriction and/or the Housing Department Rules and Regulations. Enforcement of the breach or violation includes but is not limited to forcing the sale of the home or unit.

4. Default Hearing.

   a. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”

   b. Within thirty (30) days of the signed Order, the Hearing Officer will issue a scheduling order, which shall include the Official Notice of Hearing, and deadlines for the parties to submit evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums.

   c. Evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums, to include a written statement of facts, conclusions of law, and proposed order shall be exchanged by the parties, filed with the Housing Department in the contested
case proceeding, submitted to the Hearing Officer and to the JTCHA, at least fifteen (15) days prior to the hearing date. Any document or witness not included in these submissions by the deadline shall not be raised at the hearing and shall not be admitted into evidence at the hearing.

d. Hearing proceedings may be recorded, but are not required to be transcribed. If either party wishes to have a court reporter present to transcribe a hearing, all associated costs shall be paid by the party unless the parties agree to share costs.

e. All witnesses who provide testimony at the hearing will be sworn in under oath by either a court reporter if one is present, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. The parties shall be permitted to cross-examine witnesses, and the JTCHA and the Hearing Officer shall have the opportunity to ask questions of the witnesses and Housing Department staff.

f. The Housing Department’s determination the Notice of Default is presumed to be correct, and the burden of proof shall be on the complainant, not on the Housing Department.

g. If the owner requires an interpreter, the Housing Department will make arrangements to provide one and bear the costs.

h. If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, can proceed to review the evidence based upon the written submissions, or can deem the failure to appear as a breach of default.

5. JTCHA Deliberation and Decision.

a. Deliberation - The Hearing Officer or JTCHA Chair, if no Hearing Officer is present, shall close the evidentiary hearing, and the Housing Authority Board will commence deliberation in public to include the following:

   i. The JTCHA will examine the special restriction, the evidence presented in writing, and any testimony provided at the hearing and shall make a determination on the allegations of the Notice of Default based upon the preponderance of evidence standard of review.

   ii. The burden of proof shall be on the owner to refute the alleged default.

b. JTCHA Decision - The JTCHA Decision will be to either:

   i. Affirm the Housing Department’s Notice of Default. The Housing Department would proceed to exercise its remedies against the owner according to the special restriction or ground lease recorded on the property, or
ii. Reject the Notice of Default of the Housing Department and no further action would be pursued for the specific alleged default under the special restriction or ground lease recorded on the property.

c. JTCHA Decision and Motion - The JTCHA shall make a motion in the affirmative {e.g.: I move to affirm the Housing Department’s assertion that the owner (owner’s name) of (address) is in default of the Special Restriction recorded on the property pursuant to the Notice of Default.} The motion shall receive a second. JTCHA will enter into discussion on the motion and vote. If the motion carries, the JTCHA affirms the Notice of Default. If the motion fails, the JTCHA has decision.

d. Order of Decision - The prevailing party will draft the Findings of Fact and Conclusions of Law and Order, which shall set forth the Board’s decision. The Findings of Fact and Conclusions shall be transmitted to the Hearing Officer, then reviewed and approved by the JTCHA at a subsequent meeting of the JTCHA in a timely manner no later than sixty (60) days following the hearing date, which shall be properly noticed and open to the public. The Order shall be filed in the contested case file with the Housing Department. No appeal of the JTCHA decision shall be made to the Jackson Town Council or the Board of County Commissioners. Any appeal of the JTCHA Order shall be to the District Court of Teton County, Wyoming, unless otherwise stated in the Special Restriction.


1. Request for Exception - The Housing Department will consider requests for exceptions to rules pertaining to qualification and eligibility criteria as well as to rules pertaining to occupancy and use. Granting of exceptions is rare; however, it is recognized that certain unique circumstances exist that are not contemplated in these Housing Department Rules and Regulations. Exceptions will only be granted in unique circumstances that are beyond control of the household, and are not addressed in these Housing Department Rules and Regulations. Requests for exceptions must be submitted prior to the opening of a weighted drawing for a home. In cases where a weighted drawing is not used for identifying a buyer, the request must be submitted prior to submission of an application. All Requests for Exceptions are subject to the review and approval of the Housing Manager.

A household may submit a “Request for Exception” to the Housing Department using the “Request for Exception” form with the required fee, which is specified in a separate “Fee Schedule” document that is updated annually. The Housing Manager will review and render a decision on the Request for Exception within fifteen (15) days from the date of submittal.

2. Request for Exception Hearing Process - If the Request for Exception is denied by the Housing Manager, the applicant may request a hearing of the JTCHA.

a. Submit a Request for Hearing form with a fee to the Housing Department within fifteen (15) days of the date of denial of “Request for Exception.”
i. Requests for Exception Hearings must contain the following information:
   a) The particular ground(s) upon which it is based, including a copy of the Request for Exception and the Housing Manager's decision;
   b) The action or remedy requested;
   c) The name address, telephone number of the complainant and similar information of complainant’s representative, if any;
   d) Proof of notification of hearing request to the housing unit’s Homeowners Association, if applicable; and
   e) Appeal Fee.

3. Housing Department Review and Recommendation - All requests for hearings will be reviewed by Housing Department for completeness and provided to the JTCHA Board within thirty (30) days with a recommendation for action, copied to the complainant and/or representative.

4. Hearing - The hearing will be heard by the JTCHA Board at a properly noticed meeting scheduled at least thirty (30) days following the Housing Department's receipt of the “Request for Hearing” to ensure notice and due process.

   a. Hearing Officer.
      i. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”
      ii. If a Hearing Officer is designated, within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline.
      iii. Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

      i. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”
      ii. Within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline for the parties to submit evidentiary documents and a list of witnesses.
      iii. Evidentiary documents and witness list along with a written statement of facts shall be submitted by each party to the opposite party fifteen (15) days prior to the hearing date.
      iv. Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.
v. All witnesses that provide testimony will be sworn in under oath by the court reporter, and if no court reporter, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. Both parties shall be permitted to cross-examine witnesses, and the JTCHA shall have the opportunity to ask questions of the witnesses and Housing Department staff.

vi. The Housing Department’s decision concerning the exception will be assumed correct, and the burden of proof shall be on the complainant.

vii. If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, may make a determination based upon the evidence submitted, or may dismiss the matter for failure to appear.

c. JTCHA Decision Binding - Based on the evidence considered at the hearing, the JTCHA will provide a decision by means of a motion and majority vote. The decision of the JTCHA shall be binding, and the Housing Department shall take all actions necessary to carry out the decision. No appeal of the JTCHA shall be made to the Town Council or County Commissioners. Any appeal shall be made to the District Court of Teton County, Wyoming.

5. Other Remedies - The Housing Department shall have the right to enforce the provisions of these Housing Department Rules and Regulations under any civil or criminal remedy provided under Wyoming Law.

D. Grievance Procedure - A grievance is any dispute that seller, buyer, or owner may have with the Housing Department with respect to an action or failure to act in accordance with the individual’s rights, duties, welfare, or status. A grievance may be presented to the Housing Department under the procedures below.

1. Request for Grievance Form - Any grievance must be presented in writing to the Housing Department on the “Request for Grievance” form and include:

   a. The particular ground(s) upon which it is based;

   b. The action or remedy requested;

   c. The name address, telephone number of the complainant and similar information of complainant’s representative, if any; and

   d. Grievance fee.

2. Housing Department Review and Decision.

   a. The Housing Department Housing Manager will review all “Requests for Grievances.”
b. The Housing Manager shall issue a written letter summarizing the decision regarding the requested grievance within thirty (30) days of receipt of the “Request for Grievance.” The letter will be sent via U.S. mail certified return receipt requested and via email if an email address is known.

c. The applicant may request a hearing of the JTCHA pursuant to Section 16.10.007.3.a.2. if the grievance decision of the Housing Manager is disputed.

16.10.008 Definitions.

A. Definitions.

1. **Accessible Unit**: A unit that has been built or adapted with specific design features that make the unit accessible to those with mobility and hearing handicaps.

2. **Application**: A packet that households who are selected in an affordable housing weighted drawing submit for Housing Authority staff to verify that the household is qualified to purchase the home. The application consists but is not limited to the following:
   a. Housing Department Application for Restricted Ownership or Rental Housing
   b. Signed Certification and Oath
   c. Signed Authorization to Release Information
   d. Completed Lender’s Qualification Worksheet (completed by lender)
   e. Full three tier Credit Report that includes credit scores. (Can be obtained from lender)
   f. Previous two years of tax returns with W-2s
   g. Employment Affidavit for each job currently held by wage earners in the household
   h. If self-employed, previous three years of tax returns with an income statement and a balance sheet.

3. **Appeal**: A process requested by an applicant/owner/renter when they understand the qualification, eligibility, and preference criteria and have requested an exception from the Housing Manager and have been denied.

4. **Approved Lending Institution**: Approved lending institutions include institutional lenders; community loan funds, or other similar nonprofits; or other legitimate, non-affiliated finance companies. See Definitions of Institutional Lenders and Community Loan Fund.

5. **Asset**: see Household Net Asset.

6. **Assigned Number**: A computer-generated number based on first name of applicants in alphabetical order that households are listed in a weighted drawing.
7. **Area Median Income (AMI):** A figure published annually by HUD which is calculated by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more.

8. **Authorization to Release Information Form:** This form, which an affordable housing applicant signs, allows the Housing Department staff to verify information supplied by applicants from banks, employers, etc.

9. **Balance Sheet:** A statement of the total assets and liabilities of a business.

10. **Bid Period:** The time period that the Housing Authority accepts bids for an available housing unit. The bid period only takes place if no weighted drawing entry sheets are submitted for an available restricted housing unit.

11. **Borrowed Light:** An indirect source of natural light; for example, a room in a home uses borrowed light when it has a window that looks into another room, where the other room receives direct sunlight.

12. **Capital Improvements:** Improvements done to the home for which the homeowner can receive credit. The capital improvement requires an expenditure that either increases the value of the property or extends its life expectancy.

13. **Caregiver:** A full-time Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming resident who is or was volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member and was therefore unable to gain full-time employment in Teton County.

14. **Closing Date:** The date on which ownership of property transfers from the former owner to the new owner.

15. **Community Loan Fund:** A loan fund that is set up in a community for the purpose of providing down payment assistance or other types of loans for restricted housing units.

16. **Critical Services Provider:** An employee or volunteer of a community based institutional or non-profit organization on call 24 hours per day for public safety emergencies.

17. **Deed Restriction:** A document recorded against a housing unit that describes the unit’s housing program. It provides restrictions on the purchase, occupancy, use, and resale of the restricted housing unit. A deed restriction is a type of restrictive covenant that is recorded at the time of certificate of occupancy.

18. **Developer:** An individual or group who builds housing.

19. **Disabled:** Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
20. **Earnest Money**: Money that a buyer gives to a seller to bind a contract. Earnest money goes toward the costs of the purchase of the home and is held in escrow by the title company until closing.

21. **Eligibility Criteria**: Criteria defined in either the Deed Restriction or the Housing Department Rules and Regulations, which are used to measure whether a household is eligible to apply for a unit.

22. **Employment-Based**: A restricted housing unit where occupancy is limited to employees in Teton County, Wyoming. There are no income qualifications for an occupant. This type of unit may include, but is not limited to, Accessory Residential Units and Employment-Based Units.

23. **Employment Requirement**: At least one member of a household must demonstrate an average of 30 hours per week (1560 hours per year) of employment in Teton County, Wyoming; or demonstrate a clear intent to work an average of 30 hours per week in Teton County, Wyoming (must have been hired even if hasn’t started the job yet.)

24. **Exception**: If a household understands the eligibility and qualification criteria, but feels their situation is unique and there is a compelling reason the rule(s) should not apply to them, they may request an exception. Exceptions are only considered before a weighted drawing process opens or before an application is submitted.

25. **Fair Market Rents (FMR)**: Fair market rents are the maximum chargeable gross rent, including utilities, in an area for projects participating in the Housing and Urban Development (HUD) Section 8 Program. The HUD Section 8 Program targets incomes of 80% and below of the Median Family Income (MFI). The Jackson/Teton County Affordable Housing Department does not participate in HUD’s Section 8 Program; however, FMR applies to some Employee Housing rental units. The rental rate corresponds to the amount of bedrooms in a unit.

26. **Final Development Plan Approval**: The point in the development review process when either the Teton County Board of County Commissioners or the Town of Jackson Town Council approves a development.

27. **Final Inspection**: The inspection that is done on a home at least 48 business hours before closing on the sale of the home. The purpose is to determine whether the home has been properly cleaned and that proper maintenance and repairs have been completed.

28. **Finance Company**: A company that regularly makes loans to clients.

29. **Garage**: An enclosed shelter for automotive vehicles.

30. **Grievance**: A dispute that sellers, buyers, or owners may have with the Housing Department with respect to an action or failure to act in accordance with the individual’s rights, duties, welfare, or status.
31. **Habitable Floor Area**: Habitable floor area is floor area used for living purposes, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area does not include mechanical rooms, elevators and fireplaces. Habitable floor area is measured either from the exterior of the faces of the building or the exterior limits of any interior wall that separates habitable floor area from uninhabitable floor area, whichever is applicable.

32. **Handicapped**:
   a. Hearing Impaired: Individuals with hearing measures between 25 dB and total hearing loss.
   b. Mentally Challenged: Individuals who have an intellectual functioning level that is well below average and that causes significant limitations in daily living skills.
   c. Mobility Impaired: Individuals who have reduced function of legs and feet that leads them to be permanently dependent on a wheelchair or an artificial aid to walking.

33. **Heir**: A person legally entitled to the property of another person upon the latter person’s death.

34. **Homebuyer Education**: Class required by the Jackson/Teton County Housing Authority for households to be eligible to purchase a restricted housing unit. The class educates homebuyers about the entire home buying process.

35. **Homeowners’ Association**: An organization comprised of neighbors concerned with managing the common areas of a subdivision or condominium complex. These associations take on issues such as plowing, clearing sidewalks, painting exteriors of a subdivision and collecting dues from residents. The homeowners’ association is also responsible for enforcing Covenants, Conditions & Restrictions (CC&Rs) that apply to the property. They do not enforce Deed Restrictions.

36. **Household Income**: The current income going forward 12 months of all adult wage earners within a household before taxes. Income from dependents that are enrolled in college or another type of school is not included in the household income calculation. For self-employed individuals, Income is the net income from the business with depreciation added back in averaged over either the life of the business or the last three (3) years, whichever is shorter. Other types of deductions may be added back in as well, such as home business use.

37. **Household Net Assets**: The value of all assets over $500 in value including, but not limited to, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

38. **Housing Programs**: Programs intended to provide housing for the workforce of Teton County and administered under the Jackson/Teton County Affordable Housing Department. They include ownership and rental units created through the Land Development
Regulations, through the direct construction of restricted housing units, or the financing thereof.

39. **Housing Mitigation Plan**: The portion of a development plan that specifies how an applicant will satisfy the Affordable and/or Workforce Housing requirements in Division 6.3.6 of the Teton County and Town of Jackson Land Development Regulations.

40. **Immediate Family Member**: Individuals that include a parent, spouse or child, including stepchildren, foster children, step-parents and foster parents.

41. **Initial Inspection**: An inspection done on a home once a letter of intent to sell is received by the Housing Department. The purpose is to inform the seller of the selling process and to check for maintenance and repairs that may be required before the sell occurs.

42. **Institutional Lender**: A lender that is a legitimate financial institution that regularly loans money for real estate transactions.

43. **Joint Tenancy**: When two or more people own property as joint tenants and one owner dies, the other owners automatically own the deceased owner’s share. No will is required.

44. **Leave of Absence**: Permission granted by the Housing Department for an owner of a restricted housing unit to be absent from the unit for an extended period of time for a legitimate and compelling reason, without violating the unit’s deed restriction.

45. **Lawful Permanent Resident**: Any foreign national who has been granted the right to reside permanently in the United States. Lawful Permanent Residents may apply for Affordable and Attainable housing but are ineligible to apply for Employment-Based housing, as it is available for US Citizens only.

46. **Lender’s Qualification**: The Institutional Lender’s judgement of the household’s financial ability to obtain financing for purchasing a home.

47. **Letter of Intent to Sell**: A letter that a homeowner submits to the Teton County Housing Authority informing the Housing Department that they desire to sell their restricted housing unit. The Housing Department must receive this letter before the selling process can begin.

48. **Liabilities**: Any debt, loans, or balances that a household owes. Liabilities are subtracted from assets when calculating Household Net Assets.

49. **Living Space**: A room in a home used by a family for leisure activities, entertaining guests, etc. It includes space for couches, chairs, tables, and may open to the kitchen.

50. **Local Business**: A local business is a brick and mortar establishment that employs workers in Teton County, and that is located within Teton County, and can include both for profit and not-for-profit entities.

51. **Maintenance**: A repair or maintenance item is an expenditure that restores a property to a sound state.
52. **Maintenance Adjustment**: The amount of money credited to the buyer at closing for maintenance, cleaning, or repairs that are found to be needed on the home at the final inspection.

53. **Maximum Rental Rates**: The maximum rental rate that may be charged to a tenant occupying an Employee Housing unit. The rates must include basic utilities (water/sewer, electric, gas, and trash removal). The specific restriction recorded on the unit instructs the method to be used to calculate maximum rental rates.

54. **Maximum Resale Price**: The maximum amount that a restricted housing unit can be sold for. This price is calculated by the Housing Department according to the restricted housing unit’s deed restriction or the Housing Department Rules and Regulations.

55. **Maximum Resale Letter**: A letter given to a seller of an Affordable or Employment-Based housing unit informing them of the maximum amount that the unit may be sold for.

56. **Maximum Sales Price**: The maximum amount that newly-provided ownership housing units can be sold for initially. There is 10 percent reduction from the maximum sales price for no garage and a 20 percent reduction from the maximum sales price if the unit is below grade.

57. **Median Family Income (MFI)**: The Department of Housing and Urban Development (HUD) calculates this figure by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more. Then, adjustments are made based on family size. The Jackson/Teton County Affordable Housing Department uses MFI to determine eligibility for restricted housing units. The Housing Department also uses MFI to calculate maximum sales prices.

58. **Military Service**: Active deployment in the U.S. Armed Services for any amount of time. Military Service counts as employment in Teton County, Wyoming for the sake of gaining the 1-year eligibility in the weighted drawing if the person deployed met employment criteria in Teton County Wyoming for minimum of two years immediately prior to deployment.

59. **Net Livable Floor Area**: This area is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions including, but not limited to habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

60. **Nonqualified Transferee**: A household to whom the title of a restricted housing unit is transferred, but it does not meet the qualification and eligibility standards set out in these Housing Department Rules and Regulations.
61. **Occupancy Requirements**: A type of preference used in the Affordable and Employment-Based Programs’ weighted drawing selection processes through which household is eligible to enter a weighted drawing based on how closely it aligns with the unit size.

62. **Original Purchase Price (OPP)**: The amount the current homeowner originally paid for the home.

63. **“Plus” Units**: Restricted housing units that have extra floor area for offices, play areas, etc.

64. **Post-Secondary Education**: Attendance as a full-time student at an educational establishment after high school or college preparatory school.

65. **Possession Date**: The date a buyer takes possession of a home. This is normally the date of closing unless for some reason funds are unable to be disbursed on that day or other arrangements are made.

66. **Price Opinion**: The market value of residential or commercial property, as determined by a local real estate firm.

67. **Primary Education**: Attendance at a school for primary education located in Teton County Wyoming.

68. **Primary Residence**: A household’s sole residence, occupied at least ten (10) months during each calendar year, or as otherwise stated in the Housing Unit’s Restriction.

69. **Profit and Loss Statement**: A statement showing a business’s income and expenses up through the month prior to application.

70. **Purchase and Sales Contract**: Contract entered into by the seller and the buyer which outlines the terms and conditions under which the property will be sold.

71. **Qualified Critical Services Provider**: An employee or volunteer on call 24 hours per day for public safety emergencies of an approved community-based organization that provides immediate response to health and safety services.

72. **Qualification Letter**: Letter issued to applicant confirming that they are qualified to purchase the home. This letter is needed by the Title Company in order to allow the closing to take place.

73. **Qualified Households or Qualified Buyer**: Households or buyers that have applied for housing through the Housing Department, where Housing Department staff deem them as eligible to purchase a restricted housing unit after verification of information, based on the unit’s Deed Restriction and the Housing Department Rules and Regulations.

74. **Qualified Mortgage/Qualified Mortgagee**: A loan attained from an Approved Lending Institution/the buyer of a restricted housing unit that has been approved for a mortgage.
75. **Resale Process**: The process by which an owner of a restricted housing unit sells it to a new owner.

76. **Residential Property**: A parcel that either includes a residential dwelling unit, or has the by-right potential for developing a residential dwelling unit per local zoning regulations.

77. **Restricted Housing Unit**: Any housing units in the Town of Jackson or Teton County that have Restrictive Covenants or Ground Leases that regulate the occupancy, use, sale, and/or rental of the unit or are restricted by the Land Development Regulations in order to further the Town/County’s workforce housing goals.

78. **Restrictive Covenant**: A contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to ensure the affordability of a housing unit for perpetuity.

79. **Restrictive Covenant Template**: A standard form to be used as a recorded instrument on all restricted housing units.

80. **Restrictive Covenant Information Sheet**: A form that the developers of restricted housing units must fill out as part of the Housing Mitigation Plan.

81. **Retirement Age**: The age at which the Federal Social Security Administration allows an individual to begin collecting Social Security.

82. **Secondary Education**: Attendance at a high school or college preparatory school located in Teton County, Wyoming.

83. **Settlement Statement**: Itemizes all costs, and/or credits due from the buyer and seller at closing.

84. **Tenancy-In-Common**: When two or more people own a shared interest in a property. If one owner dies, they can will their portion to other beneficiary(s) and not to the other owner(s) if they desire.

85. **Uniform Residential Loan Application (or Fannie Mae Form 1003)**: The application required by law for mortgage lenders to use to supply home loans. The Housing Department may require that applicants supply this application when applying for a restricted housing unit.

86. **Verification Checklist**: Checklist used by JTCHA to verify whether a household is qualified to purchase a particular home.

87. **Voluntary Affordable/Employee Housing Units**: Units with a restricted rent or sale price to be affordable to households earning no more than 200 percent of Teton County Median Family Income. An applicant may propose these units in addition to those required by the Land Development Regulations.
88. **Weighted Drawing**: The event that selects the order, of all the applicants for an applicable restricted housing unit, which the home will be offered for sale.

89. **Weighted Drawing Entry Period**: The period (normally two weeks) that the Housing Department accepts weighted drawing entry sheets for an available restricted housing unit.

90. **Weighted Drawing Entry Sheet**: Households complete a weighted drawing entry sheet and submit it to the Housing Department along with other documentation within the weighted drawing entry period when the household is interested in purchasing an available restricted housing unit.

91. **Weighted Drawing Number**: A number that a household receives from a weighted drawing that reflects the household’s standing in the weighted drawing for an applicable restricted housing unit.

92. **Weighted Drawing Form**: The form used to record all households who submitted weighted drawing entry sheets for a particular home. The households are recorded in alphabetical order. This form is given to outside counsel who then assigns each household a number. The numbers are placed in a pool and drawn out one by one. The results of the drawing are recorded in order on the Weighted drawing Form and returned to the Housing Department.

93. **Weighted Drawing Process**: The process by which the Housing Department accepts weighted drawing entries from households wishing to purchase a restricted home and determines the order the households will be offered the home for purchase. (Separate lotteries are conducted for each program).

94. **Workforce Housing Program**: An incentive program applicable within the Town of Jackson through which bonus floor areas are available in nonresidential or mixed-use buildings if the developer provides restricted housing units. These units can be either Ownership or Rental, and the number of units to be provided is determined by a ratio set out in the Town LDRs.

**SECTION II.**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION III.**

If any section, subsection, 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 as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

**SECTION IV.**
This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE ____ DAY OF ____________, 2018.
PASSED 2ND READING THE ____ DAY OF ____________, 2018.
PASSED AND APPROVED THE ____ DAY OF ____________, 2018.

TOWN OF JACKSON

BY: __________________________
Pete Muldoon, Mayor

ATTEST:

BY: __________________________
Sandy P. 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 Ordinances of the Town of Jackson, Wyoming.

_______________________________
Sandy P. Birdyshaw
Town Clerk
## List of Commonly Used Acronyms

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<tr>
<td>OPP</td>
<td>Original Purchase Price</td>
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<tr>
<td>SF</td>
<td>Square Feet</td>
</tr>
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SUMMARY OF HOUSING PROGRAMS

The general goal of all housing programs covered by the Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming. The housing programs addressed in the Housing Department Rules and Regulations are: Affordable Ownership, Affordable Rental, Workforce Ownership, and Workforce Rental. Legacy programs (including Accessory Residential Units, Attainable units, Employee units, and Employment-based units) are referenced in some properties’ restrictions, so these Housing Department Rules and Regulations also contain the rules that pertain to these programs.

Descriptions of Applicable Programs:

Accessory Residential Units (ARU) – Units created through this program are developed as part of nonresidential developments that are exempt from the housing requirements set by the LDRs. These units are rented to workers employed in Teton County, and they must remain as rental property (i.e., they cannot be converted to condominiums). Accessory Residential Units developed after June 4, 2018 will be part of the “Workforce Rental” program.

Affordable – These are units created through the mandatory affordable housing mitigation requirements included in the Town and County Land Development Regulations (LDRs). The Affordable housing program is divided into “Affordable Ownership” and “Affordable Rental,” and each has restricted pricing based on applicable affordability ranges.

Attainable – These units were built before housing standards were codified in the LDRs. No more Attainable housing units will be constructed, but the Housing Department Rules and Regulations still apply through the management of existing units. Specific requirements for these units are recorded as covenants on the property deed, and the Housing Department Rules and Regulations are referenced through these covenants.

Employee – These rental housing units are built to comply with the housing mitigation requirements for new nonresidential development set out in the Town and County LDRs. Initially, these units were intended to provide housing to seasonal workers, but they are not restricted to occupancy by seasonal workers. These Housing Department Rules and Regulations have been updated to reflect the Town and County’s policy direction in 2017, which aligns with the Comprehensive Plan’s goal of housing the local year-round workforce. The owner of the Employee housing units ultimately makes the decision about unit tenancy so long as the household qualifies, and household income is capped at 120% AMI. These units can be converted to condominiums for workforce employers. If the Housing Department Rules and Regulations and the restrictions recorded on the deeds of these properties conflict, then the language, requirement, and/or provision of the restrictions shall be applied and followed, not
0. Summary of Housing Programs
1-1. Purpose

the Housing Department Rules and Regulations. Employee units developed after June 4, 2018 will be part of the “Affordable Rental” program.

Employment-Based – This is a program that the Town of Jackson initiated to create restricted ownership units for sale to households that are employed in Teton County, but do not fit within the affordability ranges set out in the LDRs. These units are not developed under a mandatory requirement set out in the Town’s LDRs. These units do not have income or asset limits. Qualifying households are required to be employed at least 30 hours per week at a local business and earn 75% of income from employment at a business located in Teton County. Employment-Based units developed after June 4, 2018 will be part of the “Workforce Ownership” program.

Workforce Housing Programs – This program is divided into “Workforce Rental” units and “Workforce Ownership” units. There is no cap on the original purchase price or the initial rental rate. Once an ownership unit is sold, the maximum resale price is restricted to an appreciation cap on the unit as recorded in the covenants on the deed. The Housing Department Rules and Regulations apply to these units with respect to qualification rules, livability and minimum/maximum square footage requirements, and resale standards.
SECTION 1. PURPOSE AND GENERAL GOALS

1-1. Purpose

The Jackson/Teton County Affordable Housing Department ("Housing Department") was created by Teton County, Wyoming and the Town of Jackson, Wyoming on March 14, 2016 Town Resolution 16-04 and County Resolution 16-008. The purpose of these Housing Department Rules and Regulations ("Housing Rules") is to provide comprehensive and consistent provisions that apply to housing units created through the Town or County established housing programs and/or administered by the joint Town of Jackson/Teton County Housing Department (hereafter "Housing Department").

The Housing Department Rules and Regulations were formerly known as the “Guidelines.” When the Housing Guidelines are referenced in documents promulgated prior to the adoption of the 2018 Housing Department Rules and Regulations, the reference of guidelines refers to these Housing Department Rules and Regulations.

a. Applicability

1. Subject to Provisions that are Unique to Specific Program
   
   Each housing program covered in these Housing Department Rules and Regulations is subject to provisions that are unique to that program as indicated in these Housing Department Rules and Regulations.

2. Subject to Provisions of the Restrictions Recorded on the Property
   
   Restricted housing units are subject to individual deed restrictions, special restrictions, or ground leases, (collectively “restrictions”) which may have additional requirements or provisions. If the Housing Department Rules and Regulations and the restrictions conflict, then the language, requirement, and/or provision of the Restrictions shall be applied and followed, not the Housing Department Rules and Regulations. The Restrictions recorded on the property supersede any inconsistency in these Housing Department Rules and Regulations.

3. Subject to Federal Fair Housing Law (The Fair Housing Amendments Act of 1988)
   
   The Housing Department recognizes that the Office of Fair Housing and Equal Opportunity administers and enforces federal laws and establishes policies that ensure
that all Americans have equal access to the housing of their choice. The Housing Department does business in accordance with the Federal Fair Housing Law (The Fair Housing Amendments Act of 1988).

a. Discrimination

It is illegal to discriminate against any person because of race, color, religion, sex, handicap, familial status, or national origin in the sale or rental of housing, in the financing of housing, in the provision of real estate brokerage services, or in the appraisal of housing.

1. Filing a Complaint

Anyone who feels he or she has been discriminated against may file a complaint of housing discrimination to the HUD Housing Discrimination Hotline, 1-800-669-9777 (Toll Free), or the TDD line for the hearing impaired, 1-800-927-9275.

b. Blockbusting

Blockbusting is also prohibited. Blockbusting is the practice of illegally frightening homeowners by telling them that people who are members of a particular race, religion, or national origin are moving into their neighborhood and that they should expect a decline in the value of their property. The purpose of this scheme is to get the homeowners to sell at a deflated price.

4. Disclaimer

The Jackson/Teton County Affordable Housing Department (‘‘Housing Department’’) expressly disclaims any and all warranties, express or implied, including without limitation fitness for a particular purpose with respect to the provision of restricted housing units. The Housing Department does not represent, warrant, or promise to construct, finance, or otherwise produce, in whole or in part, any restricted housing units pursuant to these Housing Department Rules and Regulations or under any other programs. No applicant may rely upon any promise implied or expressed that restricted housing units shall be constructed, financed, or otherwise produced, in whole or in part, by the Housing Department. In no event shall the Housing Department be liable to any applicant for any direct, indirect, incidental, punitive, or consequential damage of any kind whatsoever, including without limitation lost profits, lost sales, lost business, lost opportunity, lost information, lost or wasted time. None of the information contained in these Housing Department Rules and Regulations constitutes an offer to sell or the solicitation of an offer to buy a restricted housing unit.
1-2. General Policy Goals

The general goal of all housing programs covered by these Housing Department Rules and Regulations is to provide and maintain housing affordable to persons and families who make a living primarily from employment located in Teton County, Wyoming, which includes the Affordable, Attainable, Employee, Employment-Based, Accessory Residential Unit, and Workforce housing programs. This is accomplished by regulating the occupancy, use, sale and/or rental of the restricted housing units covered by the Housing Department Rules and Regulations to qualified households as defined herein.

a. Promoting Economic and Social Diversity

Certain housing programs also limit initial eligibility of qualified households based on financial means criteria, which may include both household income and household net assets. Such financial qualifying factors promote economic and social diversity within the Jackson Hole community.

b. Ensuring Long-Term Affordability

Many of the restricted housing units covered by these Housing Department Rules and Regulations are subject to price limitations for sale, resale and/or rental. These limitations are intended to ensure affordability for both the current household occupying the restricted housing unit and to ensure the long-term affordability of the restricted housing unit.

c. Providing Housing for the Local Workforce

Minimum occupancy requirements apply to all restricted housing units to ensure that the unit meets the community’s goals of providing housing for the local workforce by maximizing the space and filling the bedrooms, and to ensure that the restricted housing unit does not serve as a second home.

d. Providing Fair and Consistent Administration

These Housing Department Rules and Regulations are intended to provide clear, fair, and consistent administration of the housing programs to which they apply. It is recognized that there are individual households or restricted housing units that may not fit clearly into the specific provisions of the Housing Department Rules and Regulations, but still meet these general policy goals. For these cases, exception, appeal, and grievance processes have been included in Section 7: Compliance and Exception, Appeal, and Grievance Standards and Procedures.
1-3. Relationship to Land Development Regulations

The Town of Jackson and Teton County Land Development Regulations (LDRs) set out standards for the development and use of land within each jurisdiction. The LDRs include requirements for certain developments to provide affordable housing or fees to offset the additional housing need that the developments create. Specific programs address different types of development. The Planning Department of each jurisdiction reviews development applications to check for compliance with the LDRs.

These Housing Department Rules and Regulations impose additional requirements on the developers of any type of restricted housing units. The Housing Department reviews compliance with these Housing Department Rules and Regulations, both prior to development and during occupancy and use.

a. Standards Applicable Under LDRs versus Housing Department Rules and Regulations

Generally, the LDRs address any provisions that must be met during the development approval phase, while the Housing Department Rules and Regulations address provisions that ensure proper use and maintenance of the restricted housing units throughout their lifetime.

<table>
<thead>
<tr>
<th>LDR Provisions</th>
<th>Housing Department Rules and Regulations Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental/Sale Mix (required mix of units)</td>
<td>Livability Standards (Interior)</td>
</tr>
<tr>
<td>Occupancy Standards</td>
<td>Dormitory Livability Standards</td>
</tr>
<tr>
<td>Distribution of Income Categories</td>
<td>Livability Requirements for Conversion of Existing Housing Stock</td>
</tr>
<tr>
<td>Requirements for Fees in Lieu</td>
<td>Restrictive Covenant Form and Process</td>
</tr>
<tr>
<td>Requirements for Conveyance of Land or Conversion of Existing Housing Stock</td>
<td>Sale/Rental Standards and Procedures including Qualification and Eligibility for Each Program</td>
</tr>
<tr>
<td>Procedure for Banking Credits</td>
<td>Compliance with Housing Department Rules and Regulations.</td>
</tr>
<tr>
<td>Phasing Plan</td>
<td></td>
</tr>
<tr>
<td>Mix by Number of Bedrooms</td>
<td></td>
</tr>
</tbody>
</table>
b. References Retained for Convenience

All references to the LDRs in these Housing Department Rules and Regulations are for convenience and are not a part of the Housing Department Rules and Regulations.
SECTION 2. HOUSING DEVELOPMENT STANDARDS AND PROCEDURES

2-1. Purpose

The Jackson/Teton County Comprehensive Plan lists three common community values, one of which is quality of life. One of the ways called out to achieve quality of life is through local workforce housing. With regards to workforce housing, the Comprehensive Plan includes the four following principles:

1. Maintain a diverse population by providing workforce housing
2. Strategically locate a variety of housing types
3. Reduce the shortage of housing that is affordable to the workforce
4. Use a balanced set of tools to meet our housing goal

The Town of Jackson and Teton County have several tools to increase the amount of housing that is affordable to the workforce. One of these tools is the requirement and/or incentive in the LDRs for residential and non-residential development to provide permanently restricted workforce housing. This housing represents a substantial and long-term public investment. As such, it is imperative the restricted housing produced be livable and of good quality.

This section, Housing Development Standards and Procedures, is meant to provide guidance to the prospective developers of restricted housing units. Subsection 2-2 lays out the requirements of the Housing Mitigation Plan, which is reviewed by both the Planning Department and the Housing Department. Subsection 2-3 sets out the Livability Standards, which are under the Housing Department’s purview.

a. Applicability

This Section applies to all developments subject to Division 6.3 and Division 7.4 of the County LDRs and Division 6.3 and Division 7.4 of the Town LDRs. It also applies to any restricted housing units not required through the LDRs that are presented to the Board of County Commissioners or Town Council in development applications.
b. **General Policy Goals**

1. **Inform Developers of Standards and Procedures**
   
   These Housing Development Standards and Procedures inform prospective developers of the standards and guidelines for construction and sale of restricted housing units, as required by the LDRs and the *Housing Department Rules and Regulations*.

2. **Provide Fair and Consistent Implementation of Standards and Procedures**
   
   These Housing Development Standards and Procedures help the Housing Department implement policies of the LDRs and the *Housing Department Rules and Regulations* in a fair and consistent manner.

---

**2-2. Housing Mitigation Plan**

A Housing Mitigation Plan for each project shall be submitted according to the provisions of the Teton County and Town of Jackson LDRs [See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4].

A packet with a checklist for a Housing Mitigation Plan can be obtained through the Housing Department or the Town or County Planning Departments.

---

**a. Procedures**

1. **Consultation with Applicant (Optional)**
   
   Applicants may meet with Housing Department staff prior to submitting a Housing Mitigation Plan. Although this step is not required, it is often helpful for the applicant and the Housing Department staff to discuss the development proposal and how it meets the LDRs and *Housing Department Rules and Regulations*.

2. **Review**
   
   Applications for development that have been submitted to the Town or County Planning and/or Building Departments are reviewed by the Housing Department for compliance with these Housing Department Rules and Regulations.
b. Content

The Housing Mitigation Plan contains some provisions that fall under the purview of the Planning Department, while others fall under the purview of the Housing Department. Specifically, the Housing Department oversees the maximum unit size. Developers should refer to the LDRs for requirements such as the mitigation methods, the mix of units by number of bedrooms and the mix of units by affordability ranges.

1. Mitigation Method

See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4.

2. Requirement Calculation

See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4.

3. Fee Calculations

If the developer proposes Fees In-Lieu as the preferred form of mitigation, the developer shall submit the proposed amount with a Final Development Plan. The Housing Department shall update the fees in-lieu for the restricted housing units on an annual basis effective April 1 or within 30 days of HUD publishing updated annual median income data. Fees in-lieu figures are available at the Housing Department office or on the Housing Department website.

4. Unit Descriptions

a. Unit Size

There is no minimum or maximum unit size based on square footage. Size by bedroom mix is located in the LDRs.

b. Rental/Sale Mix

As part of the Housing Mitigation Plan, the developer shall state which units are intended as rentals and which are intended as ownership in accordance with the LDRs (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).
c. Mix of Units by Number of Bedrooms

The intent of the restricted housing programs is to provide a variety of unit types to meet the housing needs of our diverse workforce. The Town and County LDRA set out the specific occupational requirements for housing units. The mix of units by number of bedrooms in each unit is also determined by the Town and County LDRs.

d. Distribution of Income Categories

See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4.

5. Special Restriction Form and Process

A Special Restriction is a contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to satisfy the Town or County LDRs. It also applies to other restricted housing units that will be administered by the Housing Department. Special Restrictions shall keep the restricted housing units affordable in perpetuity and provide proper notification of this obligation to subsequent buyers or other interested parties. (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).

a. Requirement

The developer shall record Special Restrictions in the public land records for the subject property prior to the issuance of a Certificate of Occupancy by the County or Town.

b. Process

The Housing Department shall prepare special restrictions according to the process below. Restrictive covenant templates are available from the Housing Department or the Housing Department website.

   1. Special Restriction Information Sheet

      The developer shall complete the “Special Restriction Information Sheet” and submit to the Housing Department. This form is found at the Housing Department website, or at the Housing Department offices.
2. Preparation of Special Restriction

The Housing Department will prepare the special restriction and provide the document to the developer for review via email or other delivery method.

3. Review

Once reviewed by the developer for accuracy, the Housing Department and the developer (“declarant”) will sign the special restriction and deliver to the County or Town for the required signature.

4. Developer Responsibilities

The developer is responsible for signing the special restriction, recording the special restriction with the Teton County Clerk, paying for the recording fees, providing the County or Town Planning Department with a copy of the recorded document, and returning the original to the Jackson/Teton County Housing Department office. The Housing Department shall witness the recording.

5. Modification/Amendment

The developer shall not make modifications to the special restrictions with the exception that when an alternate housing program is approved by the Town Council or County Commissioners. Modifications or amendments to the restricted covenant must be agreed to in writing by the Housing Department. The developer or owner may be responsible for any legal costs to amend a restrictive covenant.

2-3. Livability Standards

To meet the community’s goals of providing working families a viable choice of housing, to protect social diversity, and to contribute to economic stability, the LDRs and the Housing Department Rules and Regulations require that restricted housing units are designed to provide adequate size, building and site design, and finishings to serve future tenants. These are all criteria in the Housing Department’s decisions as to whether a development meets the goals of the LDRs and the Housing Department Rules and Regulations. For additional construction standards, see Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4.
a. **Process**

These Livability Standards are associated with interior components of the units, functionality, light, and outdoor space. Review by the Housing Department will be completed during the planning process and at time of building permit. It is encouraged that applicants review restricted housing unit designs with the Housing Department early in the design process.

Restricted housing units will also be subject to Planning Department review, as some livability standards are requirements of the LDRs (See Teton County Land Development Regulations: Divisions 6.3 and 7.4 or Town of Jackson Land Development Regulations: Divisions 6.3 and 7.4).

b. **Intent**

The livability standards in the LDRs do not include minimum size requirements for units. To ensure functionality of units regardless of size, these Livability Standards have been adopted. The Housing Department may consider flexibility within these standards as long as the intent of functionality is being met. All building, plumbing, electrical, and fire code requirements are still required to be met. These standards do not supersede other requirements.

Restricted housing units are expected to be designed with logical and functional room layout. This includes adequate space for normal living based on two (2) persons per one-bedroom unit, three (3) persons per two-bedroom unit, and four (4) persons per three-bedroom unit and adequate circulation pathways through the unit based on a reasonable furniture configuration.

The standards contained in this document provide minimum requirements for specific items and are not intended to be “build to” specifications.

1. **Exceptions**

Applicants may request approval of components that don’t conform to these Livability Standards by completing the “Request for Exception” form. The request must include a detailed explanation of why the applicant wishes to diverge from these Livability Standards, and how the proposed difference is meeting the intent of these Livability Standards. Detailed drawings of what is being proposed shall also be submitted (See Section 7-3)

c. **Acceptance of Restricted Housing Units**

Proposed floor plans will be reviewed by the Housing Department at time of Sketch Plan submittal, Final Development Plan submittal and/or other permit submittal. Proposed unit designs and components must be approved by the Housing Department prior to submittal for
building permit. The Housing Department will inspect all restricted units before certificate of occupancy to ensure that the unit is built according to the approved designs.

d. Standards for Restricted Ownership Units

1. Kitchen

   a. Cabinets

   All units shall have kitchen cabinet or other storage area (such as a pantry) proportionate to unit size that, at a minimum, meet the required space listing in the table below. A stove/oven may not be used to meet cabinet requirements, and no more than two cabinet spaces less than one foot in width may be used to meet cabinet requirements.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Lineal Ft of Base Cabinets*</th>
<th>Lineal ft of Upper Cabinets*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency/studio/one-bedroom</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>&lt; 475 SF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One bedroom &gt; 475 SF</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Three bedrooms or more</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>

*Assumes standard 24” depth and 26” height for base cabinets and 12” depth and 30” height for upper cabinets.

Note that additional kitchen storage beyond the minimum is desirable. In some cases, additional cabinetry is provided as either base or upper cabinets and credit is requested to reduce cabinetry elsewhere. Requests to storage requirements will be considered as an exception to be approved by the Housing Department.

   b. Countertops

   The surface of countertops shall be made of new, durable, easily cleaned materials that are commonly used for countertops. One, two and three bedroom units must provide a minimum 3 feet of continuous countertop work space not including interior corner space.

   c. Appliances

      1. Table of Appliance Specifications

      The following table specifies minimum appliance requirements.
### Unit Size

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Sink width*</th>
<th>Range/oven width*</th>
<th>Refrigerator cubic feet*</th>
<th>Dishwasher*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/One bedroom &lt; 475 SF</td>
<td>24”</td>
<td>24”</td>
<td>18</td>
<td>18”</td>
</tr>
<tr>
<td>One bedroom &gt;475 SF</td>
<td>30”</td>
<td>30”</td>
<td>25</td>
<td>24”</td>
</tr>
<tr>
<td>Two bedroom</td>
<td>32”</td>
<td>30”</td>
<td>30</td>
<td>24”</td>
</tr>
<tr>
<td>Three bedrooms or more</td>
<td>32”</td>
<td>30”</td>
<td>30</td>
<td>24”</td>
</tr>
</tbody>
</table>

*Minimum Size

### 2. Quality and Warranty

All appliances shall be new, Energy Star, and UL (Underwriters Laboratories Standards for Safety) listed, and approved appliances. Documentation of the estimated reliability of proposed appliances, such as Consumer Report ratings, should be provided. Appliances must be of sound quality with the following minimum warranties:

i. **Range or Stove and Oven**

   One-year minimum warranty. All major appliances used for surface cooking must have a ventilation system that meets code (typically, a fan rated at a minimum of 150 CFM).

ii. **Refrigerator**

   One-year minimum warranty on the entire appliance.

iii. **Dishwasher**

   One-year minimum warranty on the entire appliance.

iv. **Garbage Disposal**

   If provided in the market rate units, all restricted ownership units shall include a garbage disposal each with a one-year minimum warranty on the entire appliance.

v. **Microwaves and other small appliances are optional.**
2. **Bathrooms**

   At least one full bathroom is required and must contain a bathtub with shower, sink, toilet, and a minimum of four (4) square feet of storage. Flexibility is allowed as to how the storage is provided and will be approved by the Housing Department.

3. **Closets and Storage Areas**

   Adequate storage is essential to providing livable housing. For safety reasons, mechanical rooms should be separate from any storage space and to ensure usable storage space should not open into storage space. All closets and storage areas should have a minimum 7.5’ height except those under stairs which can include sloping ceilings down to 6’ height unless it is not being counted toward the requirement. All dimensions shall be calculated from the finish trim dimension.

   **a. Table of Minimum Storage Dimensions**

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Bedroom closet width</th>
<th>Linen closet* width</th>
<th>Additional storage square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/one-bedroom</td>
<td>6 feet</td>
<td>24 inches</td>
<td>25 square feet</td>
</tr>
<tr>
<td>&lt; 475 SF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-bedroom &gt; 475 SF</td>
<td>6 feet</td>
<td>30 inches</td>
<td>30 square feet</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>6 feet</td>
<td>30 inches</td>
<td>40 square feet</td>
</tr>
<tr>
<td>Three-bedroom or more</td>
<td>6 feet</td>
<td>36 inches</td>
<td>50 square feet</td>
</tr>
</tbody>
</table>

   **d. Other Storage Standards**

   1. Closet depth must be 26 inches.
   2. Bedrooms must each contain a closet that includes one shelf over a rod.
   3. Entryway closets are not a requirement. If an entryway closet is not provided that will adequately store coats and shoes/boots for one person in a studio, two persons in a one-bedroom, three persons in a two-bedroom and four persons in a three-bedroom, then an area for hanging/storing coats and shoes/boots near the entryway is required that will adequately provide for the same persons per unit.
4. In addition to bedroom, linen and entryway storage, additional storage must be provided. Locations may include the basement, garage, exterior to the unit or interior to the unit. The intent of this storage is to provide space for large or outdoor items such as bicycles, strollers, recreational gear, etc. If appliances are located in this area, their footprint cannot be counted toward square footage of storage and must be approved by the Housing Department.

5. Closet and storage doors must be sliding doors, folding doors, or doors that open outwards to allow for access to space. Doors are not required on interior storage. Closets and storage space may not have any other doors opening into the space.

4. Floor Coverings

New carpet, wood, tile, vinyl or linoleum floor covering shall be provided, with a minimum 10-year warranty. New water resistant floor covering other than carpet is required in kitchens and bathrooms. Floor coverings are required on all subfloor material with the exception that concrete can be used as flooring material.

5. Room Sizes and Shapes

All units must include appropriate and adequate room sizes and room shapes (generally rectilinear) that allow for functional furniture placement. Minimum sizes should be measured at the narrowest point in the room. Where any room such as the dining room is adjacent to the kitchen area, a 3’ wide buffer between all kitchen cabinets, appliances and work spaces may not be included in the minimum room calculation. All dimensions shall be calculated from the finish trim dimension.

It is highly recommended that room dimensions include an additional 1-2” as a margin of error to accommodate discrepancies in the framing and finish.

a. Minimum Room Size

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Minimum Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio/One-bedroom &lt;475 SF</td>
<td>100 SF</td>
</tr>
<tr>
<td>One-bedroom</td>
<td>120 SF</td>
</tr>
<tr>
<td>Two-bedroom</td>
<td>180 SF</td>
</tr>
<tr>
<td>Three-bedroom or more</td>
<td>200 SF</td>
</tr>
</tbody>
</table>
e. **Bedrooms**

The first bedroom shall be a minimum of 120 square feet. Additional bedrooms shall be a minimum of 90 square feet. No bedroom shall have a finish dimension less than nine feet (9’0).

f. **Living/Dining Rooms**

Living/Dining Rooms shall provide the following minimum dimensions with no dimension less than ten feet (10’0).

Connections and openings, circulation to and through, and exterior doors and windows shall not compromise the ability to furnish the living/dining area. Furniture layouts shall be used to set critical room dimensions. There shall be a minimum of one layout that is possible that will seat every household member assuming one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom and at least one seven-foot sofa, space for side tables, and ample leg room. Mechanical features, such as fuse boxes, shall not be visible or a central feature in the living area.

The eating/dining area may be in a separate room, part of a combined living/dining area, or in the kitchen provided a 3’ wide buffer between all kitchen cabinets, appliances and work spaces is not included in the minimum room calculation and a table and chairs (minimum 2 chairs – 4 chairs for two-bedroom or larger) can be shown to fit into the space without blocking circulation or doorways. A countertop eating area a minimum of 12” deep and 36” in length may be an acceptable alternative for units with less than two-bedrooms.

g. **Studios and One-Bedrooms less than 475 square feet**

All units must include appropriate room shapes (generally rectilinear) that allow for functional furniture placement including a sleeping area that will accommodate a twin bed, a living area that can accommodate a 6’ sofa, and a cooking eating area (table or island) that will accommodate two persons/chairs or stools. Furniture layouts shall be used to set critical room dimensions that include room for circulation.

**6. Windows/Noise Mitigation**

All living areas and bedrooms shall have a minimum of one window that can be opened.

Housing units that share walls with other residential or non-residential spaces must provide noise mitigation in walls, floors and ceilings for both airborne and impact sound.
All windows in rental units that have locations where pedestrians or passersby can see directly into the window must provide window shades or coverings that open from the top down to allow partial closing that provides privacy but also allows for the maximum amount of natural light to enter the unit and for ventilation.

For developments that propose affordable units facing on and within 100 yards of roadways with allowable speeds in excess of 35 miles per hour or other types of industrial or other noise must have windows facing these conditions that meet a 32 Sound Transmission Class (STC) rating standard for noise mitigation or greater.

7. Laundry

Restricted ownership units shall include washer/dryer hookups.

8. Heating and Hot Water

Furnaces, boilers, or hot water heaters provided must have a 5-year minimum warranty. Hot water heaters must be appropriately sized to adequately serve the number of anticipated occupants based on one (1) person for a studio, two (2) persons for a one-bedroom, three (3) persons for a two-bedroom and four (4) persons for a three-bedroom.

Heating mechanical units may not be located on any patio or deck used to meet open space requirements or interior to the unit in a way that reduces usable floor area.

9. Other Design Features

The following features are encouraged and may be used in the place of other requirements with approval from the Housing Department:

1. Built-in storage space such as drawers under beds, stairs, etc.
2. Creative shelving in dead space
3. Washer/Dryer or communal laundry area in rental units
4. Extra storage for recreational equipment
5. Additional closet space
6. Additional cabinetry

e. Standards for Dormitories

General livability standards (Section 2-3: Livability Standards) will apply except when these dormitory standards differ. There shall be a minimum of 150 square feet net livable floor area.
per person, including sleeping, bathroom, kitchen, and lounge space. Net livable floor area shall not include interior or exterior hallways, parking, patios, decks, laundry rooms, mechanical areas, and storage.

1. **Bathroom**

   At least one bathroom shall be provided for shared use by no more than four persons, containing at least one toilet, one sink, one bathtub with a shower, and a total area of at least 60 habitable square feet.

2. **Kitchen Facility**

   A kitchen facility or access to a common kitchen or common eating facility shall be provided subject to the Housing Department’s approval and determination that the facilities are adequate in size to service the number of persons using the facility.

   Provide seating at a table or bar area for each person proposed to use the facility. The kitchen must have a range with a minimum of 4 burners and an oven. A refrigerator at least 5 cubic feet per person proposed to use the dorm. Each unit must have a minimum of 7 lineal feet of base cabinets and upper cabinets. Each unit shall have a kitchen sink at least 31 inches wide.

3. **Storage Space**

   Each unit occupant shall be provided at least 20 net square feet of enclosed storage space located within, or in close proximity to, the unit. This is in addition to the required 150 square feet of net livable floor area of living space per person.

4. **Occupancy**

   A dormitory unit shall not be occupied by more than eight persons.

5. **Variances**

   At its discretion, Housing Department staff may allow a variance to the requirement of 150 square feet. To receive approval for a variance, an applicant shall provide a minimum of 60 square feet of sleeping area per person and meet conditions 1-4, listed above.

6. **Standards for Conversions of Existing Housing Stock**

   If existing unrestricted housing is offered and accepted by the Town of Jackson or Teton County, as adequate to meet an affordable housing requirement, the existing units must be
upgraded in accordance with the following standards, unless a variance from these requirements is approved by the Planning Department of the Town or County.

Applicants shall bear the costs of any required upgrades to meet the standards, as listed below. Applicants will also be responsible for any structural/engineering reports requested by the Housing Department to assess compliance with the Housing Department standards of the proposed units.

1. Standards

   1. All units must be freshly painted;
   2. All appliances must be purchased within the last five years and be in good condition and in working order. Evidence must be provided to verify the appliance was purchased within the last five years;
   3. New carpet shall be provided (unless carpet has been purchased in the last five years and is in good condition and repair). Evidence must be provided to verify the carpet was installed within the last five years;
   4. The exterior walls shall be freshly painted within one year of dedication, a general level of upgrade to yards and landscaping shall be provided, and windows, heating, plumbing, and electrical systems, fixtures and equipment shall be in good condition and working order;
   5. The roof must have a remaining useful life of at least ten years. Evidence must be provided to verify this; and
   6. The unit shall meet Uniform Building Code minimum standards, as well as any applicable housing code.
   7. See Section 6.3 of the LDRs for other existing housing stock requirements.
SECTION 3. QUALIFICATION AND ELIGIBILITY

3-1. General Descriptions

Each housing program described in these Housing Department Rules and Regulations is evaluated on two levels to determine the requirements of occupants and/or owners to purchase and/or occupy the housing unit in question; the two levels of evaluation are herein referred to as qualification and eligibility.

a. Qualification

Qualification is the most general and applies to all housing programs.

b. Eligibility

Eligibility refers to additional requirements specific to a particular restricted housing unit or program.

3-2. Qualification

To be considered a qualified household under these Housing Department Rules and Regulations, all of the following criteria must be met prior to the time of closing:

a. Employment Requirement

At least one member of the household must fit one of the following categories:

1. Employed in Teton County

   Be employed at a local business or organization located in Teton County an average of at least thirty (30) hours per week or 1560 hours in a calendar year, or be under contract for employment at a local business or organization located in Teton County, Wyoming, where such contract commences employment before move-in or closing on a restricted housing unit, and the employment will be for a minimum of 30 hours per week or 1560 hours per year.
Section 3. Qualification and Eligibility
3-2. Qualification

a. Self-Employed

If self-employed, hours of work must be documented to substantiate meeting the 30-hour per week / 1560 hours per year requirement. Since self-employment is often unique, different methods of verification may be used. Reasonable annual income is the first method that will be reviewed. Other methods may include verification from vendors, employees, or other applicable methods.

2. Employment Exemptions

a. Military Service

Active military service in the U.S. Armed Services counts as employment in Teton County, Wyoming if that member of the household met employment criteria in Teton County, Wyoming for a minimum of two years prior to enlisting.

b. Disabled

An individual who is defined as disabled and is unable to be gainfully employed due to the disability meets the employment qualifications for housing in Teton County if the individual has a minimum of one (1) year of full-time residency in Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

c. Caregiver

Work as a caregiver counts as an employment exemption if the following criteria are met:

1. Full-time Resident

The caregiver is a full-time resident of Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming.

2. Duration and Timing of Caregiving

The caregiver was or is volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member and, therefore, was unable to gain full-time employment in Teton County. Verification will be required using varying methods including but not limited to birth certificates, letter from health provider, and affidavits from family members or neighbors.
d. Secondary School Attendance

Secondary education counts as an employment exemption if other employment criteria were met in Teton County, Wyoming at least two (2) years immediately prior to seeking secondary education.

e. Hospitalization

Hospitalization counts as an employment exemption if the hospitalized member of the household worked in Teton County, Wyoming at least two (2) years immediately prior to becoming hospitalized.

b. Citizenship

At least one (1) member of the household must be a U.S. Citizen or be hold a Lawful Permanent Residency card in the United States in order to qualify to purchase a restricted housing unit.

c. Age

At least one (1) member of the household must be eighteen (18) years of age.

d. Financial Ability

The Household must qualify without a cosigner for a loan through an institutional lender to purchase a restricted housing unit.

1. Contingencies

Any contingencies on lender’s qualification may be a cause for the Housing Department to deny qualification to the household. If a contingency requires the household to sell a home prior to the purchase of a restricted housing unit, it will be disclosed to the seller, and the seller will have the option to deny going under contract with the selected household.

2. Disclosure of Financial Gifts

Financial gifts received by the household must be disclosed to the Housing Department and will be counted toward household net assets. A letter from the gift or certifying the gift and the amount of the gift will be required.
3. Use of Retirement Savings for Down Payment

Down payment funds that are withdrawn from retirement accounts will be counted toward household net assets.

4. Qualified Mortgages

All liens that encumber the property must be ‘qualified mortgages’ made by a ‘qualified mortgagee’ or will not be secured by the property (See Section 8: Definitions).

e. Occupancy

The Household must occupy the restricted housing unit as its primary residence for a minimum of 10 months out of a calendar year and in accordance with the restrictions recorded on the property.

1. Leave of Absence

The Housing Manager of the Housing Department may grant a one (1) year leave of absence if the household submits a “Request for Leave of Absence” form, along with the coinciding fee.

2. Attainable Housing Program Exception

Attainable housing units allow owners to rent a room in their home as long as the owner still occupies the units on a substantially full-time basis (9 months per year as required by their restriction).

3-3. Eligibility

Households may be required to meet one or all of the following eligibility criteria to be eligible to purchase, rent and / or occupy a housing unit. The restriction on the housing unit and / or the specific housing program will determine if additional eligibility requirements apply.

a. Household Income

Eligibility Criteria differs between units that are targeted to different affordability ranges. The “Household Income and Asset Chart” that sets income and asset requirements is updated annually and published on the Housing Department website. It can also be obtained from the Housing Department.
1. **Affordability Ranges**

   Below are the affordability ranges based on percentage of Median Family Income (MFI) as calculated by the U.S. Department of Housing and Urban Development (HUD). Legacy units restricted prior to 2018 adoption of Housing Mitigation Standards in the LDRs used different “income categories.” These income categories will still apply to legacy units that set out these income categories in the unit’s restrictive covenants.

   a. **Affordable and Affordable Rental**

      *Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards*

      0 – 80%
      80 – 100%
      100 – 120%
      120 – 140%
      140– 175%
      175 – 200%

      *Rental units developed after 2018 adoption of Housing Mitigation Standards*

      0 – 50%
      50 – 80%
      80 – 120%
      120% – 200%

      *Ownership units developed after 2018 adoption of Housing Mitigation Standards*

      80 – 120%
      120 – 200%

   b. **Legacy Attainable Units**

      Category 2 = <=120%
      Category 3 = <=140%
      Category 4 = <=175%
c. **Employee**

*Legacy Units developed prior to 2018 adoption of Housing Mitigation Standards*

Households are eligible for these Employee housing units if they make up to 120% MFI. If this is inconsistent with the deed restriction recorded on the particular Employee Housing Unit, the deed restriction shall supersede these *Housing Department Rules and Regulations*.

d. **Employment-Based**

There is no income eligibility for Employment-Based units. However, at least 75% of the household’s combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a local business.

e. **Workforce Housing Program**

There is no income eligibility for Workforce housing units. However, at least 75% of the household’s combined income must be earned from a business or organization located in Teton County continuously during ownership. If one (1) person in the household is at the age the Social Security Administration allows a person to begin receiving Social Security, their income will no longer be used to calculate the 75% of household income from a local business.

f. **Other Restricted Housing Units**

Income eligibility for other restricted housing units may be set out in restrictive covenants that apply to the particular restricted housing unit.

2. **Calculation of Income**

Household income is based on the current income earned by all intended adult occupants of the restricted housing unit at estimated closing date and is calculated by the Housing Department using the current household income to estimate an annual (12 month) income basis. Households must use their current income and may not make changes or adjustments to earnings in order to fit into a category. Any changes to income must be given to the Housing Department prior to the initiation of a weighted drawing process in order to be eligible to enter the weighted drawing.
a. **College-Aged Children**

The income of adult children who are members of the household and who are attending college will not be counted.

b. **Business Income**

Business income of a qualifying Household is calculated using an average of the last three (3) years of income on the business’ tax returns. A year to date profit and loss determination will also be used to calculate business income, along with a current balance sheet. If the business has not been operating for three (3) years, the Housing Department will average income over the time the business has been operating.

c. **Household Members**

All individuals who are intending to occupy the unit must be included on the application. All adults who are not attending college must include income and assets on the application. No adults not listed on the application may reside in the home within the first year and without prior approval from the Housing Department. No approval will be given without adding any adult occupants to title.

b. **Household Net Assets**

Eligibility for some restricted housing units is also based on a qualifying household’s net assets.

1. **Calculation of Net Assets**

Household net assets include the value of all assets over $500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

Total household net assets shall not exceed two times the four-person household Income requirement for the income category of the housing unit. All household members’ shares of liquid business assets shall be included in determination of total household net assets. Net assets of all household members shall be combined in determination of total household net assets. See the “Household Income and Asset Chart” for net asset thresholds, which is updated annually and published on the Housing Department website. A copy may be obtained from the Housing Department.
2. **Ownership of Real Property**

   a. **Ownership at Time of Application:**

   At the time of application, a Household may own other undeveloped or developed residential or commercial property. The fair market value of such property will be taken into consideration when determining household net assets. A price opinion using a market analysis will be obtained by the Housing Department through a local real estate firm within thirty (30) days from the date of submittal of an application for a restricted housing unit to determine fair market value of the other undeveloped or developed property. The owner of the property will be solely responsible to pay for the price opinion in conjunction with submittal of the Housing Department Application.

1. **Ownership of Commercial Property**

   A household will be able to maintain ownership of commercial property.

2. **Designation of Mobile Homes**

   Mobile homes situated in a mobile home park or on other land with hook-ups to water/sewer and electricity will be considered residential property, and thus, will be required to be sold as with other residential property. If the mobile home is not situated in a mobile home park or other land with hook-ups to water/sewer and electricity, it will only be considered an asset.

3. **Rental Income and Rental Assets**

   Rental income from any residential real estate will be counted toward household income and the asset will be counted toward net assets.

   d. **Required Sale of Residential Property**

   Once under contract for a restricted housing unit, the qualifying Household must list residential property (developed or undeveloped), located within 150 miles driving distance from the Town of Jackson, for sale at a price commensurate with the price opinion. If the property has not sold or is not under contract after one year from the listing date, within 30 days of the year expiring, another price opinion will be obtained. If the price opinion is lower than the listed price, the owner will have 30 days from the date of the price opinion to lower the asking price to that of the price opinion. If after 24 months from the date first listed, the property still has not sold or gone under contract, the Housing Manager of the Housing Department will issue an analysis of the property with a determination of the salability of the restricted
housing unit along with the next steps required. A copy of the analysis will be provided to the owner, and the owner will have the opportunity to appeal the determination of the Housing Authority Board. The owner may be required to sell their restricted housing unit if the residential property has not sold.

3. Disposition of Assets

Any member of a household who has assigned, conveyed, transferred or otherwise disposed of property or other assets within the last two (2) years in order to meet the net asset limitation or the property ownership limitation shall be ineligible to purchase a restricted housing unit.

c. Readiness to Purchase

Individuals purchasing a restricted housing unit must demonstrate readiness to purchase by showing the following:

1. Contingencies

Contingencies on lender’s qualification must be approved by the Housing Department prior to entering a weighted drawing. Such contingencies include but are not limited to requirement to sell property, requirement to prove down payment via account statement, gift letter or other, and requirement to pay off debt. Examples of proof of down payment are a letter from a family member who may be providing a gift or a bank statement showing funds available.

2. Age

At least one individual in the household must be at least 18 years of age.

3. Execution of Legally Binding Contract

Individuals must be capable to legally enter into a contract.

d. Homebuyer Education

Completion of the Homebuyer Education course is be required to meet eligibility criteria to enter a weighted drawing for a restricted housing unit and/or purchase a restricted housing unit. The required course is offered by Wyoming Housing Network or another Housing Department approved organization.
e. **Online Intake Form**

The Online Intake Form must be completed prior to entering a weighted drawing for a home. Completion of this form will put a household on the Housing Department’s email list, and the household will begin receiving emails with information about homes when they are available. All advertising of homes available will be done through email to those who have completed the Online Intake Form and on the Housing Department website. The online Intake Form can be found on the Housing Department’s website: jhaffordablehousing.org. This form must be completed in its entirety and updated at least annually. It cannot be completed or updated during a weighted drawing process that the household wishes to enter. The Online Intake Form does not enter a household into a weighted drawing. The weighted drawing is a separate process. See Section 4: Weighted Drawing.
SECTION 4. WEIGHTED DRAWING

The Affordable and Workforce Housing requirements may utilize the weighted drawing process to select a qualified household using the procedures listed below. The weighted drawing will be advertised on the Housing Department website, jhaffordablehousing.org, and via email to all households that have completed the Online Intake Form. See Section 3-3e: Online Intake Form.

4-1. Minimum Occupancy Requirement

In order to ensure that the units meet the intended goals of housing the Teton County workforce and are consistent with mitigation requirements, the following occupancy preferences are:

- **Studio:** One (1) or two (2) persons
- **One-bedroom:** One (1) or two (2) persons
- **Two-bedroom:** One (1) or two (2) adults with one (1) or more dependents
- **Three-bedroom:** One (1) or two (2) adults with two (2) or more dependents
- **Four-bedroom:** One (1) or two (2) adults with three (3) or more dependents

For purposes of counting household size, children must be able to be claimed as a dependent on Federal Income tax returns.

4-2. Weighted Drawing Points

Eligible households receive points that will determine the number of entries the household will receive in the weighted drawing. One point equals one entry in the weighted drawing. One point is assigned for each full year of consecutive full-time employment at a local business immediately prior to entering a weighted drawing, with a maximum of ten (10) points. One point is assigned for each qualified critical services provider with a maximum of two (2) points. The total maximum points a household can receive is twelve (12). Households are not eligible to enter a weighted drawing until they have one (1) full year of full-time employment in Teton County for a local business or one (1) point.

Points are given based off of one person in the household. Years working in Teton County cannot be doubled up and must be verifiable. For example, a two-person household, one of
which has been employed in Teton County for two years and the other for four years, would be assigned four (4) points.

a. Employment

At least one member of a household must be employed full-time in Teton County at a local business. Full-time employment is defined as at least one thousand five hundred sixty (1,560) hours per year or an average of at least thirty (30) hours per week. Employment exemptions found in Section 3-2 apply.

1. Interruption of Employment

Interruption of employment will be allowed in special circumstances if other employment criteria are met in Teton County, Wyoming at least two (2) years immediately prior to the interruption of employment. Interruption of employment will only be allowed for a maximum period of two (2) years. Points will not be given for the time period during the interruption of employment. Points will be given for years employed full-time at a local business immediately prior to the interruption of employment. To obtain points for prior employment, a household must have reestablished full-time employment at a local business immediately upon termination of the reason for the interruption of employment. Reasons for allowed interruption of employment include: caring for a sick or disabled immediate family member, attending secondary school, and hospitalization. Verification documentation of the reason for interruption of employment will be required to obtain points for prior employment.

b. Additional Points

1. Critical Services Provider

Qualified critical services providers, as defined in Section 8: Definitions, may be eligible for a maximum of two (2) additional points. Any household may not receive more than two (2) points. However, if a household has one (1) person who qualifies as a critical services provider for two (2) organizations, they will receive two (2) points.

The following conditions must be met to receive the critical services provider designation and priority:

a. Critical Services Provider Designation

Organizations who believe their employees or volunteers meet the definition of critical services provider can apply to the Housing Department to become an
approved critical services provider organization and have certain job positions deemed ‘qualified.’ The Teton County Board of County Commissioners and the Jackson Town Council will approve or deny critical services provider organization applications.

1. Required Documentation

Employees who work in these “qualified” positions for approved critical services provider organizations can enter a weighted drawing and receive additional points. These individuals must submit a “Critical Services Provider Supervisor Questionnaire” along with their weighted drawing entry documents. These will be held on file for a period of six months before needing to be updated.

b. One Year of Full-Time Employment

A qualified critical services provider must earn one (1) point for one (1) year of full-time employment in Teton County at a local business prior to receiving points as a critical services provider.

c. Approval Process

Applications received by the Housing Department for approval as Critical Services Provider Organizations will be processed by staff. The Housing Manager will make a recommendation to the Jackson/Teton County Housing Authority Board who will approve or deny the application.

c. Accessible Units

Priority will be given to households with member(s) who are mobility impaired. If more than one weighted drawing entry is received for Accessible units, a weighted drawing will be held. If no households with members who have mobility impairments apply, the weighted drawing will be held with all other applicants.
SECTION 5. PURCHASE AND SALE STANDARDS AND PROCEDURES

5-1. Sale and Resale Standards

a. Applicability

Each restricted housing program dictates both the initial sales price and the maximum resale price. The restrictions for each unit should be consulted for exact details.

1. Affordable Housing Program

For the Affordable housing program, these Housing Department Rules and Regulations set out how to determine both the initial sales price and the maximum resale price.

2. Employment-Based Housing Program

The initial sales prices and maximum resale prices for Employment-Based housing units are determined by these Housing Department Rules and Regulations.

3. Workforce Housing Program

The initial sales prices for Workforce housing units are negotiated between the owner and the buyer. There are some legacy Workforce units that have maximum sales prices and limited appreciation.

4. Attainable Housing Program

The Attainable housing program does not place limits on sale or resale prices, but buyers still must meet the qualification and eligibility rules laid out in Section 3: Qualification and Eligibility.

5. Other Programs

For other restricted housing units, the property’s restrictions clarify how the sale and resale prices are configured.

6. Rental Rates

For information on maximum rental rates permitted by the rental housing programs, see Section 6-2: Rental Standards.
b. **Initial Sales Price (Maximum Sales Price)**

The Housing Department updates the maximum sales prices for Affordable housing units obligated by the LDRs on April 1st of each year. The maximum sales prices are available on the Housing Department’s website or at the Housing Department. The methodology listed below shall determine the maximum sales prices. The intent of the maximum sales prices is to ensure initial and long-term affordability.

1. **Median Family Income**

   Each year, the U.S. Department of Housing and Urban Development (HUD) releases Median Family Income figures for Teton County, Wyoming. The Housing Department uses this data to determine household incomes for the applicable restricted housing units based on number of bedrooms and persons per bedroom.

2. **Household Size**

   The Household Size for determining maximum sales price is based on number of persons per bedroom in the applicable restricted housing unit.

3. **Affordability Range**

   The household income for the applicable restricted housing unit is set at the middle of the affordability range to ensure affordability. For example: the income range for affordability range 3 is 81% - 120% MFI; therefore, an income of 100% MFI would be used in calculating the maximum sales price.

4. **Percentage of Income**

   The national standard for household affordability is that a household does not pay more than 30% of its gross income toward housing costs. Therefore, monthly payments (including principle, interest, taxes, insurance and HOA dues) cannot exceed 30% of the Median Family Income for each affordability range.

5. **Maximum Sales Price Calculation**

   The maximum sales price for a restricted housing unit is determined by calculating 30% of a qualifying household’s income, using the following assumptions:

   a. 22% of household income covers principal and interest,

   b. 8% of household income covers HOA dues, taxes, and insurance,
c. Assumptions for the mortgage include: 30-year mortgage, 5% down payment, 20-year rolling average interest rate for a qualifying household earning the median of the applicable income category.

6. Potential Variability of Maximum Sales Price
   a. The maximum sales prices will be lower if the unit is below grade, or if there is no garage.
   b. If an owner is determined to be in default of their restrictions, the Housing Department will have the option to purchase the property for a purchase price equal to the maximum resale price or the appraised value, whichever is less, subject to the Housing Department’s ability to limit appreciation and/or reduce proceeds, and on such other terms as are provided in the restrictions.
   c. If an owner is found to be in default of their restrictions, the Housing Department may cease the appreciation of the property when determining the maximum resale value beginning on the known date the owner began being in default.

C. Maximum Resale Price

The intent of the maximum resale price is to ensure long-term affordability of the restricted housing units at resale. The maximum resale price (MRP) shall be the original purchase price (OPP) with the following adjustments:

1. Appreciation 3% or Denver-Boulder-Greeley CPI

   Appreciation of the value of the restricted housing unit is based on the Denver-Boulder-Greeley CPI each year capped at 3%. The latest published numbers for Quarter 2 and Quarter 4 of each year will be used unless the deed restrictions or ground lease specifically reference an alternative appreciation method or no measured appreciation.

   The following standards apply:
   a. Date of purchase is defined as seller’s original closing date (date seller purchased the restricted housing unit). If the closing date is on or after the 15th of the month, the month is not counted for prorating the value. If the closing date is before the 15th of the month, the entire month is counted.
   b. Three (3) months will be added to the date that the “Letter of Intent to Sell” is received and will be considered the estimated closing date.
c. If the Letter of Intent to Sell is received on or before the 15th of the month, the entire month is counted. If the “Letter of Intent to Sell” is received after the 15th of the month, the month will not be counted.

d. Each eligible whole month will be prorated.

a. **Denver-Boulder-Greeley CPI**

The CPI used to calculate maximum resale prices in some restrictions is the Denver Boulder Greeley CPI. New figures are published by the Colorado Department of Labor and Statistics twice a year, normally in March and August. In calculating the allowed maximum appreciation of a home, the latest reported figure will be averaged with the other reported figure for the year and used up to the date new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the Denver Boulder Greeley Colorado CPI ceases to exist, a comparable index will be used.

b. **Northwest Wyoming Cost of Living Index**

The NWCLI figure used to calculate maximum resale prices in some ground leases is obtained from the Wyoming State Division of Economic Analysis and is calculated with All Items minus Housing. It is updated quarterly and released generally in June for the First (1) Quarter, October for the Second (2nd) Quarter, December for the Third (3rd) Quarter and March for the Fourth (4th) Quarter. The latest reported figure will be averaged with the other reported Quarters of the year and will be used up to the date the new figures are released. Once a Facilitation Agreement has been signed, new figures will not affect the maximum resale price. If the NWCLI ceases to exist, a comparable index will be used.

c. **Flat Appreciation Rate of 2.5 Percent**

The flat appreciation rate of 2.5% found in some restrictions is not based on an index. Rather, it is based on an analysis of incomes over 20 years, where it was found that incomes rose on average by 2.5% per year.

2. **Cost of Actual Capital Improvements**

Restricted housing units that have deed restrictions or ground leases allowing for improvement credits can add the value of these improvements to the appreciated value to calculate the MRP based on the following.

Credit for capital improvement expenditures on the restricted housing unit given at resale will be no more than 10% of the OPP of the home except where the Housing
Department has determined otherwise. All capital improvements must be pre-approved by the Housing Department and properly permitted and inspected by the Town of Jackson or Teton County Building Official. Approval/disapproval must be determined prior to actual construction to be considered at time of sale. Improvements done without prior approval will not be considered for capital improvement credit. It is the owner’s responsibility to secure any approval necessary from the restricted housing unit’s Homeowners Association and obtain any necessary permits prior to undertaking any Capital Improvement. Please consult Section 5-1.e: Capital Improvement Standards for more details.

3. Depreciated Costs of Capital Improvements

The depreciated costs of Capital Improvements can be added to the appreciated value to calculate the MRP, so long as they do not exceed ten percent (10%) of the OPP or as determined by the Housing Department on a project-specific basis. All capital improvements will be depreciated as applicable according to the Marshall and Swift Residential Cost Handbook or a similar resource.

4. Maintenance Adjustment

Households are required to keep restricted housing units in a properly maintained state. Housing Department staff and/or a third-party inspector hired by the Housing Department will inspect the property after receiving the “Letter of Intent to Sell” from the owner. The inspector will provide an inspection report to the Housing Department. The Housing Department may require the owner to repair or replace items on the inspection report. The buyer also has the opportunity to inspect the property and provide the Housing Department with a list of items. If required repairs, replacement, or cleaning are not made by the owner prior to the Housing Department’s final walkthrough two (2) business days before closing, the Housing Department will estimate the costs at its sole discretion, and an adjustment may be made to the seller’s proceeds or to the maximum resale price.

5. Other Costs

Any additional costs allowed by the Housing Department pursuant to the policies in effect on the date of the restricted household’s “Letter of Intent to Sell.”
d. **Selling Procedures**

1. **Letter of Intent to Sell**
   
The seller shall submit a completed Letter of Intent to sell form to the Housing Department to begin the selling process. The form can be found on the Housing Department’s website or can be obtained from the Housing Department. The Housing Department staff will set up a meeting with the seller to review the selling process and the seller documents. The Letter of Intent must be submitted and the meeting with the seller must occur the week prior to the beginning of the weighted drawing entry period. See section 4. The seller shall be given the option to choose the Title Company. If the seller has no preference, the Housing Department will choose the Title Company.

2. **Viewing of Unit**
   
   Once the weighted drawing is completed, the first household drawn will be contacted by the Housing Department and a time set up to view the unit. This viewing shall occur within five (5) business days of the household being notified that they were selected first in the drawing.

3. **Inspection**
   
The Housing Department will order a third party inspection to be done on the home by a qualified home inspector. The inspection information/report is for the use of the Housing Department and will not be released to any buyer. Buyers shall have the option to order their own inspection to be done on the home. It is the Housing Manager’s sole discretion as to whether items found by an inspector will be required to be repaired. A list of items required to be repaired will be given to the seller by the Housing Department. The seller is expected to have the items completed no later than three (3) business days prior to the closing date.

4. **Complete Application**
   
The household shall have five (5) business days from the day they are notified that they were selected first in the drawing to submit a complete application to the Housing Department. The Checklist for Complete Application and Application form can be obtained from the Housing Department’s website or from the Housing Department. The Housing Department reserves the right to request additional documentation when verifying a Household’s eligibility and qualification.
5. Qualification

The Housing Department shall review the application and supporting documents and calculate income, assets, and hours worked to verify eligibility and qualification. This process normally is complete within five (5) business days of receiving the application. However, it may take longer in unique circumstances. Once the Housing Department completes the review and verification of eligibility and qualification, the applicant is notified of approval or denial. If the applicant does not qualify, the next household drawn in the weighted drawing will be notified and the process will start over.

6. Qualified Household Meeting

When the Housing Department has identified a qualified household who wishes to move forward with the purchase of the home, a meeting is set up with the qualified household to review the purchase process and purchase documents, which include the Contract for Purchase and Sale of Residential Real Estate or Residential Improvements in the case of a Ground Lease and the buyer’s Facilitation Agreement. The applicant has five (5) business days to review and execute the purchase documents and return them to the Housing Department with earnest money as called for in the Contract. The seller shall be notified immediately upon receipt of the signed contract and earnest money to execute the contract. A copy of the contract and the earnest money are then delivered by the Housing Department to the Title Company.

7. Final Walk Through

A final walk through will occur generally two (2) business days prior to the closing date. If the Housing Department finds maintenance or repair items that have not been completed, the Housing Department will estimate the costs of the maintenance/repair items and withhold funds from the seller’s proceeds. The funds are then given to the buyer and the buyer is responsible for completing the maintenance/repair items.

8. Closing

The closing will be held on or before fifty (50) days from complete execution of the Contract. The Buyer will take possession of the unit on closing day.
e. Capital Improvement Standards

1. Approval Required

Owners must receive written approval from the Housing Department prior to beginning the work in order to receive credit for the capital improvement. To obtain approval, the “Request for Capital Improvement” form must be submitted along with estimated costs and drawings and/or plans and a narrative of the work to be done. Once the improvement is complete, copies of all receipts for materials and labor must be given to the Housing Department. No credit will be given for sweat equity.

2. Workmanlike Manner

All improvements must be built in a workmanlike manner, and according to Town of Jackson or Teton County building codes. All required permits and completion releases must be obtained from the Town or County. Any owner that does capital improvements without obtaining the proper permits or if it is determined at the Housing Department’s sole discretion that the improvements have not been done in a workmanlike manner may be required to make repairs or remove the improvements and return the home to its original condition.

3. Permitted Capital Improvements

The term “permitted capital improvement” shall only include the following:

a. Fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements;

b. For the benefit of seniors and/or handicapped persons;

c. Health and safety protection devices (including radon);

d. Adding and/or finishing of permanent/fixed storage space;

e. Finishing of unfinished space;

f. Landscaping; Adding trees, shrubs, lawn, patio, walkways, or sprinkler systems;

g. Decks and balconies, and any extension thereto;

h. Partial credit may be given for upgrade improvements that will increase the life of the component as compared to the original product or increase the long-term affordability of the home.
4. **Improvements Not Permitted for Credit**

   Permitted capital improvements shall not include the following:
   
   a. Jacuzzis, saunas, steam showers and other similar items;
   
   b. Upgrades or addition of decorative items, including lights, window treatments and other similar items;
   
   c. Upgrades of appliances, plumbing and mechanical fixtures, carpets and other similar items included as part of the original construction of a unit, unless replacement is shown to improve the lifespan of the component or the long-term affordability of the restricted housing unit.

f. **Resale and Transfer Limitations**

1. **Transfer of Title**

   Transfer of title is not allowed unless approved by the Housing Department. To apply for approval, owners need to complete the Housing Department’s “Request for Transfer of Ownership (Title)” form and submit it to the Housing Department along with a $100.00 fee, which covers legal and recording fees. In some cases, a complete application will be required to be submitted for qualifying purposes.

   a. **Divorce**

      In the event of the divorce of an owner, the Housing Department may consent to the transfer of the residential unit to a spouse of an owner, which spouse may not otherwise qualify as a qualified household, only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

   b. **Death**

      In the event of the death of an owner, the Housing Department may consent to the transfer of the residential unit to an heir or devisee of such deceased owner, which heir or devisee may not otherwise qualify as a qualified household only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

   c. **Nonqualified Transferee**

      If title to the restricted housing unit vests in a nonqualified transferee, as defined in these *Housing Department Rules and Regulations* Section 3-2: Qualification, the restricted housing unit shall immediately be listed for sale in accordance with the
restrictions and the *Housing Department Rules and Regulations*. The following shall apply when the Housing Department determines there is a nonqualified transferee:

1. A nonqualified transferee shall cooperate with the Housing Department to affect the sale, conveyance or transfer of the restricted housing unit to a qualified household (or the Housing Authority in the event of its exercise of its option to purchase) and shall execute any and all documents necessary to such sale conveyance or transfer.

2. A nonqualified transferee shall comply with the restrictions, the *Housing Department Rules and Regulations*, and all other covenants regulations, ordinances, statutes, laws, or rules governing the ownership, occupancy, use, development or transfer of the restricted housing unit, and further may only occupy the restricted housing unit with the prior written consent of the Housing Department.

2. **Trusts**

   Restricted housing units may not be put into any type of a trust. This is the equivalent of transferring ownership, and trusts are not qualified to be the owner of a restricted housing unit.

3. **Nontestamentary Transfer on Death**

   A “Nontestamentary Transfer on Death “deed is allowed to be recorded on restricted housing units, and must include the following:

   a. It conveys an interest in real property to a beneficiary designated by the owner and states the deed is effective upon the death of the owner.

   b. It must be subject to all other encumbrances on the property to which the owner was subject to during their lifetime, including the Restrictions on the property.

   c. The Housing Department must approve the document before recordation.

4. **Title**

   All adults who occupy the restricted housing unit for more than 30 accumulative days in a calendar year, except for children attending college, must be on the title to the restricted housing unit unless they have approval from the Housing Department to rent a room in the unit. Situations that require an addition to title include but are not limited to marriage, a significant other moving in, a friend moving in, etc. Additions and removal
of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title.

g. Other Sale and Resale Standards

1. Privy to Purchase and Sales Agreement

Sellers and buyers shall provide a copy of the “Purchase and Sale Agreement” to the Housing Department. All financial information shall remain confidential, except as follows:

a. Public Records

Any document that would customarily be a matter of public record in the public records of Teton County, Wyoming, and is subject to the Wyoming Public Records Act;

b. Weighted Drawing Positions

The names and positions of all persons who have participated in any Rental Weighted drawing held under these Housing Department Rules and Regulations;

c. Freedom of Information Act or Wyoming Public Records Act

Any other information, which a court of competent jurisdiction rules must be released under the Freedom of Information Act or the Wyoming Public Records Act; and

d. Audits

In addition, the Housing Department may allow access to personal and private information to any person or entity undertaking an independent audit of the records kept under these Housing Department Rules and Regulations, provided that such person or entity agrees to be subject to this confidentiality provision.

2. Independent Legal Counsel

All sellers and buyers of restricted housing units are advised to consult independent legal counsel to examine all contracts, CC&Rs, deed restrictions, agreements, affidavits, closing statement, title documents, etc. The retention of such counsel, or related services, shall be at the seller’s and buyer’s own expense. The sellers and buyers and/or their attorneys will not be allowed to make changes to Housing Department documents. A “Buyer’s Acknowledgement” form will be required to be signed prior to closing.
acknowledging recommendation to obtain legal counsel. The “Buyer's Acknowledgement” form will be provided to the buyer for review prior to closing.

3. Title Company

The Housing Department advises sellers to use a title company and escrow agent located in Jackson, Wyoming to close the transaction because of their expertise with the Housing Department’s restricted housing programs and their unique and technical closing documents. The seller and buyer shall authorize the Housing Department to review the “Settlement Statement” prior to closing. Sellers can select a title company and escrow agent of their choice. If no title company is indicated, the Housing Department will select one.

4. Lenders

a. Approved Lending Institutions

Borrowers are restricted to the following lending institutions licensed to engage in mortgage lending practices in the State of Wyoming:

1. An “institutional lender” such as, but not limited to, a federal, state, or local housing finance agency, a bank (including savings and loan association or insured credit union), an insurance company, or any combination of the foregoing, the policies and procedures of which Institutional Lender are subject to direct governmental supervision; or

2. A “community loan fund”, or similar non-profit lender to housing projects for income-eligible persons (e.g. is not given to or acquired by any individual person); or

3. A non-affiliated, legitimate, “finance company.” In no event shall such finance company be an individual or any company that is affiliated with or has any affiliation with the owner or any family member of the owner.

b. Required Down Payment and Loan to Value Ratio

The Housing Department requires that all buyers have at least 3.5% down payment on a purchase, and no refinance or second mortgage obtained after the original purchase is allowed to be higher than 95% loan to value.

c. Debt to Income Ratio

The total debt to income ratio for a household may not exceed 45%.
d. Qualified Mortgage

Lenders may submit a “Qualifying Mortgage” form to the Housing Department to have the mortgage deemed a “qualifying mortgage.” When submitting a qualified mortgage request, a copy of the title commitment and the Transmittal Summary (HUD Form 1008), or other documentation containing the same information, is required to be attached. The “Qualifying Mortgage” form can be obtained from the Housing Department or from the Housing Department’s website.

For homes that do not have a measured appreciation, such as Attainable homes, an appraisal recognizing the restriction on the property is required.

The Housing Department reserves the right to require additional information before approving a mortgage as a “qualifying mortgage”.

5. Total Debt

Owners shall not incur debt, liens or other obligations secured by the restricted housing unit that exceed 95% of the Original Purchase Price of the unit and shall notify the Housing Department immediately when a change in the total of these secured obligations is anticipated. No second mortgages, including but not limited to home equity lines of credit, shall encumber the restricted housing unit without advance approval by the Housing Department.

6. Co-Ownership

Any co-ownership arrangement other than Joint Tenancy or Tenancy-In-Common must be approved by the Housing Department. All adults occupying the unit, with the exception of children attending college, must be on the title of the restricted housing unit.

7. Co-Signors

Co-signors are guarantors for payment of mortgage. If an exception to the “no co-signors” rule is granted, co-signors shall not occupy the unit. Co-signors are not co-owners, so they are not allowed on the title. No lien or security can be placed on the property besides the mortgage itself.

8. Homeowners Associations

The restricted housing unit may be subject to a Homeowners Association (HOA). All owners of restricted housing units are required to pay HOA dues, and potential special assessments and fees if applicable, unless otherwise exempted. HOA dues may be substantial and are factored into the maximum sales price. Homeowners Associations
frequently have interests and regulations, other than the Restriction, that affects the restricted housing unit. It is the owner’s responsibility to be aware of these interests and regulations. Failure of an owner to comply with the HOA Rules and Regulations or CC&Rs constitutes default of the Housing Department Rules and Regulations.

9. Homeowners’ Hazard Insurance

Owners are required to keep hazard insurance on their homes for 100% replacement cost. Since the homes are subsidized, this amount could be more than the price of the home. Often times Homeowners Associations provide insurance. Depending on how much coverage the HOA provides, the owner may be required to provide additional insurance to guarantee complete replacement of the home. Ground lease properties are required to name the Jackson/Teton County Housing Authority as additionally insured.

5-2. Tenancy and Rental Standards and Procedures

To maintain the character of neighborhoods and respect the nature of the community, restricted ownership units are not allowed to be rented without prior approval from the Housing Department. This includes renting any portion of the dwelling, any room within the dwelling or the garage.

a. Primary Residence

Owners of restricted housing units shall maintain the home as their primary residence.

1. Occupancy Requirement

Households shall occupy their home full-time at least 10 months out of each calendar year.

2. Business Activity Restricted

Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.
3. **No Guests for an Extended Period**

   Households who own restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.

4. **Leave of Absence**

   A one-year exception may be granted in cases of illness, short-term leaves of absence for education or training purposes, or other exigent circumstances with the advance written approval of the Housing Department.

   **e. Rental of Restricted Unit during Leave of Absence**

   If granted a leave of absence, the owner is allowed to rent the property according to the provisions below in Section 5-2b: Rental Procedures for Owner-Occupied Properties.

   **f. Post Leave of Absence**

   1. After the restricted housing unit is rented for nine (9) months, owner will be required to notify the Housing Department in writing of either, (a) their intention to move back to the restricted housing unit upon expiration of the lease and/or the rent approval period; or (b) provide the Housing Department with a “Letter of Intent of Sell” form, which will begin the selling process of the restricted housing unit.

   2. If the owner chooses to sell the restricted housing unit instead of returning when the lease expires, there will be no accrual of appreciation during the term of the rental (this does not apply to medical emergencies).

b. **Rental Procedures for Owner-Occupied Properties**

   The Housing Department may approve rental of space within owner-occupied Affordable, Employment-Based, and Workforce units when pressing circumstances exist. The owner must continue to occupy the unit, and the Housing Department must certify that the renter meets the qualification and eligibility standards set out in Section 3: Qualification and Eligibility. A fee will be charged along with the request as set forth in the Annual Schedule of Fees.

   **1. Requests to Rent during Leave of absence**

   Approvals for “Requests to Rent” are given at the sole discretion of the Housing Department’s Housing Manager. Approvals to rent will only be given for a maximum
period of one (1) year. Approvals to rent will only be given in unique and pressing circumstances.

a. **Medical Emergency Documentation**

Medical emergencies applicable to a restricted housing unit homeowner will require documentation using the “Housing Department Medical Emergency Leave” form to substantiate the need to leave the area.

b. **Processing Fee**

A fee will be charged to a restricted housing unit homeowner for a “Request to Rent.” A separate “Annual Schedule of Fees” document that is updated annually and published by the Housing Department provides the processing fee amount.

2. **Qualification and Eligibility of Tenants**

a. Tenants shall be a Qualified Household according to the general Qualification and Eligibility Criteria contained in the recorded Restriction and these Housing Department Rules and Regulations.

b. Tenants shall meet the Eligibility Criteria with respect to Income and Assets that apply to the particular restricted housing unit in question at time of initial occupancy.

c. Prior to signing a lease for or occupancy of a restricted housing unit, owner must provide the Housing Department with proof of the tenant’s qualification under the housing unit’s specific program prior to occupancy.

d. Qualification and eligibility shall be recertified by owner of the restricted housing unit at any time there is a change in occupancy of the restricted housing unit or renewal of lease agreement.

3. **Execution of Lease**

Rental of restricted ownership units must be by a written Lease provided by the Housing Department. The Housing Department will retain a copy of the fully executed lease.

a. **Rent Limitations**

Rent charged while the owner is on leave will be limited to Fair Market Rents as published by HUD or total housing costs (mortgage payment, taxes, insurance, Ground Lease Fees and HOA dues), whichever is less.
b. Housing Department Fee

A fee will be charged by the Housing Department for a request to rent as set forth in the Annual Schedule of Fees updated annually and published by the Housing Department.

4. Requests to Rent a Room

Approvals to rent a room in a restricted unit are at the sole discretion of the Housing Manager and are only allowed in pressing circumstances. The following process will be followed:

a. Submittal of Request to Rent

The owner will submit a “Request to Rent” form to the Housing Department along with the associated fee as outlined on the fee schedule published annually by the Housing Department. The form can be found on the Housing Department website or from the Housing Department.

b. Approval by the Housing Manager

If the owner is in compliance with their restrictions, the Housing Manager will review the request to rent and approve or deny the request based on the circumstances. Approval can be given for a maximum of one year.

c. Identification of Tenant

When the owner has identified a potential tenant who they believe qualifies under the income, asset, and employment requirements of the restriction on the unit, the potential tenant is required to submit a complete application to the Housing Department.

d. Tenant Approval

The Housing Department will verify that the tenant qualifies under the income, asset, and employment requirement.

e. Lease Agreement

The Housing Department provides the Lease Agreement to be signed by the owner, tenant, and the Housing Department.
f. **Notification of Termination of Lease**

The owner is required to notify the Housing Department upon termination of the lease. If the owner still wishes to rent the room and still has approval from the Housing Department, the process will start again with Step c: Identification of Tenant.

g. **Rental Rates**

The Housing Department will approve the rental rate based on the housing costs of the owner.

### 5-3. Sale and Resale Procedures

All restricted housing units shall be sold in accordance with applicable restrictions and/or these Housing Department Rules and Regulations as determined by the Housing Department, Town and/or County, which may vary depending on the specific housing program under which the restricted housing units were created.

a. **Consult with Staff**

Sellers of restricted housing units are required to consult with Housing Department staff prior to offering a restricted housing unit for sale in order to obtain the most current information about applicable Housing Department Rules and Regulations, sales processes, the allowable maximum resale price, and other applicable provisions of the restriction. The resale process takes approximately three (3) months to complete.

b. **Letter of Intent to Sell**

In order to begin the resale process, the Housing Department must receive a “Letter of Intent to Sell” from the owner(s) of the restricted housing unit. “Letter of Intent to Sell” forms are available at the Housing Department office or website.

c. **Facilitation of Sale**

The Housing Department facilitates the sales of restricted housing units to accomplish the sale according to the instructions of the Ground Lease / Deed Restriction and to provide a transfer to a Qualified Household. Specifically, the Housing Department facilitates sales of Affordable
housing units, Employment-Based units, Workforce housing units, and Accessory Residential Units.

1. **Facilitation Fee (2%)**

   At the closing of the sale, the seller will pay to the Housing Department a fee equal to 2% of the sales price, unless otherwise instructed in the deed restriction, for facilitation services. The Housing Department may instruct the Title Company to pay such fees out of the funds held for the seller at closing. The Housing Department may also waive the fee, or a portion thereof, in its sole discretion, to promote the community’s goals of providing affordable housing.

2. **Facilitation Agreement**

   A “Facilitation Agreement” drafted by the Housing Department is provided to the seller. The Housing Manager, or the Sales Coordinator in the absence of the Housing Manager, must sign the Facilitation Agreement. The seller(s) must execute the Facilitation Agreement before the restricted housing unit can be advertised for sale. The deadline is Friday at 3:00 for advertising to begin the following Wednesday.

   After receiving an executed Facilitation Agreement, the Housing Department advertises the restricted housing unit according to Section 4: Weighted Drawing.

3. **Showing the Unit**

   The seller is required to make the restricted housing unit available with reasonable notice on a minimum of two (2) occasions to show the property to the selected Qualified Household.

4. **Costs for Declining Initiated Sale**

   If the seller decides not to sell the restricted housing unit at any point before closing, the seller will be responsible for all advertising and/or other costs associated with listing the unit for sale.

5. **Bridge Loan**

   If the seller is purchasing another restricted housing unit, a bridge loan may be required to prevent a delay in selling their restricted housing unit.
d. **Maximum Resale Letter**

The resale price of the restricted housing unit shall be calculated according to its restriction and stated in the “Maximum Resale Letter.” Maximum resale prices will be rounded to the nearest dollar. The “Maximum Resale Letter” will be emailed, mailed, faxed, or can be picked up at the Housing Department. The original will be mailed to the seller(s) or hand-delivered by the Housing Department.

1. **Exchange of Value**

   The maximum resale price shall be the only exchange of value between parties to any sale of the restricted housing unit. Any exchange of value outside the allowed sale price shall invalidate the sale.

e. **Inspection**

For any resale, the Housing Department will hire a third-party inspector to inspect the restricted housing unit for deferred maintenance and needed repairs. A summary of the inspection and a list of items to be cleaned / repaired will be provided to the seller.

5-4. **Purchase Procedures**

a. **Selection of Qualified Household**

A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding each housing program. The restrictive covenant should be consulted for exact details.

1. **Weighted Drawing**

   In the event that the Housing Department receives one or more weighted drawing entry sheets at the maximum resale price from qualified households during the weighted drawing entry period, the buyer will be selected according to preferences set for that particular Housing Program. In the event no weighted drawing entry sheets are received during the weighted drawing entry period, the selection process would be determined either by a bid process or a “first come first served” process. The restrictions on the property clarify which selection procedure to use.
a. **Errors**

Every effort is made by the Housing Department to ensure fair and equitable lotteries. Lotteries are not drawn by the Housing Department. Housing Department staff compiles weighted drawing entry sheets with all eligible households included. The weighted drawing is drawn by outside counsel. On the rare occasion that an error is made in compiling or drawing of a weighted drawing, the error will be corrected and the weighted drawing will be re-drawn.

2. **Bid Process**

If the restrictions require it, the qualified household submitting the highest bid price (not to exceed the maximum resale price) during the Bid Period shall have the first right to purchase the unit. The owner of the unit shall have the right to accept or reject the bid.

3. **First Come First Served**

If no households apply for the unit through the weighted drawing process, the Housing Department advertises the restricted housing unit with the maximum resale price. The first qualified applicant to submit an application will have the opportunity to purchase the home. The buyer can offer a lower price, and the seller can accept or reject the offer.

4. **Other Sale/Resale Procedure**

a. **Owner Selection**

If the restriction permits, the owner of the restricted housing unit may be allowed to select the qualified household. Other than verifying that the qualified household meets the qualification and eligibility requirements for the restricted housing unit, the Housing Department shall not have any authority to choose the buyer of the restricted housing unit unless authorized by the owner.

b. **Attainable Housing Program Sale Procedures**

1. When an owner wishes to sell an Attainable housing unit, they can either list the home with a realtor or for sale by owner.

2. The owner of the Attainable housing unit is required to submit a “Letter of Intent to Sell” to the Housing Department before listing or advertising the unit for sale.
3. The owners will be responsible for advertising their Attainable housing unit for sale with the exception that the Housing Department will advertise the unit on their website at no cost to the owner.

4. There is not a maximum resale price for Attainable housing units. The owner will set the price with the understanding that the household who buys the unit will need to qualify under income, asset, and employment criteria. The price may be negotiated before entering into an agreement to purchase.

5. The buyer will be responsible for providing the “Purchase and Sale Agreement” at the time of making an offer to purchase an Attainable housing unit. The seller may make a counter offer that includes changes to the “Purchase and Sale Agreement.” The Attainable housing unit is under contract when an offer and/or a counter offer is accepted and both the buyer and seller have signed it. The “Purchase and Sale Agreement” must contain a contingency that the Housing Department must verify that the buyer is “qualified” to purchase the Attainable housing unit. The Housing Department will not deem a buyer “qualified” until a contract has been executed by the seller and the potential buyer.

6. A full copy of the fully executed Purchase and Sale Agreement shall be provided to the Housing Department. All financial information shall remain confidential except as noted in Section 5-4g: Privy to Purchase and Sales Agreement.

7. In addition to the items listed in Section 5-4c.1: Materials Included with Application, applicants must also include a complete copy of the fully executed “Purchase and Sale Agreement.”

- Time of Submittal: The Attainable housing unit must be under contract before the buyer provides an application to the Housing Department.

- Time to Process: If the application is complete and thorough, the Housing Department will have a determination of qualification within five (5) business days of receiving the application. It may take longer if the Housing Department has to request further information from the applicant.

- Qualified Buyer Letter: Once the household is deemed to be “Qualified” to purchase the Attainable housing unit, the Housing Department will provide a “Qualified Buyer Letter” to the applicant. This letter will be used to verify to the seller and the title company that the household is qualified to purchase the unit.
• Lenders: See Section 5-1g.4: Lenders.
• Closing: The closing date and time is set between the sellers, buyers, financial institution, the title company, and the Housing Department. The buyers will be required to sign a “Buyer’s Acknowledgement” at the time of closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home, and also agreeing to the Housing Department’s right of first option to purchase the unit in case of default by signing a Power of Attorney in Case of Default.

b. Viewing of Restricted Housing Unit

The seller of the restricted housing unit will allow the potential buyer to view the unit to see that it meets their household’s needs. If the household decides to purchase the restricted housing unit, they will have the opportunity to inspect the unit further once it is under contract.

c. Submit Application

The potential buyer will have five (5) business days to submit a complete application. The required Housing Department documents are available from the Housing Department or from the Housing Department website.

1. Materials Included with Application

   a. Housing Department Application for Restricted Ownership or Rental Housing

   b. The Housing Department “Application for Homeownership” is a three (3) page form with an additional two (2) pages made up of a “Certification and Oath” section that will need to be signed by all applicants and notarized, as well as an “Authorization to Release Information” (see Section i: Certification and OathPower of Attorney in Case of Default)

   Buyers will be required to sign a “Power of Attorney in Case of Default” form appointing the Housing Manager of the Housing Department Attorney in Fact in the case of default and forced sale. The Housing Department may use other methods for remedying a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.

   Certification and Oath).
All documentation submitted with the complete application for the purchase of a home is the documentation that will be used to qualify a buyer. Documents will not be allowed to be changed once they are submitted (e.g. taxes submitted will be those used to qualify. Applicants will not be allowed to re-file taxes). The Housing Department will review the application before accepting it to ensure it is complete. The Housing Department may ask for additional documentation.

1. **Weighted Drawing Entry Form**

   A “Weighted Drawing Entry” form must be completed and signed and submitted when entering a weighted drawing according to Housing Department processes. “Weighted Drawing Entry” forms may be submitted online, in person, or by USPS.

   No incomplete “Weighted Drawing Entry” forms will be accepted. This means that every blank must contain information, “N/A,” or a strikethrough so that the Housing Department knows that it was not overlooked.

   The Housing Department is not responsible for receiving Weighted Drawing Entry Forms. It is the responsibility of the household to confirm that the Weighted Drawing Entry Form was received and the household is entered in the weighted drawing.

2. **Intake Form**

   All households are required to complete the “Online Intake Form.” This form must be completed in its entirety *before* entering a weighted drawing. Any changes made to the form must be made prior to the opening of a weighted drawing the household wishes to enter or the household will be ineligible to enter the weighted drawing. The Intake form must be updated annually to be eligible to continue to enter lotteries.

3. **Lender’s Qualification Worksheet**

   A current “Lender’s Qualification Worksheet” (within one year of the date the weighted drawing begins) is required to be completed by a lending institution. The “Lender’s Qualification Worksheet” must be submitted to enter a weighted drawing. “Lender’s Qualification Worksheets” may not be faxed; they can either be emailed or submitted in person or mailed by USPS. The worksheet must reflect a loan amount and down payment amount that is equal to or greater than the sale price of the home.
d. **Credit Report**

A three bureau credit report including credit scores (not more than one year old) is required to help Housing Department Staff determine if the Household is financially healthy and able to make payments on a mortgage. The credit report also helps determine debt to income ratios.

e. **Verification of Down Payment**

An account statement, or signed and notarized letter from someone supplying a gift, or other verification of funds for a down payment is required.

f. **Verification of Hours and Years Worked**

“Affidavits of Employment,” detailed check stubs, or other adequate proof of hours and years worked is required at weighted drawing entry to receive points in the weighted drawing. Affidavits are required to be completed, signed, and notarized by the employer. They may not be completed by the applicant. If hours or years worked cannot be verified, they will not be counted.

Historical information for hours and years worked will be kept on file with the Housing Department. Information is required to be updated annually or if any changes occur.

g. **Federal Tax Returns**

Signed federal income tax returns and all attachments (including W-2s and 1099s) and schedules for the last two (2) years for all adult household members are required. If there is self-employment, three (3) years of business and personal tax returns, along with a current “Profit and Loss Statement” and balance sheet, are required. The Housing Department uses tax returns to verify several different aspects of qualification such as but not limited to income, assets, residential homeownership, and sources of income.

h. **Power of Attorney in Case of Default**

Buyers will be required to sign a “Power of Attorney in Case of Default” form appointing the Housing Manager of the Housing Department Attorney in Fact in the case of default and forced sale. The Housing Department may use other methods for remedying a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.
i. **Certification and Oath**

A sworn statement of the facts contained in the application will be required including at least the following certifications:

1. That the facts contained in the application are true and correct to the best of the applicant’s knowledge;

2. That the applicant has been given the standard application information packet by Housing Department Staff; and

3. That the applicant, on the basis of the application presented, believes the Household qualifies to occupy the restricted housing unit in question according to the restriction, these *Housing Department Rules and Regulations*, and all other applicable procedures.

This “Certification and Oath” is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department.

j. **Additional Information**

Additional information may be requested to determine eligibility or qualification status. This may include:

1. **Verification of Household Net Assets**

   Household net assets are verified through tax returns, account statements, verification of deposits from financial institutions, and the NADA or Kelly Blue Book.

2. **Verification of Current Employment in Teton County**

   One or more of the following are needed to verify employment in Teton County:

   - Wage stubs
   - Employer name, address, and phone number
   - Contract for employment
   - “Affidavit of Employment” (Housing Department)
   - ”Authorization to Release Information” form signed by all adults in the household to obtain third party employment verifications
3. **Verification of Completion of Homebuyer Education Course**

At least one adult per household must complete the “Homebuyer Education Course.” The required course is offered by the Wyoming Housing Network or if not available, another course approved by the Housing Department. This applies to all households regardless of whether they have owned a home or not. This certification only needs to be completed once; however, if a household changes size and the adult who completed the certification is no longer a part of the household, it will need to be taken by an adult who is a part of the household. The Housing Department will keep a record of the certificate. It is encouraged that households keep a copy as well. The applicant must provide evidence of attendance of an approved “Homebuyer Education Course” prior to purchase. This is required to be submitted at time of weighted drawing.

4. **Uniform Residential Loan Application**

Applicants must provide a copy of the final “Uniform Residential Loan Application” at closing.

5. **Occupancy Affidavit**

No persons outside of the persons included in the household on the “Weighted Drawing Entry Form” and “Intake Form” at time of weighted drawing entry may be moved into the home without express written approval of the Housing Department. Approval will not be given within twelve (12) months from closing on a home for adults being added to the household. An “Occupancy Affidavit” will be required to be signed by buyers at or before closing. Any adult that is added to a household will be required to be added to title on the home.

   i. **Power of Attorney in the Case of Default**

All households purchasing a home are required to sign a Power of Attorney in the Case of Default at closing. The Power of Attorney will be assigned to the Housing Manager to affect the sale of the housing unit. The Housing Department may use other methods for remediating a default such as a mortgage against the property or a Quit Claim Deed held in Escrow, which would be agreed to at time of purchase.
6. **Accessible Unit Preference**

   Applicants that wish to be considered for accessible units must submit a “Verification Form for Accessible Unit Preference.”

7. **Critical Services Provider**

   Organizations applying for critical services provider approval and their corresponding approved positions must gain approval before a critical service worker can gain points in a weighted drawing. The organization must complete a “Critical Services Organization Application” and submit it to the Housing Department. If the organization and positions are approved, a “Supervisor Questionnaire” must be completed by the applicant’s supervisor and submitted with the other required documents when entering the weighted drawing. All certifications must be completed for the position and a recommendation from the supervisor is required. The “Supervisor Questionnaire” will need to be updated every six months.

8. **Birth Certificate for Children Under One (1) Year of Age**

   Applicants must provide the birth certificate for children less than one (1) year of age.

### d. Verification of Application

To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the Application is true and correct and may request documents outlined in Section j: Additional Information to assist in this process. The Housing Department strives to complete verification within two (2) weeks of application submittal.

Any material misstatement of fact or deliberate fraud by the household in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or forced sale of the restricted housing unit.

### e. Verification of Qualified Household

The Housing Department verifies that each Household selected to purchase a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit. See Section 3: Qualification and Eligibility for more details on the verification process for each housing program.
f. Qualification Letter

Once the Housing Department verifies that the household meets the Qualification and Eligibility criteria for the particular restricted housing unit, it will issue a “Qualification Letter” to the buyer, a copy of which will be provided to the title company upon request.

g. Purchase and Sale Agreement

Buyers must sign a “Purchase and Sale Agreement” within five (5) business days of being notified of being selected in a weighted drawing for an applicable restricted housing unit. Buyers will be given the five (5) business days to review the “Purchase and Sale Agreement” and are encouraged to get legal advice. Sellers and buyers shall make the Housing Department privy to the “Purchase and Sale Agreement.” All financial information shall remain confidential except as noted in Section 5-1g.1: Privy to Purchase and Sales Agreement.

1. Earnest Money

At time of signing the “Purchase and Sale Agreement,” one thousand dollars ($1,000.00) in earnest money will be required. The check is made out to the title company referenced in the “Purchase and Sale Agreement.”

2. Closing Date

In most cases, the buyer has fifty (50) days to close on the property. The Closing Date will be agreed upon between the buyer and the seller and will be included in the “Purchase and Sale Agreement.” The closing date will be the date the buyer takes possession of the restricted housing unit.

3. Inspections

The buyer may perform inspections on the restricted housing unit commencing on the effective date of the contract until closing. However, the buyer will have 30 days from the effective date of the contract to notify the Housing Department of any objections to items found during inspections. Sellers shall make the restricted housing unit available for inspections. If the seller refuses to remedy the objection, the Housing Department will notify the buyer, and the buyer will have three (3) business days to give notice to the Housing Department of their intention, either:

   a. Waiving the objection and proceeding to closing, or
   b. Terminating the “Purchase and Sale Agreement.”
4. **Facilitation**

Pursuant to Wyoming Statute 33-28-101 through 124, the “Real Estate License Act of 1971”, the Housing Department is participating in the transaction as a facilitator without a Wyoming real estate license and in the performance of official duties.

5. **Buyer’s Acknowledgement**

The buyers will be required to sign a “Buyer’s Acknowledgement” at closing. This document will certify that the buyers acknowledge receiving a copy of the restrictions as well as agreeing to allow the Housing Department to release the sales price of the home. In addition, by signing this form, the buyer agrees to the JTCHA’s right of first option to purchase the unit in case of default.

5-5. **Business Option**

The “Business Option” is a mechanism specific to a developer’s Housing Mitigation Plan that must be approved by elected officials on a case-by-case basis. It only applies to exempt units, meaning restricted housing units that are not required by the LDRs. The “Business Option” allows a business to identify a proposed purchaser from their employees or someone who has a material nexus to the business or organization, which would allow the household to have the first option to purchase the restricted housing unit.

a. **Purpose and Program Goals**

The intent of the “Business Option” program is to help qualified businesses house their employees by providing the employees first option to purchase. This program furthers the Jackson/Teton County Comprehensive Plan’s goal of housing 65% of the workforce locally and its transportation goals.

b. **Applicability**

This section applies to restricted housing units that have been approved by the Board of County Commissioners or Town Council for the “Business Option” program.
c. **Qualified Business**

A qualified business is a non-profit entity, governmental entity, charitable foundation, or for-profit business which meets the definition of a qualified business according to the special restrictions on the property and/or the *Housing Department Rules and Regulations*.

1. **Qualified Business Application**

   The business completes a “Qualified Business Application,” which can be obtained from the declarant or from the Housing Department and submits it to the Housing Department. If the business has affiliates, it must be indicated on the application.

2. **Verification**

   The Housing Department verifies that the business meets the criteria of a qualified business with the following documentation. The Housing Department may ask for additional documentation.

   a. **Option Agreement**

      The Housing Department verifies that the business is a true local business, organization, or government agency operating in Teton County.

   b. **Determination of Qualification**

      1. The Housing Department will provide a “Qualified Business Letter” once the verification process is complete and the business is approved to be a qualified business. The Housing Department will then sign the “Option Agreement”; or

      2. If the business is not deemed to be a qualified business, the Housing Department will inform the business with a written letter and copy the declarant or option holder. The business will not be allowed to obtain an option if it is not approved as qualified by the Housing Department.

   c. **Cause for Expulsion**

      Any material misstatement of fact or deliberate fraud by a business in connection with any information supplied to the Housing Department shall be cause for immediate expulsion from the application process and/or for obtaining or keeping an option.
Section 5. Purchase and Sale Standards and Procedures
5-5. Business Option

d. **Option Procedures**

1. **Obtaining an Option**
   Options are available from a declarant or from another option holder. A declarant can choose to provide an option if the business is a qualified business and does so by recording an “Option Agreement” signed by the declarant, the Housing Department, and the qualified business. An option holder may provide an option to a qualified business by assigning the option.

2. **Notice of Right to Exercise or Waive Option**
   The Housing Department will immediately send a notice to the business holding the option (optionor) upon the following three events:
   a. Housing Department’s receipt of a “Notice to Sell” by the owner of the property.
   b. Housing Department’s exercise of its default option as set forth in the special restrictions.
   c. The occurrence of a default and forced sale as set forth in the special restrictions.
   
   This notice triggers the timeframe the optionor has to identify a proposed purchaser as outlined in the “Option Agreement.”

3. **Exercise of Option**
   An optionor shall have a timeframe as outlined in the “Option Agreement” to exercise the option. The timeframe will begin upon receipt of the “Option Notice.” To exercise the option, an optionor must notify the Housing Department on or before the expiration of the timeframe that they have identified a proposed purchaser for the home. Additionally, the proposed purchaser must submit a complete application, as outlined in Section 5-5c.1: Qualified Business Application, on or before the expiration of the timeframe. The Housing Department will take approximately five (5) business days to determine whether the proposed purchaser is:
   a. Qualified under “Option Agreement.”
   b. Qualified under terms of the Housing Department’s special restrictions.
   
   The Housing Department will verify that the business continues to be a qualified business each time the option is exercised (See Section 5-5c.2: Verification).
4. Waiver of Option

If the Optionor does not wish to exercise the option, they can sign the “Affidavit of Waiver” indicating they are waiving the option. This affidavit will be recorded with the Teton County Clerk’s Office.

In the case where an option is waived, the Housing Department will find a buyer using the process outlined in Section 5-3: Sale and Resale Procedures of these Housing Department Rules and Regulations.

   a. Failure to Identify Purchaser during Required Timeframe

   If the optionor does not identify a proposed purchaser on or before the expiration of the timeframe, the optionor will automatically have waived their option.

5. Assignment

An optionor can assign its option to another qualified business. If at any time the business holding the option ceases to be a qualified business, they must assign the option. This is done using the following process:

   a. Written Notice

   The optionor provides the Housing Department with written notice that they wish to assign their option.

   b. Application

   The business that is being assigned the option submits an application to the Housing Department to become a qualified business (see Section 5-5c.1: Qualified Business Application).

   c. Housing Department Approval

   If the business qualifies, the Housing Department will provide a “Qualified Business Letter” to the business and sign the “Option Agreement.”

   d. Consideration

   The assignment may not have any consideration except for consideration required to make the assignment legal.
e. Qualified Purchaser

The Housing Department will determine whether a household is qualified to purchase based on the following criteria:

1. Letter of Certification

   The purchaser will be qualified by the Housing Department only if they have a material nexus to the optionor as approved by the Housing Department. A “Letter of Certification” form demonstrating the material nexus the proposed purchaser has with the Optionor must be completed by the optionor. The “Letter of Certification” form is available from the Housing Department. The optionor must deliver documentation satisfactory to the Housing Department that verifies (1) that the proposed buyer is a full-time employee of optionor; or (2) that the identified purchaser otherwise has a material nexus to optionor.

2. Qualified Household

   A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 5-4: Purchase Procedures of the Housing Department Rules and Regulations.

   If the identified purchaser does not qualify because of not meeting the Housing Department Rules and Regulations requirements, Housing Department special restrictions, or “Option Agreement,” and the timeframe has not expired, the optionor may identify another proposed purchaser.

3. Affidavit of Exercise

   When the Housing Department determines the household meets qualifying criteria of the “Option Agreement,” these Housing Department Rules and Regulations, and Housing Department special restrictions, the Housing Department will sign an “Affidavit of Exercise of Option Right” indicating the household is qualified. The optionor will also sign the “Affidavit of Exercise of Option Right” indicating they are exercising the option right. The affidavit will be recorded with the Teton County Clerk’s land records.
SECTION 6. RENTAL STANDARDS AND PROCEDURES

6-1. Applicability

All rental housing units administered by the Housing Department, including the Affordable Rental program (which includes legacy Employee housing units) and the Workforce Rental program (which includes the legacy ARU program), are subject to these Housing Department Rules and Regulations, with the exception of units that are owned by Teton County or the Town of Jackson and used for housing their employees. Section 6-1 does not apply to cases where the Housing Department has approved rental of a room in a unit.

6-2. Rental Standards

a. Affordability

To ensure that the rents are affordable to households earning less than eighty percent (80%) AMI, rents will be calculated using the following method:

1. National Standard of Affordability

   The national standard for affordability provided by HUD is that no more than thirty percent (30%) of a household’s income should be spent on housing costs. Included in this thirty percent (30%) are rent, water, sewer, gas and/or electric, and trash removal.

2. Number of Bedrooms / Number of Persons Match

   For purposes of calculating rental rate only:

   Studio: One (1) or two (2) persons
   One-bedroom: One (1) or two (2) persons
   Two-bedroom: One (1) or two (2) adults with one (1) or more dependents
   Three-bedroom: One (1) or two (2) adults with two (2) or more dependents
   Four-bedroom: One (1) or two (2) adults with three (3) or more dependents
For purposes of counting household size, children must be able to be claimed as a dependent on Federal Income tax returns.

3. Calculation of Rent

Monthly rent will be the lower income limit for each respective affordability range (specific to the number of bedrooms to determine household size), divided by twelve (12), and multiplied by thirty percent (30%). Studio units may charge eighty percent (80%) of a one-bedroom unit. Dorm units may charge seventy-five (75%) of a studio.

a. "Plus" Units

Fifty dollars ($50) will be added for “Plus” units. “Plus” units have extra floor area for offices, play areas, etc.

b. Lease Renewals

The rent will be calculated each year and applied to a lease renewal. Tenants will be notified three (3) months in advance of the new lease amount. The new calculation will also be applied for new households signing a lease.

b. Primary Residence

1. Occupancy Requirement

Households shall occupy their home full-time at least 10 months out of each calendar year.

2. Business Activity Restricted

Households who rent a restricted housing unit shall not engage in any business activity in such dwelling, other than any home occupation use permitted in that zoning district and as permitted in the Lease Agreement.

3. No Guests for an Extended Period

Households who rent restricted housing units shall not permit any adult guests over the age of 18 for periods in excess of thirty (30) cumulative days per calendar year.
c. Eviction

In the event that a tenant household is in default of their lease agreement, they will be evicted from the rental unit. The eviction process will be in accordance with Wyoming law and all applicable Wyoming Statutes.

6-3. Rental Procedures

a. Selection Process

A unique process applies for selecting each qualified household within each housing program. The following sections provide specific details regarding the Housing Department-administered rental housing programs.

1. Weighted Drawing

For the initial rental of new rental housing, a weighted drawing process will be used. Applicants will submit a complete application and a “Weighted Drawing Entry” form during the weighted drawing entry period. A qualified household shall be selected to rent according to the rules set forth in these Housing Department Rules and Regulations, Section 4: Weighted Drawing.

a. Subsequent Rentals

Once the initial rentals are filled with tenants, and rental units become available from time to time, the units will be rented using the weighted drawing system.

2. First Come First Served

In the event no weighted drawing entries are received during the weighted drawing entry period, the selection process will be determined by a first come first served basis. The first qualified household submitting a complete application will be allowed an opportunity to rent if eligible.

b. Submit Application

Each household entering a weighted drawing to rent a restricted housing unit is required to submit a completed “Application for Restricted Rental Housing” and a “Weighted Drawing Entry” form. A certification page will also be signed by the applicant and notarized. In addition,
an “Authorization to Release Information” is signed by the applicant, which allows the Housing Department to obtain banking information and any other relevant information. Application forms can be obtained from the Housing Department or from the Housing Department’s website.

c. **Verification of Selected Household**

The Housing Department verifies that each household selected to rent a restricted housing unit meets the qualification and eligibility requirements specific to the restricted housing unit.

d. **Materials Required**

To determine that a household desiring to rent a restricted housing unit meets all of the required criteria, the Housing Department will request all of the following for a complete application, which will be submitted at weighted drawing entry:

1. **Housing Department Application for Restricted Ownership or Rental Housing**
   
   Completed and signed Housing Department Application for Housing.

2. **Weighted Drawing Entry Form**

   Completed and signed “Weighted drawing Entry” form. See Section 5-4c.1: Materials Included with Application.

3. **Credit Report**

   Full three-bureau credit report that reflects credit scores for all adult household members dated no more than 30 days from submittal of application.

4. **Federal Income Tax Returns**

   Signed federal income tax returns (electronic signature is not sufficient) and all attachments (including W-2s, 1099s) and schedules for the last two (2) years for all adult household members.

5. **Verification of Current Employment in Teton County**

   One or more of the following will be required for verification of Current Employment in Teton County includes:

   a. Wage stubs;

   b. Employer name, address, and phone number;
c. Contract for employment;
d. “Authorization to Release Information” form signed by all adults in the household to obtain third party employment verifications; and

If deemed applicable, the Housing Department may request the following be submitted with an application:

a. If self-employed, three (3) years of business and personal tax returns along with a current “Profit and Loss Statement” and balance sheet.
b. “Verification Form for Accessible Unit Preference.”
c. Any other documentation that the Housing Department deems necessary to determine qualification, such as, divorce decrees, Social Security income, rental income, etc.

e. **Verification of Application**

To protect the interests of the community that has invested in the creation of restricted housing units, the Housing Department verifies that information submitted on the application is true and correct and may request documents outlined in Section 5-4d: Verification of Application to assist in this process. All financial information shall remain confidential, except as documented in Section 5-1g.1: Privy to Purchase and Sales Agreement.

f. **Qualification Letter**

After the Housing Department verifies that the household meets the qualification and eligibility criteria for the particular restricted housing unit, it will issue a “Qualification Letter” to the potential renter within 10 business days.
SECTION 7. COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES

7-1. Compliance Process

Special Restrictions are recorded on all Housing Department homes. These restrictions control the occupancy and use of the unit. They also refer to these Rules and Regulations.

The Housing Department Compliance Specialist monitors occupancy and use restrictions to ensure owners are in compliance, and acts on various complaints from the public concerning compliance issues. The Housing Department Compliance Specialist also receives and processes requests for exceptions, appeals, leave of absence, requests to rent, transfer of title, and qualified mortgages.

a. Compliance Requirements

1. Affordable Units

Affordable units are required to provide information to the Housing Department annually to verify employment and occupancy. Owners of Affordable housing units with restrictions recorded after June 4, 2018 will receive annual requests for information concerning employment and use of the unit. Owners of Affordable housing units with restrictions recorded prior to June 4, 2018 are not required to verify continued employment annually, however, they may be required to verify occupancy.

2. Employment-based and Workforce Housing Units

Employment-based units and Workforce housing units are required to provide information to the Housing Department annually concerning income, employment and ownership of other residential real estate.

3. Employee Housing Units

Owners of Employee housing units will be required to submit information annually about the occupants of the units, their income, employment, and ownership of other residential real estate.
4. **Accessory Residential Units**

Owners of ARUs will be required to annually submit information concerning the occupants of the units, their employment, and ownership of residential real estate.

5. **Exemption for Retirees**

During ownership, if one (1) member of the household meets the retirement age as defined by the Federal Social Security Administration defined in these *Housing Department Rules and Regulations*, the household will be exempt from continued compliance with income and employment eligibility standards.

b. **Submittal and Timeline**

1. **Housing Department Request for Information**

   The Housing Department will send a letter to owners of restricted units requesting information. The letter will outline what type of information is required based on the unit’s restrictions. The owner will be given thirty (30) days from the date of the letter to submit the requested information to the Housing Department.

2. **Default**

   Failure by the owner to submit requested information will be considered default.

c. **Common Default Violations**

In cases where the restriction defines the default process, it will control the process. If the restriction does not define the process, the default process is as follows:

Common violations include, but are not limited to:

1. **Occupancy**

   A household that does not occupy the restricted housing unit for the number of months in a calendar year as required by the restriction is in violation of the *Housing Department Rules and Regulations*.

2. **Guests**

   Guests over the age of 18 are not allowed to occupy a restricted housing unit in excess of 30 cumulative days per calendar year.
3. **Renting**

Renting a restricted ownership unit is only allowed per the restrictive covenant or as set out in Section 5-2b: Rental Procedures for Owner-Occupied Properties.

4. **Leave of Absence**

Leaves of absence must be preapproved if the household is expected to be gone longer than permitted by the *Housing Department Rules and Regulations* or the deed restrictions.

5. **Pets**

Specific policies for pet ownership are outlined in the Covenants, Conditions and Restrictions and/or the Master Rules and Regulations and are enforced by the Homeowners Association. Policies for rental units are outlined in the lease agreement.

6. **Mortgage Delinquency**

Failure to maintain obligations required under any mortgages is considered a default under special restrictions.

7. **HOA Delinquency**

Failure to pay Homeowners Association dues is considered a violation of the special restrictions.

8. **Ground Lease Delinquency**

It shall be an event of default if lessee fails to pay the ground lease fee or other charges required by the terms of the lease.

9. **Water/Sewer Dues Delinquency**

Unpaid water and sewer dues can result in a lien placed on property that would constitute a violation of the special restrictions.

10. **Employment Verification**

Employment-based and Workforce units require an owner to work an average of 30 hours per week at a local business located in Teton County, Wyoming. The owner must earn at least 75% of their household income at a local business within Teton County. Annual verification of employment and income is required for owners of Employment-based and workforce restricted housing units.
Affordable units built after June 4, 2018 will be required to provide proof of employment in Teton County at a local business.

11. Ownership of Residential Property

Owners of Employment-based and Workforce housing units are not allowed to own residential property within 150 miles of Teton County. All renters of Housing Department-administered rental units are not allowed to own residential property within 150 miles of Teton County.

12. Estate Planning

Restricted housing units cannot be put into a trust. A trust does not meet the definition of qualified household and therefore cannot own a restricted housing unit. The Housing Department does accept other related documents for estate planning (Non-testamentary Deed upon Death).

13. Covenants, Conditions and Restrictions (CCR) Violations

Any default or breach of the CCRs, Mortgage Agreements, and/or Master Rules and Regulations is considered a default of the special restrictions or ground lease. This includes but is not limited to prompt payment of Homeowners Association dues and ground lease fees.

7-2. Process for Default Contested Case Hearings

All default hearings are conducted in compliance with the Wyoming Administrative Procedures Act and are contested cases for which the rules and processes are set forth herein. All requests for hearings and subsequent documents shall be submitted and filed with the Housing Department, and all records related to the contested case hearing shall be maintained by the Housing Department.

a. Notice of Default

When the Housing Department deems an owner to be in default of a special restriction, the Housing Department shall notify the owner with a Notice of Default Letter.
1. The Notice of Default shall be sent to the owner via U.S. Mail certified with return receipt requested and via email, if an email address is known. The letter will be considered delivered on the date it is sent.

2. The owner shall have thirty (30) days from the date of the Notice of Default to:
   a. Cure the default,
   b. Request a default hearing of the Jackson/Teton County Housing Authority Board, or
   c. Provide the Housing Department with a “Letter of Intent to Sell” the home or unit in accord with the special restriction.

3. The Housing Department shall determine what constitutes a cure of the default based upon the special restriction and the circumstances of the owner.

b. Request for Default Hearing

In the event the owner fails to cure the default or desires to challenge the default identified by the Housing Department, the owner may request a hearing before the Jackson/Teton County Housing Authority Board (JTCHA) to determine the merits of the allegations of the default.

1. To request a hearing, the owner must submit a “Request for Default Hearing” form to the Housing Department within the thirty (30) day cure period.

2. A fee shall be charged by the Housing Department for such “Request for Default Hearing.” The fee amount will be set annually in a separate document titled “Annual Fees” to be updated and published by the Housing Department.

c. Failure to Respond to Default

If the owner fails to respond to the Notice of Default, the Housing Department will consider the non-action or failure to respond as a breach of default and shall take steps to enforce the default in accord with the applicable Special Restriction and/or the Housing Department Rules and Regulations. Enforcement of the breach or violation includes but is not limited to forcing the sale of the home or unit.

d. Default Hearing

1. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”
2. Within thirty (30) days of the signed Order, the Hearing Officer will issue a scheduling order, which shall include the Official Notice of Hearing, and deadlines for the parties to submit evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums.

3. Evidentiary documents, exhibits, witness lists, and/or pre-hearing memorandums, to include a written statement of facts, conclusions of law, and proposed order shall be exchanged by the parties, filed with the Housing Department in the contested case proceeding, submitted to the Hearing Officer and to the JTCHA, at least fifteen (15) days prior to the hearing date. Any document or witness not included in these submissions by the deadline shall not be raised at the hearing and shall not be admitted into evidence at the hearing.

4. Hearing proceedings may be recorded, but are not required to be transcribed. If either party wishes to have a court reporter present to transcribe a hearing, all associated costs shall be paid by the party unless the parties agree to share costs.

5. All witnesses who provide testimony at the hearing will be sworn in under oath by either a court reporter if one is present, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. The parties shall be permitted to cross-examine witnesses, and the JTCHA and the Hearing Officer shall have the opportunity to ask questions of the witnesses and Housing Department staff.

6. The Housing Department’s determination the Notice of Default is presumed to be correct, and the burden of proof shall be on the complainant, not on the Housing Department.

7. If the owner requires an interpreter, the Housing Department will make arrangements to provide one and bear the costs.

8. If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, can proceed to review the evidence based upon the written submissions, or can deem the failure to appear as a breach of default.

e. JTCHA Deliberation and Decision

1. Deliberation

The Hearing Officer or JTCHA Chair, if no Hearing Officer is present, shall close the evidentiary hearing, and the Housing Authority Board will commence deliberation in public to include the following:
a. The JTCHA will examine the special restriction, the evidence presented in writing, and any testimony provided at the hearing and shall make a determination on the allegations of the Notice of Default based upon the preponderance of evidence standard of review.

b. The burden of proof shall be on the owner to refute the alleged default.

2. JTCHA Decision

The JTCHA Decision will be to either:

a. Affirm the Housing Department’s Notice of Default. The Housing Department would proceed to exercise its remedies against the owner according to the special restriction or ground lease recorded on the property, or

b. Reject the Notice of Default of the Housing Department and no further action would be pursued for the specific alleged default under the special restriction or ground lease recorded on the property.

3. JTCHA Decision and Motion

The JTCHA shall make a motion in the affirmative (e.g.: I move to affirm the Housing Department’s assertion that the owner (owner’s name) of (address) is in default of the Special Restriction recorded on the property pursuant to the Notice of Default.) The motion shall receive a second. JTCHA will enter into discussion on the motion and vote. If the motion carries, the JTCHA affirms the Notice of Default. If the motion fails, the JTCHA has decision

4. Order of Decision

The prevailing party will draft the Findings of Fact and Conclusions of Law and Order, which shall set forth the Board’s decision. The Findings of Fact and Conclusions shall be transmitted to the Hearing Officer, then reviewed and approved by the JTCHA at a subsequent meeting of the JTCHA in a timely manner no later than sixty (60) days following the hearing date, which shall be properly noticed and open to the public. The Order shall be filed in the contested case file with the Housing Department. No appeal of the JTCHA decision shall be made to the Jackson Town Council or the Board of County Commissioners. Any appeal of the JTCHA Order shall be to the District Court of Teton County, Wyoming, unless otherwise stated in the Special Restriction.
7-3. Process for Exception Hearing

a. Request for Exception

The Housing Department will consider requests for exceptions to rules pertaining to qualification and eligibility criteria as well as to rules pertaining to occupancy and use. Granting of exceptions is rare; however, it is recognized that certain unique circumstances exist that are not contemplated in these Housing Department Rules and Regulations. Exceptions will only be granted in unique circumstances that are beyond control of the household, and are not addressed in these Housing Department Rules and Regulations. Requests for exceptions must be submitted prior to the opening of a weighted drawing for a home. In cases where a weighted drawing is not used for identifying a buyer, the request must be submitted prior to submission of an application. All Requests for Exceptions are subject to the review and approval of the Housing Manager.

A household may submit a “Request for Exception” to the Housing Department using the “Request for Exception” form with the required fee, which is specified in a separate “Fee Schedule” document that is updated annually. The Housing Manager will review and render a decision on the Request for Exception within fifteen (15) days from the date of submittal.

b. Request for Exception Hearing Process

If the Request for Exception is denied by the Housing Manager, the applicant may request a hearing of the JTC HA.

1. Submit a Request for Hearing form with a fee to the Housing Department within fifteen (15) days of the date of denial of “Request for Exception.”

   a. Requests for Exception Hearings must contain the following information:

      i. The particular ground(s) upon which it is based, including a copy of the Request for Exception and the Housing Manager’s decision;

      ii. The action or remedy requested;

      iii. The name address, telephone number of the complainant and similar information of complainant’s representative, if any;

      iv. Proof of notification of hearing request to the housing unit’s Homeowners Association, if applicable; and

      v. Appeal Fee.
c. **Housing Department Review and Recommendation**

All requests for hearings will be reviewed by Housing Department for completeness and provided to the JTCHA Board within thirty (30) days with a recommendation for action, copied to the complainant and/or representative.

**d. Hearing**

The hearing will be heard by the JTCHA Board at a properly noticed meeting scheduled at least thirty (30) days following the Housing Department's receipt of the “Request for Hearing” to ensure notice and due process.

1. **Hearing Officer**

   a. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”

   b. If a Hearing Officer is designated, within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline.

   c. Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

2. **Hearing Process**

   a. JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.”

   b. Within thirty (30) days of the signed order, the Hearing Officer will send out a scheduling order (Official Notice of Hearing) and timeline for the parties to submit evidentiary documents and a list of witnesses.

   c. Evidentiary documents and witness list along with a written statement of facts shall be submitted by each party to the opposite party fifteen (15) days prior to the hearing date.

   d. Hearings may be recorded and are not required to be transcribed. If owner wishes to have a hearing transcribed, all associated costs shall be paid by owner.

   e. All witnesses that provide testimony will be sworn in under oath by the court reporter, and if no court reporter, the Hearing Officer, and if no Hearing Officer, the JTCHA Chair. Both parties shall be permitted to cross-examine witnesses, and the
JTCHA shall have the opportunity to ask questions of the witnesses and Housing Department staff.

f. The Housing Department’s decision concerning the exception will be assumed correct, and the burden of proof shall be on the complainant.

g. If the complainant fails to appear at the hearing, the JTCHA may make a determination to postpone the hearing, may make a determination based upon the evidence submitted, or may dismiss the matter for failure to appear.

3. JTCHA Decision Binding

Based on the evidence considered at the hearing, the JTCHA will provide a decision by means of a motion and majority vote. The decision of the JTCHA shall be binding, and the Housing Department shall take all actions necessary to carry out the decision. No appeal of the JTCHA shall be made to the Town Council or County Commissioners. Any appeal shall be made to the District Court of Teton County, Wyoming.

e. Other Remedies

The Housing Department shall have the right to enforce the provisions of these Housing Department Rules and Regulations under any civil or criminal remedy provided under Wyoming Law.

7-4. Grievance Procedure

A grievance is any dispute that seller, buyer, or owner may have with the Housing Department with respect to an action or failure to act in accordance with the individual’s rights, duties, welfare, or status. A grievance may be presented to the Housing Department under the procedures below.

a. Request for Grievance Form

Any grievance must be presented in writing to the Housing Department on the “Request for Grievance” form and include:

1. The particular ground(s) upon which it is based;
2. The action or remedy requested;
3. The name address, telephone number of the complainant and similar information of complainant’s representative, if any; and
4. Grievance fee.

b. Housing Department Review and Decision

1. The Housing Department Housing Manager will review all “Requests for Grievances.”

2. The Housing Manager shall issue a written letter summarizing the decision regarding the requested grievance within thirty (30) days of receipt of the “Request for Grievance.” The letter will be sent via U.S. mail certified return receipt requested and via email if an email address is known.

3. The applicant may request a hearing of the JTCHA pursuant to Section 7-3.a.2. if the grievance decision of the Housing Manager is disputed.
SECTION 8. DEFINITIONS

8-1. Definitions

Accessible Unit: A unit that has been built or adapted with specific design features that make the unit accessible to those with mobility and hearing handicaps.

Application: A packet that households who are selected in an affordable housing weighted drawing submit for Housing Authority staff to verify that the household is qualified to purchase the home. The application consists but is not limited to the following:

- Housing Department Application for Restricted Ownership or Rental Housing
- Signed Certification and Oath
- Signed Authorization to Release Information
- Completed Lender’s Qualification Worksheet (completed by lender)
- Full three tier Credit Report that includes credit scores. (Can be obtained from lender)
- Previous two years of tax returns with W-2s
- Employment Affidavit for each job currently held by wage earners in the household
- If self-employed, previous three years of tax returns with an income statement and a balance sheet.

Appeal: A process requested by an applicant/owner/renter when they understand the qualification, eligibility, and preference criteria and have requested an exception from the Housing Manager and have been denied.

Approved Lending Institution: Approved lending institutions include institutional lenders; community loan funds, or other similar nonprofits; or other legitimate, non-affiliated finance companies. See Definitions of Institutional Lenders and Community Loan Fund.

Asset: see Household Net Asset.

Assigned Number: A computer-generated number based on first name of applicants in alphabetical order that households are listed in a weighted drawing.

Area Median Income (AMI): A figure published annually by HUD which is calculated by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more.
Authorization to Release Information Form: This form, which an affordable housing applicant signs, allows the Housing Department staff to verify information supplied by applicants from banks, employers, etc.

Balance Sheet: A statement of the total assets and liabilities of a business.

Bid Period: The time period that the Housing Authority accepts bids for an available housing unit. The bid period only takes place if no weighted drawing entry sheets are submitted for an available restricted housing unit.

Borrowed Light: An indirect source of natural light; for example, a room in a home uses borrowed light when it has a window that looks into another room, where the other room receives direct sunlight.

Capital Improvements: Improvements done to the home for which the homeowner can receive credit. The capital improvement requires an expenditure that either increases the value of the property or extends its life expectancy.

Caregiver: A full-time Teton County, Wyoming; Teton County, Idaho; or Lincoln County, Wyoming resident who is or was volunteering all or a portion of their time caring for their own children or an ailing or disabled immediate family member and was therefore unable to gain full-time employment in Teton County.

Closing Date: The date on which ownership of property transfers from the former owner to the new owner.

Community Loan Fund: A loan fund that is set up in a community for the purpose of providing down payment assistance or other types of loans for restricted housing units.

Critical Services Provider: An employee or volunteer of a community based institutional or non-profit organization on call 24 hours per day for public safety emergencies.

Deed Restriction: A document recorded against a housing unit that describes the unit’s housing program. It provides restrictions on the purchase, occupancy, use, and resale of the restricted housing unit. A deed restriction is a type of restrictive covenant that is recorded at the time of certificate of occupancy.

Developer: An individual or group who builds housing.

Disabled: Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Earnest Money: Money that a buyer gives to a seller to bind a contract. Earnest money goes toward the costs of the purchase of the home and is held in escrow by the title company until closing.
Eligibility Criteria: Criteria defined in either the Deed Restriction or the Housing Department Rules and Regulations, which are used to measure whether a household is eligible to apply for a unit.

Employment-Based: A restricted housing unit where occupancy is limited to employees in Teton County, Wyoming. There are no income qualifications for an occupant. This type of unit may include, but is not limited to, Accessory Residential Units and Employment-Based Units.

Employment Requirement: At least one member of a household must demonstrate an average of 30 hours per week (1560 hours per year) of employment in Teton County, Wyoming; or demonstrate a clear intent to work an average of 30 hours per week in Teton County, Wyoming (must have been hired even if hasn’t started the job yet.)

Exception: If a household understands the eligibility and qualification criteria, but feels their situation is unique and there is a compelling reason the rule(s) should not apply to them, they may request an exception. Exceptions are only considered before a weighted drawing process opens or before an application is submitted.

Fair Market Rents (FMR): Fair market rents are the maximum chargeable gross rent, including utilities, in an area for projects participating in the Housing and Urban Development (HUD) Section 8 Program. The HUD Section 8 Program targets incomes of 80% and below of the Median Family Income (MFI). The Jackson/Teton County Affordable Housing Department does not participate in HUD’s Section 8 Program; however, FMR applies to some Employee Housing rental units. The rental rate corresponds to the amount of bedrooms in a unit.

Final Development Plan Approval: The point in the development review process when either the Teton County Board of County Commissioners or the Town of Jackson Town Council approves a development.

Final Inspection: The inspection that is done on a home at least 48 business hours before closing on the sale of the home. The purpose is to determine whether the home has been properly cleaned and that proper maintenance and repairs have been completed.

Finance Company: A company that regularly makes loans to clients.

Garage: An enclosed shelter for automotive vehicles.

Grievance: A dispute that sellers, buyers, or owners may have with the Housing Department with respect to an action or failure to act in accordance with the individual’s rights, duties, welfare, or status.

Habitable Floor Area: Habitable floor area is floor area used for living purposes, usually having access to heat, plumbing, and electricity. It includes foyers, hallways, restrooms, closets, storage, and other common areas within a building. Habitable floor area does not include mechanical rooms, elevators and fireplaces. Habitable floor area is measured either from the
exterior of the faces of the building or the exterior limits of any interior wall that separates habitable floor area from uninhabitable floor area, whichever is applicable.

**Handicapped:**

- **Hearing Impaired:** Individuals with hearing measures between 25 dB and total hearing loss.
- **Mentally Challenged:** Individuals who have an intellectual functioning level that is well below average and that causes significant limitations in daily living skills.
- **Mobility Impaired:** Individuals who have reduced function of legs and feet that leads them to be permanently dependent on a wheelchair or an artificial aid to walking.

**Heir:** A person legally entitled to the property of another person upon the latter person’s death.

**Homebuyer Education:** Class required by the Jackson/Teton County Housing Authority for households to be eligible to purchase a restricted housing unit. The class educates homebuyers about the entire home buying process.

**Homeowners’ Association:** An organization comprised of neighbors concerned with managing the common areas of a subdivision or condominium complex. These associations take on issues such as plowing, clearing sidewalks, painting exteriors of a subdivision and collecting dues from residents. The homeowners’ association is also responsible for enforcing Covenants, Conditions & Restrictions (CC&Rs) that apply to the property. They do not enforce Deed Restrictions.

**Household Income:** The current income going forward 12 months of all adult wage earners within a household before taxes. Income from dependents that are enrolled in college or another type of school is not included in the household income calculation. For self-employed individuals, Income is the net income from the business with depreciation added back in averaged over either the life of the business or the last three (3) years, whichever is shorter. Other types of deductions may be added back in as well, such as home business use.

**Household Net Assets:** The value of all assets over $500 in value including, but not limit too, bank accounts, investment accounts, life insurance, furniture, automobiles, jewelry, computer equipment, real estate, and recreational equipment; less any debt the household has. Net assets do not include retirement accounts, business assets are limited to liquid assets.

**Housing Programs:** Programs intended to provide housing for the workforce of Teton County and administered under the Jackson/Teton County Affordable Housing Department. They include ownership and rental units created through the Land Development Regulations, through the direct construction of restricted housing units, or the financing thereof.

**Housing Mitigation Plan:** The portion of a development plan that specifies how an applicant will satisfy the Affordable and/or Workforce Housing requirements in Division 6.3.6 of the Teton County and Town of Jackson Land Development Regulations.
**Immediate Family Member:** Individuals that include a parent, spouse or child, including stepchildren, foster children, step-parents and foster parents.

**Initial Inspection:** An inspection done on a home once a letter of intent to sell is received by the Housing Department. The purpose is to inform the seller of the selling process and to check for maintenance and repairs that may be required before the sell occurs.

**Institutional Lender:** A lender that is a legitimate financial institution that regularly loans money for real estate transactions.

**Joint Tenancy:** When two or more people own property as joint tenants and one owner dies, the other owners automatically own the deceased owner's share. No will is required.

**Leave of Absence:** Permission granted by the Housing Department for an owner of a restricted housing unit to be absent from the unit for an extended period of time for a legitimate and compelling reason, without violating the unit’s deed restriction.

**Lawful Permanent Resident:** Any foreign national who has been granted the right to reside permanently in the United States. Lawful Permanent Residents may apply for Affordable and Attainable housing but are ineligible to apply for Employment-Based housing, as it is available for US Citizens only.

**Lender’s Qualification:** The Institutional Lender’s judgement of the household’s financial ability to obtain financing for purchasing a home.

**Letter of Intent to Sell:** A letter that a homeowner submits to the Teton County Housing Authority informing the Housing Department that they desire to sell their restricted housing unit. The Housing Department must receive this letter before the selling process can begin.

**Liabilities:** Any debt, loans, or balances that a household owes. Liabilities are subtracted from assets when calculating Household Net Assets.

**Living Space:** A room in a home used by a family for leisure activities, entertaining guests, etc. It includes space for couches, chairs, tables, and may open to the kitchen.

**Local Business:** A local business is a brick and mortar establishment that employs workers in Teton County, and that is located within Teton County, and can include both for profit and not-for-profit entities.

**Maintenance:** A repair or maintenance item is an expenditure that restores a property to a sound state.

**Maintenance Adjustment:** The amount of money credited to the buyer at closing for maintenance, cleaning, or repairs that are found to be needed on the home at the final inspection.
Section 8. Definitions
8-1. Definitions

**Maximum Rental Rates:** The maximum rental rate that may be charged to a tenant occupying an Employee Housing unit. The rates must include basic utilities (water/sewer, electric, gas, and trash removal). The specific restriction recorded on the unit instructs the method to be used to calculate maximum rental rates.

**Maximum Resale Price:** The maximum amount that a restricted housing unit can be sold for. This price is calculated by the Housing Department according to the restricted housing unit’s deed restriction or the *Housing Department Rules and Regulations*.

**Maximum Resale Letter:** A letter given to a seller of an Affordable or Employment-Based housing unit informing them of the maximum amount that the unit may be sold for.

**Maximum Sales Price:** The maximum amount that newly-provided ownership housing units can be sold for initially. There is 10 percent reduction from the maximum sales price for no garage and a 20 percent reduction from the maximum sales price if the unit is below grade.

**Median Family Income (MFI):** The Department of Housing and Urban Development (HUD) calculates this figure by dividing households residing in counties into two equal segments with the first half of households earning less than the median household income and the other half earning more. Then, adjustments are made based on family size. The Jackson/Teton County Affordable Housing Department uses MFI to determine eligibility for restricted housing units. The Housing Department also uses MFI to calculate maximum sales prices.

**Military Service:** Active deployment in the U.S. Armed Services for any amount of time. Military Service counts as employment in Teton County, Wyoming for the sake of gaining the 1-year eligibility in the weighted drawing if the person deployed met employment criteria in Teton County Wyoming for minimum of two years immediately prior to deployment.

**Net Livable Floor Area:** This area is calculated on interior living area and is measured interior wall to interior wall, including all interior partitions including, but not limited to habitable basements and interior storage areas, closets and laundry areas. Exclusions include, but are not limited to, uninhabitable basements, mechanical areas, exterior storage, stairwells, garages (either attached or detached), patios, decks and porches.

**Nonqualified Transferee:** A household to whom the title of a restricted housing unit is transferred, but it does not meet the qualification and eligibility standards set out in these *Housing Department Rules and Regulations*.

**Occupancy Requirements:** A type of preference used in the Affordable and Employment-Based Programs’ weighted drawing selection processes through which household is eligible to enter a weighted drawing based on how closely it aligns with the unit size.

**Original Purchase Price (OPP):** The amount the current homeowner originally paid for the home.
“Plus” Units: Restricted housing units that have extra floor area for offices, play areas, etc.

Post-Secondary Education: Attendance as a full-time student at an educational establishment after high school or college preparatory school.

Possession Date: The date a buyer takes possession of a home. This is normally the date of closing unless for some reason funds are unable to be disbursed on that day or other arrangements are made.

Price Opinion: The market value of residential or commercial property, as determined by a local real estate firm.

Primary Education: Attendance at a school for primary education located in Teton County Wyoming.

Primary Residence: A household’s sole residence, occupied at least ten (10) months during each calendar year, or as otherwise stated in the housing unit’s restriction.

Profit and Loss Statement: A statement showing a business’s income and expenses up through the month prior to application.

Purchase and Sales Contract: Contract entered into by the seller and the buyer which outlines the terms and conditions under which the property will be sold.

Qualified Critical Services Provider: An employee or volunteer on call 24 hours per day for public safety emergencies of an approved community-based organization that provides immediate response to health and safety services.

Qualification Letter: Letter issued to applicant confirming that they are qualified to purchase the home. This letter is needed by the Title Company in order to allow the closing to take place.

Qualified Households or Qualified Buyer: Households or buyers that have applied for housing through the Housing Department, where Housing Department staff deem them as eligible to purchase a restricted housing unit after verification of information, based on the unit’s deed restriction and the Housing Department Rules and Regulations.

Qualified Mortgage/Qualified Mortgagee: A loan attained from an Approved Lending Institution/the buyer of a restricted housing unit that has been approved for a mortgage.

Resale Process: The process by which an owner of a restricted housing unit sells it to a new owner.

Residential Property: A parcel that either includes a residential dwelling unit, or has the by-right potential for developing a residential dwelling unit per local zoning regulations.

Restricted Housing Unit: Any housing units in the Town of Jackson or Teton County that have Restrictive Covenants or Ground Leases that regulate the occupancy, use, sale, and/or rental of
the unit or are restricted by the Land Development Regulations in order to further the Town/County’s workforce housing goals.

**Restrictive Covenant:** a contract between the Board of County Commissioners/Town of Jackson and the owner of real property developed or designated to ensure the affordability of a housing unit for perpetuity.

**Restrictive Covenant Template:** A standard form to be used as a recorded instrument on all restricted housing units.

**Restrictive Covenant Information Sheet:** A form that the developers of restricted housing units must fill out as part of the Housing Mitigation Plan.

**Retirement Age:** The age at which the Federal Social Security Administration allows an individual to begin collecting Social Security.

**Secondary Education:** Attendance at a high school or college preparatory school located in Teton County, Wyoming.

**Settlement Statement:** Itemizes all costs, and/or credits due from the buyer and seller at closing.

**Tenancy-In-Common:** When two or more people own a shared interest in a property. If one owner dies, they can will their portion to other beneficiary(s) and not to the other owner(s) if they desire.

**Uniform Residential Loan Application (or Fannie Mae Form 1003):** The application required by law for mortgage lenders to use to supply home loans. The Housing Department may require that applicants supply this application when applying for a restricted housing unit.

**Verification Checklist:** Checklist used by JTCHA to verify whether a household is qualified to purchase a particular home.

**Voluntary Affordable/Employee Housing Units:** Units with a restricted rent or sale price to be affordable to households earning no more than 200 percent of Teton County Median Family Income. An applicant may propose these units in addition to those required by the Land Development Regulations.

**Weighted Drawing:** The event that selects the order, of all the applicants for an applicable restricted housing unit, which the home will be offered for sale.

**Weighted Drawing Entry Period:** The period (normally two weeks) that the Housing Department accepts weighted drawing entry sheets for an available restricted housing unit.

**Weighted Drawing Entry Sheet:** Households complete a weighted drawing entry sheet and submit it to the Housing Department along with other documentation within the weighted
drawing entry period when the household is interested in purchasing an available restricted housing unit.

**Weighted Drawing Number:** A number that a household receives from a weighted drawing that reflects the household’s standing in the weighted drawing for an applicable restricted housing unit.

**Weighted Drawing Form:** The form used to record all households who submitted weighted drawing entry sheets for a particular home. The households are recorded in alphabetical order. This form is given to outside counsel who then assigns each household a number. The numbers are placed in a pool and drawn out one by one. The results of the drawing are recorded in order on the Weighted drawing Form and returned to the Housing Department.

**Weighted Drawing Process:** The process by which the Housing Department accepts weighted drawing entries from households wishing to purchase a restricted home and determines the order the households will be offered the home for purchase. (Separate lotteries are conducted for each program).

**Workforce Housing Program:** An incentive program applicable within the Town of Jackson through which bonus floor areas are available in nonresidential or mixed-use buildings if the developer provides restricted housing units. These units can be either Ownership or Rental, and the number of units to be provided is determined by a ratio set out in the Town LDRs.
I certify that the attached is a true and correct copy of the Housing Rules and Regulations as approved and adopted by the Teton County Board of County Commissioners. The rules have been adopted pursuant to Wyoming Statute §15-1-101 et seq. and constitute new rules and regulations.

Prior to adoption, the rules were made available for public inspection and notice of intention to adopt was published. The rules were adopted pursuant to and in compliance with Wyoming Statute §16-3-103. A public hearing was held on July 2, 2018 and the rules were adopted on the same date.

The attached rules shall be filed with the Teton County Clerk and shall become effective as of July 4, 2018.

SIGNED THIS ___ DAY OF JULY, 2018.

MARK NEWCOMB, CHAIR
TETON COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

SHERRY DAIGLE, TETON COUNTY CLERK
STATEMENT/PURPOSE

Replace Division 6.3 and delete Division 7.4 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to update the housing mitigation requirements on new development; and make other related changes throughout the LDRs.

County: Direct staff to make the modifications approved June 6-7 plus any additional modifications, and continue to AMD2017-0004 to July 16 for consideration of adoption.

Town: Second Reading of Ordinance L regarding the affordable workforce housing required to be provided with development.

BACKGROUND

At a hearing that spanned special meetings on June 6 and June 7, 2018, the Board and Council considered the March 16 Public Review Draft of updated housing mitigation requirements. The Board and Council provided straw poll direction on 120 proposed modifications to the public review draft. At the conclusion of the hearing, Council approved the LDR text amendments pursuant to the findings of Section 8.7.1 of the LDRs and approved first reading of Ordinance L to implement the amendments, with both approvals subject to the straw poll direction from the hearing. The Board continued its consideration of the LDR text amendments.

The straw poll direction provided at the June 6-7 hearing was the culmination of a joint County and Town process that began in March 2017, built on direction provided in July 2017 and November 2017, and has engaged over 800 participants. For a full detail of the process see the attached staff report for the June 6-7 hearing, or visit the project website at www.engage2017.jacksontetonplan.com/housingrequirements.
Staff has integrated the straw poll direction into the attached Adoption Draft of the housing mitigation requirements as well as Ordinance L. The Adoption Draft is presented as a redline of the March 16 Public Review Draft to illustrate the changes made based on the June 7 direction. Ordinance L is a clean version of the adoption draft. While the County did not direct staff to implement on the straw poll direction from June 6-7, the attached adoption draft represents what the County requirements would be based on the straw polls because all straw polls except one had the same result in the County as the Town.

Staff recommends that the Board and Council build on the straw polls from June 6 and 7. At the meeting, staff will present a summary of the changes made to implement the straw polls and answer any questions about the changes prior to public comment. Following public comment staff recommends the Board and Council spend their time on the short list of key issues staff has identified below and any new items identified by the Board, Council, or the public. No commissioner or councilmember was in the majority of every straw poll taken on June 6 and 7, but the overall direction represents the work of the JIM as a whole on a variety of issues. Staff recommends only revisiting items where a commissioner or councilmember has changed her/his opinion. For the Town, any substantive modification to the Adoption Draft will require this approval to be on first reading rather than second reading.

**Key Issues**

1. **Mitigation Rate. (see modifications K7-K-13)** The straw poll direction from the Board and Council on June 6-7 was to reduce the mitigation rate for nonresidential, nonlodging uses from 73% of year-round employees generated to 55%. The implications of this direction are in the two tables below, which are updates to the tables considered in providing the direction. About 75% of year-round employee generation is from nonresidential development, while 5% is from lodging and 20% is from residential. As a result, the weighted year-round mitigation rate for all uses is 60% after applying a 55% mitigation rate to nonresidential and 73% mitigation rate to lodging, and residential.

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Current</th>
<th>Draft</th>
<th>JIM Dir</th>
<th>#K7 (PC)</th>
<th>#K8</th>
<th>#K9</th>
<th>#K10</th>
<th>#K11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year-Round Employee Hsg. Demand</td>
<td>60%</td>
<td>33%</td>
<td>73%</td>
<td>60%</td>
<td>38%</td>
<td>47%</td>
<td>48%</td>
<td>55%</td>
<td>61%</td>
</tr>
<tr>
<td>- Nonresidential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>55%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Lodging</td>
<td></td>
<td></td>
<td>73%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Residential</td>
<td></td>
<td></td>
<td>73%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seasonal Employee Hsg. Demand</td>
<td>40%</td>
<td>33%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Overall</td>
<td><strong>100%</strong></td>
<td><strong>33%</strong></td>
<td><strong>43%</strong></td>
<td><strong>36%</strong></td>
<td><strong>23%</strong></td>
<td><strong>28%</strong></td>
<td><strong>29%</strong></td>
<td><strong>33%</strong></td>
<td><strong>37%</strong></td>
</tr>
</tbody>
</table>
The balance between the need for housing identified in the 2013 Nexus Study (represented by the March 16 Draft) and the practical effects of the impact on nonresidential development has been the key issue since November. The focus on this question throughout the process is why staff has included the above tables in this staff report. Staff does not have any questions about the straw poll direction provided.

2. **Independent calculation for institutional uses. (see modifications 36 and 36A)** On June 7, the Board and Council gave straw poll direction to exempt daycare and early childhood education use from the housing mitigation requirements, and apply an independent calculation requirement to other private education uses. The rationale for the independent calculation requirement was that average of the employee generation from all institutional uses is not accurate for a private school. While the Board and Council were only discussing schools, the rationale actually applies to all institutional uses and so in the Adoption Draft staff has made all institutional uses an independent calculation, with daycare and early childhood education and public/semi-public development entirely exempt from the requirements. Does the Board and Council agree with staff’s implementation of the June 7 direction?

### ATTACHMENTS

- Council and Board Straw Poll Direction, 6/26/18
- Adoption Draft (redline of Public Review Draft to illustrate modifications)
- Ordinance L
- June 6-7, 2018 Staff Report
- Public comment received since May 31, 2018 (prior public comment has been previously provided, contact staff for additional copies.)

### FISCAL IMPACT

The contract and contract amendment with Clarion Associates to provide technical support in updating the housing mitigation requirements total $97,963. The County has acted as the fiscal agent for the contract, with the Town reimbursing the County for half of the cost. The fiscal impact has been spread across FY17 and FY18.
STAFF IMPACT

The update to the housing mitigation requirements will have had a staff impact of about 1,000 hours by the time the updates are complete. Those hours have been predominately from the Long-Range Planners and Planning Director, spread across FY17 and FY18.

LEGAL REVIEW

Weisman/Cohen-Davis.

RECOMMENDATIONS

The Planning Director recommends approval of AMD2017-0004, dated March 16, 2018, subject to the Staff Recommendation on the proposed modifications dated May 31, 2018, being able to make the findings of Section 8.7.1 as recommended by the Planning Director in the attached June 6-7 staff report.

The Planning Director recommends approval of Ordinance L on second reading. Council approved LDR Text Amendment P17-052 and first reading of Ordinance L on June 7, subject to the Town Council directed modifications from the June 6-7 hearing, being able to make the findings of Section 8.7.1 of the Town of Jackson Land Development Regulations as recommended by the Planning Director.

SUGGESTED MOTIONS

County Motion

I move to continue AMD2017-0004 to a Special JIM on July 16 at 1:00 pm, and direct staff to make the Board of County Commissioners directed modifications from the June 6-7 hearing and this hearing.

Town Motion

I move to approve Ordinance L on second reading to third reading.
The below list of proposed modifications is from Town Council, Board of County Commissioner, and Planning Commission proposals, as well as proposals from staff review, the April 12 public open house, and other public comment. All proposed modifications considered, including those denied are presented. The direction provided on approved modifications informed the June 27, 2018 Adoption Draft of the updated housing mitigation LDRs. The Adoption Draft, March 16 Public Review Draft, and all materials that informed and supplement the drafts are available at [www.engage2017.jacksontetonplan.com/housingrequirements](http://www.engage2017.jacksontetonplan.com/housingrequirements).

All proposed modifications in the table reference the March 16 Public Review Draft of the updated housing mitigation standards. However, to assist in referencing how the approved modifications informed the June 27 Adoption Draft, if an approved modification caused a change to the section numbering, the section number in the table was updated to reflect the June 27 Adoption Draft. To the right of the Proposed Modification is a column for Staff’s Recommendation, the Planning Commissions’ Recommendation, and the JIM Direction on the modification. These columns are populated with a simple abbreviation: A = Approve, D = Deny, T = Table for future consideration outside the scope of this project. Finally, is a discussion column. The discussion column includes both staff, Planning Commission, Town Council, and Board of County Commissioner analysis. Where discussion from the JIM meeting has been added, the modification number(s) is highlighted. Where the discussion column is merged for multiple modifications it is because the modifications are related and the discussion applies to all modifications. The discussion is most understandable after first reading the modification(s) and direction to which it applies. Throughout the discussion “November policy direction” refers to the final policy direction provided by the Town Council and Board of County Commissioners on November 13, 2017, which is available on the project webpage linked above. Staff and Planning Commission recommendations on that policy direction, provided in October 2017, are also available on the project webpage.

<table>
<thead>
<tr>
<th>Proposed Modification</th>
<th>Rec/Direction</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>K1 6.3.1.A</td>
<td>Eliminate requirements to provide housing and free up more housing supply instead</td>
<td>D D D</td>
</tr>
<tr>
<td>Proposed Modification</td>
<td>Rec/Direction</td>
<td>Discussion</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td># Sec.</td>
<td>Proposed Modification</td>
<td>Staff</td>
</tr>
<tr>
<td>K2</td>
<td>6.3.1.B.2</td>
<td>Complete a new housing Nexus Study that considers the affordability of rental product</td>
</tr>
</tbody>
</table>

Housing mitigation requirements address the affordable housing demand from new development. New employees need new housing, because existing housing is already occupied. How much a new employee will make is estimated based on looking at what other employees make. However who can afford a new home is based on how much it costs to build a new home, because a new home will not be built unless the cost can be recovered.

Therefore, the Nexus Study calculates the cost of constructing a new home and then calculates what percentage of households can cover that cost. The Nexus Study uses an affordability calculation that a household can afford a home worth 333% of its income. You can think about that as a 30 year mortgage or the present value of 30 years of rent, but the factor is the same. Whether the project gets built as an ownership or rental project is then determined by whether the developer can get the sales price or the rent on the market.

The 333% affordability factor is a standard affordability factor used and defended in housing affordability studies and requirements across the nation. The Nexus Study is not about ownership versus rental affordability it’s about affordability of a new unit.

Therefore, the Nexus Study does not need to be updated to study rents and rent trends on existing units. Such a rental study would benefit the community’s understanding of the local housing stock, but is not necessary to implement these requirements.

Staff recommends adopting updated regulations based on the completed Nexus Study, which is accurate, defensible, and the academic standard. If a “safety factor” is desired the requirement can be reduced (see next discussion) but history has shown that delaying adoption of updates to these requirements in order to further the study the issue does not reduce the requirement, it only increases the increment of the increase the next time it is discussed.
<table>
<thead>
<tr>
<th>Proposed Modification</th>
<th>Rec/Direction</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>K3</strong> 6.3.3.A</td>
<td>Reduce the mitigation amount to account for job growth that is not associated with physical development, ensure physical development is only paying its fair share</td>
<td>D D D</td>
</tr>
<tr>
<td><strong>K4</strong> Beyond Scope</td>
<td>How do we mitigate for new jobs that do not need physical space?</td>
<td>T T T</td>
</tr>
<tr>
<td><strong>K5</strong> Beyond Scope</td>
<td>Could employee generation by virtual businesses be addressed with Business Licenses?</td>
<td>T T T</td>
</tr>
<tr>
<td><strong>K6</strong> 6.3.3.A</td>
<td>Reduce mitigation so that the amount of housing built is not actually reduced</td>
<td>D D D</td>
</tr>
</tbody>
</table>
Proposed Modification | Rec/Direction | Discussion
--- | --- | ---
K7 6.3.3.A | Reduce the requirement from 73% of year-round workers to 38%. 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. | The November policy direction is to mitigate for year-round, full-time employees who cannot afford housing. The proposed regulations implement that direction. The requirement cannot be legally increased, but it can be decreased. If the requirement feels too high, staff recommends a reduction of the requirement rather than a series of exemptions and workarounds that will be difficult to administer in the future. That said, staff does not recommend a reduction. The November policy direction also asked staff to provide analysis of what zoning, incentives, and funding would have to do if the requirement were lowered. Zoning, incentives, and funding are the workforce housing supply tools that have to address workforce housing demand from retirement, the existing shortfall of workforce housing, and job growth not associated with development. That demand equals about 130 units per year. Historically those tools have provided about 60 units per year. Updates to Town zoning include additional allowances and incentives that the market and public will use to provide more workforce housing, but it is unrealistic that those allowances and incentives will double the historic production of workforce housing by the market and public. Staff’s analysis is that in order to meet the community’s housing goal all tools – mitigation, zoning, incentives, and public funding – must be deployed to the maximum extent. The Planning Commissions find the requirement to be too onerous on developers, forcing them to take on risk in the form of increased cost without increased revenue. Their analysis focused on the impacts of the proposal on development. The Planning Commissions are concerned the draft requirement will be bad for business and have the impact of generating more home business in residential neighborhoods. They believe that businesses will provide housing out of necessity and are generally more supportive of supply-side solutions that allow and encourage more housing to be built. They discussed their recommendation as an approach that shifts to the employee mitigation based system in a small increment first, which always allows for an increase in the amount of the requirement once the initial shift is understood. The Planning Commissions’ recommendation effectively cuts the proposed mitigation requirement in half for all development types except single-family homes over 4,500 sf. It would mean that the community’s goal that at least 65% of the workforce live locally will shift from an “at least” to an “at most” aspiration. The math used by the Planning Commission to arrive at their recommendation does not take into account the overall lack of supply of housing, which is also an issue. **Council and the Board** analyzed the various proposals by considering the Planning Commissions concerns in the context of the overall mitigation requirement which already removes any requirement to house seasonal employees generated. Modifications #K7, #K8, and #K9 would each reduce the overall community mitigation rate from what was found to be needed in 1994, when we know that need has more than doubled from 33% of the workforce needing housing assistance in 1994 to 73% today. Modification #K10 is intended to address the overall mitigation rate directly by supporting the
<table>
<thead>
<tr>
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<th>Rec/Direction</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>K6.3.3.A K13</td>
<td>A D</td>
<td>Programmatic shift to year-round employee mitigation, while minimizing the practical impact on mitigation requirement without reducing the overall mitigation rate. Modifications #K10 and #K11 were proposed following the Planning Commission meeting.</td>
</tr>
</tbody>
</table>

*If a reduction is made because the nonresidential requirement feels too high, staff recommends that it only be made to nonresidential uses and not residential and lodging uses, especially if an exemption for small residential units is also approved. Multi-unit residential development is already seeing a significantly decreased requirement. Staff has already seen examples where the proposed lodging and residential requirements have incentivized residential over lodging. The Planning Commissions’ recommended reduction to all types of development, except large single-family homes is the type of very narrow application of the full requirement that undermines the defensibility of the entire housing mitigation requirement.

The majority of the Council and Board discussion was on modifications #K7-K12 with the direction to approve the combination of #K10 and #K12 effectively creating a new column in the table below. About 75% of year-round employee generation is from nonresidential development, while 5% is from lodging and 20% is from residential. As a result, the weighted year-round mitigation rate for all uses is 60% after applying a 55% mitigation rate to nonresidential and 73% mitigation rate to lodging, and residential.

<table>
<thead>
<tr>
<th>Comparison of % Housing Demand Required by Proposed Modifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of Housing Demand Required to be Supplied</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td>Year-Round Employee Hsg. Demand</td>
</tr>
<tr>
<td>- Nonresidential</td>
</tr>
<tr>
<td>- Lodging</td>
</tr>
<tr>
<td>- Residential</td>
</tr>
<tr>
<td>Seasonal Employee Hsg. Demand</td>
</tr>
<tr>
<td>40%</td>
</tr>
<tr>
<td>Overall</td>
</tr>
</tbody>
</table>

Council and the Board identified that while increased mitigation is difficult and unpopular so are supply side solutions. The Town is making a heavy lift on the supply side now, but there is a need to come close to breaking even through mitigation because it is the piece of demand where we can require that housing supply keep up with demand. The Council and Board also identified that exemptions from the mitigation requirements that are intended to encourage supply of market workforce housing are ineffective if the requirements are overly reduced. The Councilmember and Commissioners opposed to the direction identified the requirement as a large jump and pushed for additional supply side
allowances and incentives. That said, the opposition was to the application of #K10 to nonresidential use, there was general support for #K12 that the reduction only apply to nonresidential uses.

Below is a table that compares the practical effect of the current requirements, March 16 Public Review Draft, and June 27 Adoption Draft. The list of modifications released May 31 has the same table with the PC Recommendation instead of the JIM Direction, please refer to that table if you would like to compare the JIM Direction with the PC Recommendation.

### Current vs. Draft vs. JIM Direction Housing Requirement

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Current</th>
<th>March 16 Draft</th>
<th>JIM Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>3,000 sf restaurant</td>
<td>1.8</td>
<td>4.768</td>
<td>3.592</td>
</tr>
<tr>
<td>5,000 sf retail</td>
<td>1.244</td>
<td>2.863</td>
<td>2.157</td>
</tr>
<tr>
<td>10,000 sf office</td>
<td>0.222</td>
<td>6.549</td>
<td>4.934</td>
</tr>
<tr>
<td>5,000 sf industrial</td>
<td>0.067</td>
<td>1.631</td>
<td>1.229</td>
</tr>
<tr>
<td>50,000 sf private school</td>
<td>exempt</td>
<td>34.90</td>
<td>independent calc.</td>
</tr>
<tr>
<td>20 – 2 bedroom short-term rentals</td>
<td>5</td>
<td>8.172</td>
<td>8.172</td>
</tr>
<tr>
<td>40 unit conventional hotel</td>
<td>3.378</td>
<td>8.172</td>
<td>8.172</td>
</tr>
<tr>
<td>1,500 sf single-family unit</td>
<td>exempt</td>
<td>exempt (County)</td>
<td>exempt (County)</td>
</tr>
<tr>
<td>4,500 sf single family unit</td>
<td>-</td>
<td>$14,789</td>
<td>0.126</td>
</tr>
<tr>
<td>8,000 sf single family unit</td>
<td>-</td>
<td>$40,669</td>
<td>0.261</td>
</tr>
<tr>
<td>12 unit PRD subdivision</td>
<td>7.92</td>
<td>3.129</td>
<td>3.129</td>
</tr>
<tr>
<td>90 – 850 sf, 2 bedroom apartments</td>
<td>20</td>
<td>2.490</td>
<td>2.490</td>
</tr>
<tr>
<td>Replace 8 mobile homes w/ 12 appts.</td>
<td>0.889</td>
<td>$359,092</td>
<td>0.332</td>
</tr>
</tbody>
</table>

**K 6.3.3.A Phase the mitigation requirement in at 65% of the amount proposed now escalating to fully calculated need upon Nexus Study Update in 2020**

This proposed modification respects the November direction, but phases the requirement in to lessen the impact. Staff does not find the intent of the modification realistic for two reasons. First, the current Council and Board cannot bind the 2020 Council and Board. Second, even at 65% of the proposed requirement, the increase would be significant enough that it would take more than 2 years for the market to adjust to the new sideboards, only have them move again. It is also worth noting that there will be a “run-on-the-bank” at each step. Staff is aware that many architects have been offered “whatever it costs” to get a building permit in by July 2.

**Council and the Board** discussed the importance of the indicators in evaluating the impact of these updates. Discussion of triggers for future action was deferred to the discussion in #K61 of updates to the Nexus Study and in-lieu fees.
<table>
<thead>
<tr>
<th>Proposed Modification</th>
<th>Rec/Direction</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>15</strong> General</td>
<td>Make content neutral editorial and clarifying changes as identified</td>
<td>As the draft LDRs are reviewed and updated, edits beyond those explicitly identified will be needed. Staff will make such edits when they do not affect the content of requirements. For example, confirm the correct name of the fund in which the in-lieu fees are placed. Edits made include addition of the Housing Directors roles to Division 8.10. Duties and Responsibilities, and renaming the fund into which in-lieu fees are paid to match the existing fund names.</td>
</tr>
<tr>
<td><strong>16</strong> General</td>
<td>Make edits to implement the housing mitigation LDRs in the new Character District 3-6 zones.</td>
<td>Concurrently with review of the housing mitigation requirements the Town is updating the zoning in Character Districts 3-6. Changes made to the District 3-6 zoning may affect where and how the housing mitigation regulations are cross-referenced. Such changes will not affect the housing requirements, only how they are implemented. The primary edit made to implement this modification direction is the exemption of apartment units in the NL-5 because they are subject to the same occupancy restriction as an ARU.</td>
</tr>
<tr>
<td><strong>17</strong> General</td>
<td>Make any additional modifications required by legal review</td>
<td>While an initial legal review has been complete any additional, legally necessary modifications identified as the requirements are revised should be incorporated.</td>
</tr>
<tr>
<td><strong>18</strong> 6.3.1.B</td>
<td>Add a finding related to job growth outpacing housing growth</td>
<td>The legislative findings focus on affordability as the primary factor impacting the availability of workforce housing but even without the affordability issue, the rate of job growth compared to housing growth would indicate a housing shortage.</td>
</tr>
<tr>
<td><strong>19</strong> 6.3.2.B.2</td>
<td>Define “substantially amended”</td>
<td>The proposed modification is unnecessary. “Substantial amendment” is already defined in the text of 6.3.2.A.2. The definition is the last sentence prior to the example, “A substantial amendment is any amendment that would increase the amount of affordable workforce housing required. Staff does not recommend adding the definition to Article 9 because the definition is specific to 6.3.2.A.2 and should not be construed as intended to apply to other LDRs.</td>
</tr>
<tr>
<td><strong>20</strong> 6.3.2.C</td>
<td>Delete all exemptions except those legally required.</td>
<td>The November policy direction included a specific list of exemptions. The March 16 draft reflects that direction. One of the policy alternatives (Alternative 8A) considered in November was to only include the exemptions that were legally required. That alternative had support in the online survey, but was not recommended by staff, the Planning Commissions, or the elected bodies.</td>
</tr>
<tr>
<td><strong>21</strong> 6.3.2.C</td>
<td>Add an exemption for change of use within an historic structure and further incentivize historic preservation by exempting additional floor area equal to the floor area in the historic structure retained on-site</td>
<td>Council and the Board have each expressed interest in historic preservation incentives. The proposed affordable workforce housing requirements represent a potential barrier to historic preservation. The change of use exemption encourages the continued use of historic buildings. The exemption to keep historic structures on site is to encourage that historic structures not only be saved, but saved in their historic location. While the historic structure exemptions will increase the amount of housing required to be provided by other tools staff recommends the exemption as a necessary part of encouraging another community goal – historic preservation.</td>
</tr>
<tr>
<td>Proposed Modification</td>
<td>Rec/Direction</td>
<td>Discussion</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>------------</td>
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</tbody>
</table>
| # 6.3.2.C | Add an exemption for temporary uses | A A A | By definition a temporary use only exists for a finite period of time and would not generate year-round, fulltime employees. Temporary uses should have been exempted in the draft requirements based on the November policy direction. The temporary use Section of the LDRs needs to be updated, but it’s other shortcomings to not change the logic relative to the housing requirement. 

**Council and the Board** also identified a need to update the temporary use standards. |
<p>| 23 6.3.2.C | Add an exemption for entrepreneurial nonresidential development | D D D | An exemption for entrepreneurial development already exists in the form of the home business and home occupation exemptions that are part of the accessory use exemption. Most entrepreneurial businesses start at home or in existing space where no requirement would apply. At the point that the business is buying commercial property and developing space it has grown to the point that provision of workforce housing is appropriate. |
| 24 6.3.2.C.6 | Add an exemption for replacement of a unit destroyed by natural disaster that is similar to the equivalent exemption for nonconformities | A A A | The standards governing nonconforming structure require that a nonconforming structure destroyed by natural disaster may be replaced if a sufficient application for the replacement is received within 18 months. An equivalent exemption for replacement of an existing employee generating development destroyed by natural disaster is appropriate. |
| 25 6.3.2.A.1 | Give a landowner credit for any use existing prior to 1995 or legally established since 1995, but place the burden on the land owner to prove existence of a prior use. | A A A | The November policy direction was for staff to explore applying the housing requirement to redevelopment. Because any development that has already provided mitigation must be exempt, staff proposed requirements for the redevelopment of employee generating development that had not previously provided mitigation, which is primarily development that existed prior to any housing requirements (1995). For nonresidential use staff recommended replacement of a preexisting uses abandoned for longer than 12 months be required to mitigate. The current regulations give a landowner credit for the use that existed in 1995 and any mitigation provided since. To maintain consistency in the regulations staff supports maintaining the credit allowance, but does recommend a landowner burden of proof standard similar to the standard proposed in the modification, which would mirror the standard for proving a nonconformity. |
| 26 6.3.2.A.1 | Clarify that the 12 month abandonment rule does not apply to previously mitigated space. | A A A | For residential use staff recommended that any replacement be required to mitigate. The example used in the November discussion was the razing of a mobile home park to build an apartment building. Replacement of one detached single-family home with another was not discussed. Staff supports allowing such a replacement. (Additional floor area would still require mitigation.) |
| 27 6.3.2.A.1 | Exempt existing single-family floor area when replacing single-family with single family. | A A A | |</p>
<table>
<thead>
<tr>
<th>Proposed Modification</th>
<th>Rec/Direction</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td># Sec.</td>
<td>Proposed Modification</td>
<td>Staff</td>
</tr>
<tr>
<td>28</td>
<td>6.3.2.C.5</td>
<td>Delete the County exemption for a 2,000 sf single-family unit</td>
</tr>
<tr>
<td>29</td>
<td>6.3.2.C.5</td>
<td>Increase the County exemption for a detached single family unit from the 2,000 sf proposed to the current 2,500 sf; and add exemption in Town</td>
</tr>
<tr>
<td>30</td>
<td>6.3.2.C.5</td>
<td>Reduce the single-family unit exemption to 1,500 sf</td>
</tr>
<tr>
<td>31</td>
<td>6.3.2.C.5</td>
<td>Clarify how the single-family unit exemption applies in general and how it applies to an addition that pushes an existing unit over the threshold</td>
</tr>
<tr>
<td>32</td>
<td>6.3.2.C</td>
<td>Add an exemption for apartments if they remain apartments</td>
</tr>
<tr>
<td>33</td>
<td>6.3.2.C</td>
<td>Reduce the requirement on smaller residential projects</td>
</tr>
<tr>
<td>34</td>
<td>6.3.2.C</td>
<td>Expand the small unit exemption to attached single-family units and apartments under 450 sf for a studio, 675 sf for a 1-bed, 975 sf for a 2-bed, and 1,175 sf for a 3-bed.</td>
</tr>
</tbody>
</table>

The November policy direction was to include an exemption for County single-family homes less than 2,500 square feet (or a lower threshold). In providing that direction Council and the Board considered staff’s recommendation of no exemption for single-family homes and the Planning Commissions’ recommendation of an exemption for Town and County single-family units under 2,500 sf. The proposed requirements exempt detached single family units in the County that are under 2,000 sf. Given the split direction from the Town and County in November, staff continues to recommend no exemption for any single-family home, unless a deed restriction is recorded on the unit. A landowner who places a workforce restriction on their property would be exempt. That restriction could be removed at the time the property is sold if housing mitigation is provided at that time.

The Planning Commissions affirmed their recommendation from October that that single-family units under 2,500 sf are typically occupied by the workforce and should be exempt, just like a unit with a workforce deed-restriction would be. The Planning Commission finds that it is the larger units that are more likely to be second homes.

*If the exemption is retained, staff would recommend clarifying how the exemption works. Staff’s intent is that any unit proposed to remain under the threshold is exempt. Any unit that is proposed to be over the threshold is subject to the requirement of the proposed size minus the requirement that would apply to the existing size. For example, a 1,700 sf home being expanded to a 2,700 sf home would be required to mitigate for the 1,000 sf difference. A 4,500 square foot home on a vacant lot would be required to mitigate for the entire 4,500 sf.

The Board continues to support an exemption for small single family development because it provides workforce housing. The Board found that that reducing the current requirement to 2,000 sf would only cause confusion. Council continues to find that given the sliding scale on residential development, there should not be an exemption for smaller units.

The November policy direction specifically addressed removing the apartment exemption due to the significant decrease in the requirement for large apartment buildings. The requirement on a 90 unit apartment building is currently that 18 of the units would have to be restricted. The proposed requirement is that 2 of the units would have to be restricted. The policy direction considered staff’s October recommendation to remove the existing exemption in place for large apartment buildings and the Planning Commissions’ October recommendation to retain the exemption.

Modification #34, recommended by the Planning Commission, was proposed at the meeting as a more specific alternative to Modification #33. The Planning Commissions continue to support some exemption for small apartment units, but recommended a small unit exemption rather than the existing exemption that applies to an entire building. However, the unit sizes used in the Planning Commissions’ recommendation are from the current Town exemption.

As discussed above, staff recommends no exemption for any single-family unit.
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<tr>
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<tbody>
<tr>
<td>35 6.3.2.C.11</td>
<td></td>
<td>Exempt bed and breakfast with the rest of the accessory uses</td>
</tr>
<tr>
<td>36 6.3.2.C.14</td>
<td></td>
<td>Delete the exemption for employee generating development in the public/semi-public zone.</td>
</tr>
<tr>
<td>36 6.3.2.C</td>
<td></td>
<td>Add an exemption for Daycare and early childhood education and make other education uses an independent calculation</td>
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<tr>
<td>37</td>
<td>6.3.2.C.15</td>
<td>Remove the Alta exemption.</td>
</tr>
<tr>
<td>38</td>
<td>6.3.2.C.15</td>
<td>Replace the Alta exemption with a requirement that the amount of housing required west of the Tetons is only 25% of the requirement calculated in Section 6.3.3.</td>
</tr>
<tr>
<td>39</td>
<td>6.3.3.A</td>
<td>Increase nonresidential mitigation from 43% to 100%</td>
</tr>
<tr>
<td>40</td>
<td>6.3.3.A</td>
<td>Simplify the residential requirement calculations to not include an exponential equation.</td>
</tr>
<tr>
<td>41</td>
<td>6.3.3.A</td>
<td>Amend the denominator in the second part of the residential calculation from 2.414 to 2.176 to correct error.</td>
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<tr>
<td>42 6.3.3.A</td>
<td>Adopt a ministorage requirement that is based on Tim Bradley's employee generation numbers, but otherwise utilizes industrial data.</td>
<td>A A A</td>
</tr>
<tr>
<td>43 6.3.3.A</td>
<td>Make the Heavy Retail/Service requirement 0.000326, consistent with industrial uses</td>
<td>A A A</td>
</tr>
<tr>
<td>44 6.3.3.A</td>
<td>If office and retail are close enough just make them the same</td>
<td>D - D</td>
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<tr>
<td>45 6.3.3.A</td>
<td>Reduce the requirement for nonresidential development that includes housing on-site</td>
<td>D D D</td>
</tr>
<tr>
<td>46 6.3.3.A.3</td>
<td>Add examples to clarify how additions are calculated.</td>
<td>A A A</td>
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<tr>
<td>47</td>
<td>6.3.3.A.5.a</td>
<td>Clarify that a previously unmitigated vacant lot must provide housing</td>
</tr>
<tr>
<td>48</td>
<td>6.3.3.A.5.a</td>
<td>Require the housing at the time of single-family home construction rather than subdivision.</td>
</tr>
<tr>
<td>49</td>
<td>6.3.3.A.5.a</td>
<td>In order to incentivize smaller buildings, when platting single family lots use the maximum but allow for rebate similar to Energy Mitigation Program if total sf per home comes in at least 20% lower than maximum</td>
</tr>
<tr>
<td>50</td>
<td>6.3.3.A.5.a</td>
<td>Require the housing at sale of single-family lots.</td>
</tr>
<tr>
<td>51</td>
<td>6.3.3.A.5</td>
<td>Require housing at the time a use is established not the time the space is built.</td>
</tr>
<tr>
<td>52</td>
<td>6.3.3.A.5</td>
<td>Develop a single nonresidential requirement that is a weighted average of all uses in a zone.</td>
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### Proposed Modification

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<thead>
<tr>
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<tr>
<td>53</td>
<td>6.3.3.A.6</td>
<td>Exempt basements from the calculation of the amount of housing required</td>
<td>D D D</td>
<td>In November, Council and the Board directed that all development include affordable workforce housing for the year-round, fulltime employees generated, who cannot afford market housing. Basement floor area generates employees, so a basement exemption would be contrary to the policy direction. For the same reason, basement floor area is not currently exempt from the calculation of required housing. If there is a desire to reduce the requirement, the appropriate mechanism is a modification of the amount of housing required, not the introduction of an exemption that is contrary to the rationale of the requirement. For comparison, basements are exempt from Floor Area Ratio (FAR) and maximum building size because those are bulk and scale regulations and basements do not affect bulk and scale. The Planning Commissions’ recommended modification was proposed at the meeting. The Planning Commissions’ believe basement floor area generates fewer employees than above grade floor area. In response to the Planning Commissions’ recommendation, staff notes that the 2013 Nexus Study made no distinction between above grade floor area and basement floor area, therefore any difference in employee generation from basement floor area is already factored into the average employee generation calculated. Also, any non-habitable storage space in a basement is exempt from the housing calculation.</td>
</tr>
<tr>
<td>54</td>
<td>6.3.3.A.6</td>
<td>Only require basements to mitigate at 50% of the requirement for above ground floor area</td>
<td>D A D</td>
<td>This requirement was a carry-over from the existing regulations that is inconsistent with the November policy direction to house year-round, full-time employees.</td>
</tr>
<tr>
<td>55</td>
<td>6.3.3.A.6.c</td>
<td>Delete the application of the requirement to outdoor seating because it is only seasonal and the intent is to mitigate the housing need of year-round employees</td>
<td>A A A</td>
<td>This requirement was a carry-over from the existing regulations that is inconsistent with the November policy direction to house year-round, full-time employees.</td>
</tr>
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<tr>
<td>56</td>
<td>6.3.3.A.8</td>
<td>Remove the local occupancy restriction provision, it is confusing and inconsequential</td>
<td>D A D</td>
<td>The 2013 Nexus Study found 3 significant variables in determining employee generation from residential development: unit size, whether the unit was detached or attached, and whether the unit was locally occupied or not. The local occupancy restriction only requires that the unit be occupied as defined in the Rules and Regulations. That means that there are no income, asset, appreciation, or workforce requirements. It also means that occupancy has to be verified with the Housing Department annually. Making it available makes the regulations more defensible. Section 6.3.3.A.8 can be clarified with an example and better cross referencing to the requirements in the 6.3.3.A table. The Planning Commissions do not find the local occupancy option to be necessary. They find the financial incentive for a detached single-family home to be inconsequential when compared to the cost of clouding title with a deed restriction. However, staff notes that while the local occupancy restriction may be rarely used for detached single-family (it only represents a $2/sf savings on an 8,000 sf house), it has a much more significant impact on condo, townhouse, and apartment development (nearly halving the requirement on larger units). The Planning Commissions also find the housing requirements defensible without the addition of a provision that is unlikely to be used. Their recommendation to approve Modification #56 dictated their recommendation on Modifications #57-#60.</td>
</tr>
<tr>
<td>57</td>
<td>6.3.3.A.8</td>
<td>Add examples to clarify local occupancy standard</td>
<td>A D A</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>6.3.3.A.8</td>
<td>Clarify the relationship between the local occupancy definition and the chart on page 5</td>
<td>A D A</td>
<td>The intent of the parenthetical statement was to be clear that an occupancy only restriction, as required pursuant to Section 6.3.3.A.8 to achieve the lower residential requirement, did not meet the exemption. In order to clarify that it was not intended to modify the exemption for Housing Trust and Habitat projects it should be moved to its own subsection.</td>
</tr>
<tr>
<td>59</td>
<td>6.3.2.C.1</td>
<td>Clarify that the statement that a unit subject to only a local occupancy restriction is only meant to clarify the local occupancy standard.</td>
<td>A D A</td>
<td>The intent of the parenthetical statement was to be clear that an occupancy only restriction, as required pursuant to Section 6.3.3.A.8 to achieve the lower residential requirement, did not meet the exemption. In order to clarify that it was not intended to modify the exemption for Housing Trust and Habitat projects it should be moved to its own subsection.</td>
</tr>
<tr>
<td>60</td>
<td>9.5.L 9.5.N</td>
<td>Remove the definitions of local occupancy and non-local occupancy from the definitions article because the only apply to 6.3.3.A</td>
<td>A A A</td>
<td>Local occupancy and non-local occupancy are terms specific to Section 6.3.3, which are defined in that section and do not need to be in the Definitions article where they might be applied to standards other than 6.3.3.</td>
</tr>
<tr>
<td>61</td>
<td>6.3.3.A.10</td>
<td>Specify the intent and timing for regularly updating the underlying data and the methods to use.</td>
<td>D D D</td>
<td>Section 6.3.3.A.9 already establishes an intent, method, and timing for updating the data underlying the requirements. The intent is to determine the need for affordable workforce housing. The methods are based on the Nexus Study. The timing is every five years. The 2013 Nexus Study is being revised to reflect changes to the calculations that resulted from the November policy direction and updated data. The revised Nexus Study that reflects the adopted regulations will be complete by adoption. Council and the Board confirmed that while the Nexus Study is updated every 5 years to update the survey of employees per square foot and overall affordability, the in-lieu fee is updated every year (6.3.5.D.5.c) to reflect changes in the cost of construction and local median income.</td>
</tr>
<tr>
<td>#</td>
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<td>Staff</td>
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<tr>
<td>62</td>
<td>6.3.3.B</td>
<td>Clarify when and why the independent calculation can or should be used</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>63</td>
<td>6.3.3.B.1.b</td>
<td>Clarify the applicability of the independent calculation requirements to the calculation of a requirement for a Planned Resort (Sec. 4.3.1.F.6)</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>64</td>
<td>6.3.3.B.3.b</td>
<td>Clarify that variation of “B” (the number of post-construction workers generated) should take into account dual seasonal full-time post-construction jobs.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>65</td>
<td>6.3.3.B.3.a</td>
<td>Allow variation of “X” (workers per household) and “Y” (worker households who can afford market housing) using industry specific, not business specific, data, if A or B is being varied</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>66</td>
<td>6.3.3.B.3.a</td>
<td>Do not allow an alternate value for “C”.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>67</td>
<td>6.3.3.B.3.a</td>
<td>Allow an alternate value for “D”.</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

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<tr>
<td>68</td>
<td>6.3.4.A</td>
<td>Allow more flexibility in the types of housing units allowed to meet the requirement</td>
<td>D A D</td>
<td>The proposed requirements, the residential unit types not allowed as required workforce housing are Mobile Home, Dormitory, and Group Home. (Live-Work is being deleted as a separate use as part of the District 3-6 Zoning update.) Mobile Homes are not allowed because they are a use that is only allowed where they already exist. Unless that changes in the zoning it would be inconsistent to allow them to meet a mitigation requirement. Dormitories are typically a seasonal housing type and because the November policy direction is that required housing be for year-round employees they do not make sense as an allowed housing type for mitigation. Group Homes have a specific institutional component that is inconsistent with use as housing mitigation. The Planning Commissions find that preemptively allowing mobile homes as mitigation would enable their use as mitigation if they ever become allowed in more zones. The Planning Commissions also find that dormitories represent a viable year-round employee housing option, but would not want to see it be the only type of unit built so recommends limiting the ability to use dorms to only larger projects. Similarly, the Planning Commissions recommend that tiny homes should be enabled in anticipation that tiny home incentives will become a part of the LDRs in the future. Tiny homes in the context of the Planning Commission discussion refer to small units that meet the building code. Such units are already allowed as mitigation because they would be considered detached single-family units, but do not currently have any special allowances in the LDRs. Specific acknowledgment of small units would create confusion until an actual tiny home incentive exists. While Council and the Board agree with staff’s recommendation related to these updates, Council is interested in coming back to the mobile home, tiny home, and dormitory standards when they revisit those zoning allowances, which they have already committed to do through the District 3-6 zoning update.</td>
</tr>
<tr>
<td>69</td>
<td>6.3.4.A</td>
<td>Allow mobile homes to meet requirement</td>
<td>D A T</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>6.3.4.A</td>
<td>Allow tiny homes to meet requirement</td>
<td>D A T</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>6.3.4.A</td>
<td>Allow dormitories to meet requirement if requirement is over 8 units.</td>
<td>D A T</td>
<td>The November policy direction is that the type of units provided should be based on actual income distribution and a minimum bedrooms per employee to ensure the required housing is provided. The combination of these two requirements has always been a complex part of the housing requirements. The proposed bedroom allocation ensures the generated employees are housed while avoiding case-by-case review of the bedroom mix. The calculator handles the distribution so that there is no ambiguity in the relationship between the two requirements. Staff’s experience is that the proposed allocation requirements will be simpler to administer in the long-run even if they make for a longer LDR.</td>
</tr>
<tr>
<td>72</td>
<td>6.3.4</td>
<td>Simplify the requirement for the types of housing units required</td>
<td>D D D</td>
<td></td>
</tr>
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<tr>
<td>73</td>
<td>6.3.4.B</td>
<td>Remove the income categories, just require a workforce restriction on required housing</td>
<td>D D D</td>
<td>The November policy direction is to mitigate for the entire income range of households that cannot afford housing, but focus the requirements on the lower income households with a greater need. The allocation of affordability restrictions represents the distribution of households making less than 200% of median income. The allocation of income categories ensures the requirements focus on the lower income households. If the public is going to provide the lowest income units it means that it will take more public money for the public to provide its portion of supply. The Planning Commissions discussed the Grove development as an example of how hard it is to subsidize low income units. They believe that if the public sector cannot finance such projects without accessing state and federal funding, it is unrealistic to expect the private sector to finance such projects. The modification regarding distribution was proposed after the Planning Commissions’ meeting. The proposed regulations utilize Census data to distribute the requirement across all households making less than 200% of median income. The Census data includes non-workforce households. The 2014 Needs Assessment was based on a survey of residents. It may be more representative of the workforce, but the survey was not limited to the workforce. It found more households to be in the 80-120% of median income range than the Census does. A third data point is the data from the Housing Department’s application forms, which shows a distribution mostly concentrated in the 50-120% of median income range, but that is to be expected given that range accounts for the majority of Housing Department programs. Given the variability in the available data, staff recommends use of the Census distribution until a reliable method of looking at only workforce households is available. Council and the Board find that the concept represented by #75, to use the best available data, is the right approach. In implementing #75, staff used Census household median income data compared to Census household data instead of HUD family median income data compared to Census household data. The result is a Census-based answer that matches 2014 Needs Assessment and is available without custom survey work.</td>
</tr>
<tr>
<td>74</td>
<td>6.3.4.B.1</td>
<td>Remove the requirement that any of the units be for household earning less than 50% of median income – housing those households is the government’s role</td>
<td>D A D</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>6.3.4.B.2</td>
<td>Redistribute the allocation based on the 2014 Needs Assessment instead of the Census data in order to better represent workforce households</td>
<td>D - A</td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>6.3.4.B.1</td>
<td>Remove requirement that units affordable to households making less than 80% of median income have to be rental</td>
<td>D D D</td>
<td>The requirement that units affordable at less than 80% of median be rental has a number of purposes. First it addresses the Housing Action Plan identification of low income rental as one of the greatest needs in the community. It also provides incentive for households to move up to higher income units when they are able so that there is more turnover of the lower income units. The downside of the requirement is that it mandates a unit type within a development that may not be consistent with the rest of the development. The way the rental restrictions work is that the units cannot be owner occupied, but the owner selects the tenant from the applicants who have qualified with the Housing Department. Still, developers who are condominiumizing the rest of a project or do not want to be a residential landlord may be less inclined to build units onsite given the requirement. Staff believes that the downside will be addressed by clarifications to the rental deed restrictions and improvements to the qualification process. A developer who wants to sell a rental unit could still sell it to a business owner looking for employee housing or an investor looking for a rental property.</td>
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<tr>
<td>77</td>
<td>6.3.4.C</td>
<td>Remove the bedroom allocation schedule and just require that the total employees housed equal 1.8 per required unit based on the employees per bedroom.</td>
<td>D - D</td>
<td>The purpose of the bedroom allocation schedule is to ensure a mix of unit types that represents the housing demand generated by development and the housing demand the Housing Department sees. It also makes for a simpler and more predictable requirement. Removing the schedule will mean the developer chooses the unit size and the distribution of deed restriction across the chosen unit types is evaluated on a case-by-case basis. The modification was proposed after the Planning Commissions’ meeting.</td>
</tr>
<tr>
<td>78</td>
<td>6.3.4.C</td>
<td>Assume one employee per bedroom in every instance</td>
<td>D D D</td>
<td>The November policy direction is to require an employee per bedroom average that ensures the generated workforce is housed. For example, some 1-bedroom unit are occupied by a single person (1 employee), others are occupied by a couple with only 1 income (1 employee), and others are occupied by a couple with 2 incomes (2 employees). The result is that on average a 1-bedroom unit houses 1.45 employees. As another example, some 3-bedroom units are occupied by 3 unrelated employees, others by a family with one income (1 employee) others by the stereotypical 2 employee, 2 child 4 person household. The result is that on average a 3-bedroom unit has 2.1 employees. The employees per bedroom assumed are based on Census data of the number of employees per household by household size. The employees per bedroom were calculated by a weighted average of the employees per household for all households that would qualify for a unit based on the Rules and Regulations. However, there was a mistake in the 2-bedroom calculation because a couple without dependents does not qualify for a 2-bedroom unit. The Planning Commissions agreed with staff’s discussion and recommendation with regard to 1 and 2 bedroom units. However, the Planning Commissions believe that an employer building a required 3 bedroom unit is likely to rent it to 3 employees not a family and therefore recommends 3 employees be assumed for a 3 bedroom unit.</td>
</tr>
<tr>
<td>79</td>
<td>6.3.4.C</td>
<td>Assume 2.0 employees per 2-bedroom unit to account for the fact that a couple without kids does not qualify for a 2-bedroom unit</td>
<td>A A A</td>
<td>The data does not exist for many of the inputs into the calculations to differentiate between studio and one bedroom units.</td>
</tr>
<tr>
<td>80</td>
<td>6.3.4.C</td>
<td>Assume 3.0 employees per 3-bedroom unit instead of 2.1</td>
<td>D A D</td>
<td>It is true that 60% of households would not qualify for a 2 or 3 bedroom unit; and Housing Department applications mirror household demographics. However, pursuant to November direction, the allocation of unit sizes (in bedrooms) is set to ensure housing supply is provided for the employees generated. As a result the allocation is based on Census data that establishes the number of employees per household, not the number of people per household. A shift to 60% 1-bedroom units would under supply housing for the number of employees generated. However, a shift to 40%-40%-20% would supply an adequate amount of housing for the employees generated, while providing more one-bedroom product, which is in highest demand.</td>
</tr>
<tr>
<td>81</td>
<td>6.3.4.C</td>
<td>Differentiate between a one bedroom and studio</td>
<td>D D D</td>
<td>The Planning Commissions support the staff recommended approach to amending the allocation, but note that their allocation will be weighted even more toward 1-bedroom and/or 2-bedroom units because of their recommendation to assume 3 employees per three bedroom unit (Mod. #80).</td>
</tr>
<tr>
<td>#</td>
<td>Sec.</td>
<td>Proposed Modification</td>
<td>Rec/Direction</td>
<td>Discussion</td>
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</tr>
<tr>
<td>84</td>
<td>6.3.4.C</td>
<td>Include a minimum square footage requirement for each unit size</td>
<td>D D D</td>
<td>The November policy direction specifically provides that minimum square footages not be included in order to provide flexibility for good design. That direction was based on the Planning Commissions’ recommendation. Minimum square footage requirements have been removed from the proposed Rules and Regulations as well.</td>
</tr>
<tr>
<td>85</td>
<td>6.3.4.E</td>
<td>Remove the ability of the Housing Department to fundamentally and materially revise rules over time.</td>
<td>D A D</td>
<td>The Housing Department Rules and Regulations are adopted by the Board of County Commissioners and Town Council through the same process as the LDRs (except that there is no Planning Commission review). Town first reading and notice of County review was approved April 11. Second reading was approved June 25, and Third reading and adoption is scheduled for July 2. The Housing Department has administrative authority to revise templates and otherwise administer the Rules and Regulations the same as any other agency of the Town and County, but cannot amend the Rules and Regulations. The Rules and Regulations include livability standards that the Housing Department enforces, but do not grant the Housing Department design review authority. The Rules and Regulations apply to any unit generated by the LDRs whether by requirement or incentive. The Planning Commissions find a deed restriction to be a contract, which is a 2-sided agreement, and do not support requiring a developer to be subject to a deed restriction for which the terms could change with a change in the Council and Board. With regard to Modification #86, the Planning Commissions clarified that the modification would be to delete subsections b and c.</td>
</tr>
<tr>
<td>86</td>
<td>6.3.4.E.2</td>
<td>Clarify that the Rules and Regulations are established by the Town Council and Board of County Commissioners.</td>
<td>A A A</td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>6.3.4.E.2</td>
<td>Clarify that the Rules and Regulations establish livability standards, but do not authorize the Housing Department to approve design and building materials</td>
<td>A A A</td>
<td></td>
</tr>
<tr>
<td>88</td>
<td>6.3.5.B</td>
<td>Allow for market creativity in proposal of new methods for meeting the housing requirement.</td>
<td>D D D</td>
<td>The November policy direction is that any method of meeting the housing mitigation requirement that is not identified in the LDRs be prohibited. Adding that prohibition ensures that all methods equitably provide the required housing. Allowing proposal of new methods on a case-by-case basis erodes the consistency and defensibility of the requirements.</td>
</tr>
<tr>
<td>89</td>
<td>6.3.5.B</td>
<td>Allow an on-site ARU to count as mitigation for a residential unit, without requiring a deed restriction on the ARU</td>
<td>D D D</td>
<td>An ARU without a deed restriction must be rented to a member of the workforce if it is rented. But it can be also be used as a guest house and sit vacant most of the year, or be occupied by family member of the occupant of the principal unit. Unless the ARU is restricted it should not count as fulfilling the housing requirement. That said, an ARU that is restricted can fulfill the housing requirement.</td>
</tr>
<tr>
<td>90</td>
<td>6.3.5.B</td>
<td>Remove land conveyance as an option, it is unlikely to be used and complex</td>
<td>D - D</td>
<td>The November policy direction clearly defined the order of priority, consistent with the staff and Planning Commissions’ October recommendations. Prioritizing construction represents the greatest opportunity to construct units at an economy of scale. Land conveyance, if it were ever feasible represents the next quickest path to new units to meet the new demand from development. The modifications were proposed after the Planning Commissions’ meeting.</td>
</tr>
<tr>
<td>91</td>
<td>6.3.5.B</td>
<td>Incentivize banking of units by making it a higher priority</td>
<td>D - D</td>
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<td>#</td>
<td>Sec.</td>
<td>Proposed Modification</td>
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</tr>
<tr>
<td>92</td>
<td>6.3.5.B</td>
<td>Allow real estate transfer fee as a mitigation option</td>
<td>D - D</td>
<td>Transfer fees make the most sense for a large residential subdivision where a lot of small individual fees over time would produce more housing than a one-time fee up front. The zoning is not set up to allow large residential subdivisions and the long-term difficulties in managing existing transfer fees has outweighed many of the long-term benefits. The modification was proposed after the Planning Commissions’ meeting.</td>
</tr>
<tr>
<td>93</td>
<td>6.3.5.B.1</td>
<td>Add a cross-referenced list of the housing tools that exist in the LDRs that could be used to provide the required housing.</td>
<td>A A A</td>
<td>A list of the tools available to meet the requirement such as the “fill-the-box” floor area exemption in Town and ARU allowances in the Town and County can be added to encourage developers to use the tools available in the LDRs for their intended purpose.</td>
</tr>
<tr>
<td>94</td>
<td>6.3.5.C</td>
<td>Make the findings for proving impracticality more strict.</td>
<td>D D D</td>
<td>The presence of findings increases the predictability and rigor of the requirements over the current requirements. It would be difficult to make the findings stricter and still account for the realities of development. Staff does not recommend making the findings stricter, but agrees that the</td>
</tr>
<tr>
<td>95</td>
<td>6.3.5.C.2.a</td>
<td>Delete reference to consistency with the Comprehensive Plan as that evaluation is overbroad</td>
<td>A A A</td>
<td>Comprehensive Plan reference in 6.3.5.C.2.a opens an overbroad evaluation at a higher policy level than should be discussed in evaluating a single application.</td>
</tr>
<tr>
<td>96</td>
<td>6.3.5.C.1</td>
<td>Allow any requirement under 2 units to go straight to fee-in-lieu</td>
<td>D A D</td>
<td>It would take about 2,000 sf of commercial or 3,000 sf of industrial to generate a requirement of over 1 unit, as the regulations are drafted. At that level of construction there may be opportunity to construct a unit, and if not the applicant can demonstrate why it is impractical through the findings. The November policy direction is to prioritize construction of units by the developer because that is the most efficient use of zoning allowances and construction resources, while also providing the housing supply concurrently with the housing demand. The Planning Commissions find that, given the cost of construction, it is unreasonable to expect construction until there is an economy of scale of at least a 2 unit requirement.</td>
</tr>
<tr>
<td>97</td>
<td>6.3.5.D.2</td>
<td>Require that the land conveyance utilize the Town/County deed template</td>
<td>A A A</td>
<td>Issues have arisen in the past when developers draft their own deeds to convey land to the Town/County. This requirement would make it clear that the conveyance must use the Town/County templated to avoid case-by-case negotiation as to the form of the conveyance.</td>
</tr>
<tr>
<td>Proposed Modification</td>
<td>Rec/Direction</td>
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<tr>
<td># Sec. 98 6.3.5.D.4</td>
<td>Eliminate the requirement that existing units must be less than 15 years old</td>
<td>The 15 year old requirement is in place as a simple way to ensure the existing unit is in relatively good shape. Restriction of existing units is not a preferred method for providing housing mitigation and staff does not recommend relaxing the standard because it is important that if an existing unit is restricted it is in relatively good condition. The Planning Commission finds age to be less important than functionality and livability. They cited many examples of well-maintained units and remodeled units originally built in the 70s that are more livable than cheaply built 15-year old units. They suggested looking into the Assessor’s condition classification as an alternate metric to age. Council and the Board find that looking to standards that ensure livability makes the more sense than a unit age requirement. In implementing the direction, staff utilized the Rules and Regulations livability standards to replace the age requirement.</td>
<td></td>
<td></td>
</tr>
<tr>
<td># Sec. 99 6.3.5.D.5.c</td>
<td>Utilize the middle of the current range of unit sizes in the Rules and Regulations when calculating the fee-in-lieu</td>
<td>The middle of the current range of unit sizes is 650 sf for a 1 bedroom, 900 sf for a 2 bedroom, and 1,150 sf for a 3 bedroom. Those unit sizes are consistent with recent Housing Department developments and ultimately the purpose of the fee-in-lieu is to represent the cost of the Housing Department providing the required units.</td>
<td></td>
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</tr>
<tr>
<td># Sec. 100 6.3.5.D.5.c</td>
<td>Update the fee-in-lieu to reflect cost to construct livable square footage so that it represents the actual cost</td>
<td>The in-lieu fee calculation should represent the cost to the Housing Department of providing the required units. Simplistically that calculation is the cost to construct the unit (land + construction) minus the amount the unit can be sold or rented for. The biggest change proposed is #100. Cost to construct housing in the proposed regulations (and historically) is based on construction cost per square foot of gross floor area, but is then applied to a habitable floor area unit size. Because Housing Department projects typically have gross floor area that is about 1.4 times the habitable floor area, the construction cost used ends up being only about 2/3 what it will cost the Housing Department to construct the units. The increase from modification #100 is somewhat offset by modification #101, which acknowledges that the size of the household in a unit is almost always larger than the number of bedrooms in the unit and that the approved Rules and Regulations require that the occupancy meet or exceed 1 person per bedroom. Increasing the assumed household size per unit size increases the maximum sales/rental price of a unit.</td>
<td></td>
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</tr>
<tr>
<td># Sec. 101 6.3.5.D.5.c</td>
<td>Update the fee-in-lieu to calculate the income for a unit based on HUD income values applied to the housing department applicant pool, instead of assuming only one person per bedroom</td>
<td>Modification #102 has little effect but provides for consistency with the approved Rules and Regulations. The net impact of all of the modifications is an increase in the in-lieu amount of about $90,000 per unit. Meaning that the fee on a 3,000 sf detached single-family unit would go from $17,861 to $25,529.</td>
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<td>1</td>
<td>6.3.5.D.5.g</td>
<td>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 2 years</td>
<td>A A A</td>
<td>The Town has recently begun agreeing to claw-back provisions. For example, recent claw-back agreements allow for the refund of 97% of an in-lieu fee if a unit is provided within 1 year or 95% of an in-lieu fee if a unit is provided within 2 years. The upside of such an allowance is that it encourages developers to provide housing and can be used as a bonding program as well. The downside is that if the Housing Department spends the funds in the in-lieu fee account on a project, where does the refund come from. Ultimately, staff supports developers providing housing. Administration of the in-lieu fee fund and Town/County budget can be planned accordingly.</td>
</tr>
<tr>
<td>1</td>
<td>6.3.5.D.1.a</td>
<td>Allow developers to bond for construction of required housing to build it on their own timeline</td>
<td>A A A</td>
<td>The Planning Commissions clarified the terms of the recent claw-back agreements and recommend those terms moving forward.</td>
</tr>
<tr>
<td>1</td>
<td>6.3.6.B</td>
<td>Remove the requirement for a Housing Mitigation Agreement.</td>
<td>D A D</td>
<td>The Housing Mitigation Agreement provides an extra level of insurance that the Housing Mitigation Plan will be completed. It may not be necessary in all cases, but is another tool in the Town and County’s toolbox to ensure the required housing gets built.</td>
</tr>
<tr>
<td>1</td>
<td>6.3.6.B.2</td>
<td>Allow waiver of the Housing Mitigation Agreement if the requirement is met at the time of approval of the employee generating development.</td>
<td>A - A</td>
<td>The Housing Mitigation Agreement must include the terms of the Housing Mitigation Plan and any conditions of its approval, which would address all relevant provisions. The broad language proposed to be deleted is unnecessary. The Planning Commissions find the Housing Mitigation Agreement to be unnecessarily duplicative with the conditions of approval for the development. They also find it to be one more thing to enforce and ensure remains consistent throughout the years. Given their recommendation to remove the requirement for the Housing Mitigation Agreement, Modifications #106 and #107 are moot.</td>
</tr>
<tr>
<td>1</td>
<td>6.3.6.B</td>
<td>Remove the power for the decision-maker or Housing Department to include in the housing mitigation agreement, “any other provision deemed relevant.”</td>
<td>A - A</td>
<td>The Housing Mitigation Plan for a small project will be simple but a characterization of the proposal, calculation of the requirement, and description of the method of provision is still necessary. A printed version of the calculator will meet the requirements for a simple project that goes straight to fee-in-lieu. The Planning Commissions agrees with the staff recommendation with regard to a Housing Mitigation Plan, as long as it is clear that the calculator will suffice as a Housing Mitigation Plan for simple projects. The portion of the modification regarding Housing Mitigation Agreements is moot given the Planning Commissions’ direction above.</td>
</tr>
<tr>
<td>1</td>
<td>6.3.6.A</td>
<td>Exempt projects allowed to go straight to fee-in-lieu (less than one unit required) from a Housing Mitigation Plan and Agreement</td>
<td>D D D</td>
<td>The Housing Mitigation Plan for a small project will be simple but a characterization of the proposal, calculation of the requirement, and description of the method of provision is still necessary. A printed version of the calculator will meet the requirements for a simple project that goes straight to fee-in-lieu. The Planning Commissions agrees with the staff recommendation with regard to a Housing Mitigation Plan, as long as it is clear that the calculator will suffice as a Housing Mitigation Plan for simple projects. The portion of the modification regarding Housing Mitigation Agreements is moot given the Planning Commissions’ direction above.</td>
</tr>
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<td>Proposed Modification</td>
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<tr>
<td>1 09 9.5.A 9.5.W</td>
<td>Add definitions for affordable housing, workforce housing, and affordable workforce housing to clarify which units require what type of deed restriction and ensure proper usage throughout the LDRs</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>1 10 9.5.E</td>
<td>Amend employee housing definition to identify it as a legacy term or to have meaning as housing the employees of the use</td>
<td>A</td>
<td>A</td>
<td>A</td>
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<tr>
<td>1 11 6.1.3.B (County)</td>
<td>Add a cross reference for housing exemption to 6.1.3.B in the County</td>
<td>A</td>
<td>A</td>
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<td>Proposed Modification</td>
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<td>Proposed Modification</td>
<td>Staff</td>
<td>PC</td>
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<tr>
<td>1</td>
<td>6.3.5.D.1.a</td>
<td>Prohibit a multi-unit residential development from receiving Short-Term Rental approval unit-by-unit.</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>1</td>
<td>6.3.5.D.1.a</td>
<td>Only apply short-term rental conversion limits to new projects</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>1</td>
<td>6.3.5.D.1.a</td>
<td>Allow conversion of a multi-unit residential development to Short-Term Rental if at least enough units come in at once to generate a requirement of one unit.</td>
<td>D</td>
<td>A</td>
</tr>
<tr>
<td>1</td>
<td>6.3.5.D.1.a</td>
<td>Allow conversion of units to Short-Term Rental if the mitigation is provided by new construction.</td>
<td>A</td>
<td>-</td>
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<tr>
<td>1</td>
<td>Beyond Scope</td>
<td>Development should also mitigate for transportation</td>
<td>T</td>
<td>T</td>
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<tr>
<td>1</td>
<td>Beyond Scope</td>
<td>Incentivize density over sprawl. All new development should be required to include a TDM.</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>1</td>
<td>Beyond Scope</td>
<td>Rezone Hog Island and Northern South Park</td>
<td>T</td>
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</tbody>
</table>

There is a significant difference in the housing requirement for a residential unit not allowed to short-term rent and a residential unit also entitled for short-term rental. As a result, there is a significant loss of opportunity for the creation of affordable workforce housing units in a multi-unit building if it is originally approved as a residential unit and then short-term rental entitlement is added unit-by-unit at a later date because the housing requirement on each individual conversion would be less than 1 unit and therefore mitigated by in-lieu fee. Modification #112 would allow for a mix of residential and short-term rental units in a building, but would prohibit piece-meal entitlement. If short-term rental is the plan for a portion of the building the housing required to mitigate that plan should be calculated in a lump to ensure the housing is provided by the developer.

The prohibition of unit-by-unit short-term rental conversion should not apply to existing units in the Lodging Overlay, because at the time they were built the residential and short-term rental requirements were the same.

The Planning Commissions find that for new projects there should be some allowance for conversion, but recommend that the conversion must happen in blocks of units large enough to generate a housing requirement of at least a unit so that there is a greater chance a unit will be provided instead of an in-lieu fee. Staff’s recommended approach is an alternative to the Planning Commissions’, which was developed after the meeting. Staff recommends only allowing conversion of residential units in new projects to short-term rental if the method for mitigation is new construction, either on-site or off-site.

**Council and the Board** support allowing unit-by-unit conversion if mitigation is provided by construction as a way to ensure the difference in the amount of the requirement between the two uses is not manipulated through the approval process to avoid providing units.

A communitywide travel demand management (TDM) program is an upcoming project for 2019. That program will address any transportation mitigation requirements and how development will have to incorporate travel demand management.

Discussions about the vision for Northern South Park and Hog Island will be part of the Growth Management Program review, which is scheduled as a priority for 2019 in the adopted FY19 Work Plan. The adopted Work Plan identifies updating the zoning in those areas as the task to immediately follow the Growth Management Program review.

The Planning Commissions discussed the need for more housing allowances in the County.
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<tr>
<th>#</th>
<th>Sec.</th>
<th>Proposed Modification</th>
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<th>JIM</th>
<th>Discussion</th>
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<tbody>
<tr>
<td>1</td>
<td>19</td>
<td>Allow for a 4&lt;sup&gt;th&lt;/sup&gt; Floor for Workforce Housing</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>The Town is currently discussing zoning and whether a 4&lt;sup&gt;th&lt;/sup&gt; floor in some areas of Town is an appropriate incentive for workforce housing. Staff and the Town Planning Commission recommend not including a 4&lt;sup&gt;th&lt;/sup&gt; floor as one of the incentives for workforce housing. Council will have provided direction on the issue by the meeting. The Town Planning Commission explained its recommendation on the 4&lt;sup&gt;th&lt;/sup&gt; floor as an incentive.</td>
</tr>
<tr>
<td>1</td>
<td>20</td>
<td>Relax parking requirements or provide overnight public parking in Town to make housing development possible</td>
<td>T</td>
<td>T</td>
<td>T</td>
<td>The Town is currently discussing zoning and parking throughout the residential areas of Town. Staff recommends keeping the residential parking requirements as proposed while the Town Planning Commission recommends reducing them. Council will have provided direction on the issue by the meeting. The Town Planning Commission explained its recommendation on parking.</td>
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</tbody>
</table>
# Div. 6.3 Affordable Workforce Housing Standards – Adoption Draft

## 6.3.1 Purpose and Findings

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<td>B</td>
<td>Legislative Findings</td>
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</tr>
<tr>
<td>C</td>
<td>Technical support</td>
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<tr>
<td>D</td>
<td>Authority</td>
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## 6.3.2 Applicability

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<tr>
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<td>Employee Generating Development</td>
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<td>B</td>
<td>Approved Unbuilt Development</td>
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<tr>
<td>C</td>
<td>Exemptions</td>
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</table>

## 6.3.3 Amount of Affordable Workforce Housing Required

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<th>Subsection</th>
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<tbody>
<tr>
<td>A</td>
<td>Requirement</td>
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<td>B</td>
<td>Independent Calculation</td>
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## 6.3.4 Type of Affordable Workforce Housing Required

<table>
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<tr>
<td>A</td>
<td>Unit types allowed</td>
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<tr>
<td>B</td>
<td>Affordability</td>
<td>10</td>
</tr>
<tr>
<td>C</td>
<td>Unit Size - Allocation of bedrooms per unit</td>
<td>11</td>
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<tr>
<td>D</td>
<td>Required components of livability</td>
<td>12</td>
</tr>
<tr>
<td>E</td>
<td>Compliance with Rules and Regulations</td>
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</table>

## 6.3.5 Method for Providing Required Affordable Workforce Housing

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<tr>
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<tr>
<td>A</td>
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<tr>
<td>B</td>
<td>Preferred Methods</td>
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<tr>
<td>C</td>
<td>Priority Method Impracticable</td>
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</tr>
<tr>
<td>D</td>
<td>Standards Applicable to Specific Methods</td>
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## 6.3.6 Housing Mitigation Plan and Housing Mitigation Agreement

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<tr>
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<tr>
<td>A</td>
<td>Housing Mitigation Plan</td>
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</tr>
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<td>B</td>
<td>Housing Mitigation Agreement</td>
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## Additional Standards Outside of Division 6.3

<table>
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<tr>
<td>References to concurrent updates</td>
<td>22</td>
</tr>
<tr>
<td>References throughout the rest of the LDRs</td>
<td>22</td>
</tr>
<tr>
<td>Other Sections to be Amended to Implement this Update</td>
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</table>
Adoption of these standards will repeal Division 7.4 and Division 6.3 and replace Division 6.3 with the following.

6.3.1. Purpose and Findings

A. Purpose

The purpose of these affordable workforce housing standards is to ensure that affordable workforce housing is provided to the local workforce by new physical development, use, development options, and subdivision employee generating development proportionate with the need for affordable workforce housing they create.

B. Legislative Findings

In adopting this Section, the Town Council/Board of Teton County Commissioners finds:

1. A local workforce is a defining feature of community character. An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is the presence of those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community. Maintenance of a local workforce is key to a balanced and sustainable local economy and resilient level of critical service provision.

2. Supply of local workforce housing is limited by affordability. One of the primary factors that historically allowed this special community character in Teton County and the Town of Jackson is that, until the mid-1990s, the cost of housing was affordable to those persons living and working in the community. Beginning in the mid-1980s, a significant second home market emerged in Jackson Hole. These home buyers came from different parts of the country and had substantially higher incomes than the local workforce. They have contributed to a dramatic increase in land and construction costs in the community, resulting in a substantial increase in the price of housing. This increase in housing prices, when coupled with slightly increasing or static local workforce wages (accounting for inflation), has made market-rate housing unaffordable to most of the local workforce, forcing many to move outside the community. Review of state and national census and other wage and labor data demonstrate this trend.

   a. In 1986, median sales prices of homes ($90,000) in Teton County and the Town of Jackson were on target with the affordable housing price for a median income household ($90,667). From that point in time forward, housing prices have increased so that they no longer align with what is affordable to median income households.

   b. By 2000, the median sales price ($565,000) was nearly three times the price that was affordable to a median income household ($196,333).

   c. In 2007, the median sales price ($1,075,000) was approximately four times the price affordable to a median income household ($270,000).

   d. While the Great Recession had an impact on housing prices, even during the downturn housing was never affordable to most of the workforce. In 2012, the median sales price of housing ($853,150) was more than 2.6 times the price that is affordable to a median income household ($320,667).
e. By 2016, the affordability gap had returned to pre-Great Recession levels with the median sales price ($1,130,000) at 3.95 times the price that is affordable to a median income household ($286,000).

3. Local housing supply has not been added at the same rate as local jobs. In conjunction with the decrease in affordability, there is a shortage of local workforce housing because job growth has outpaced housing growth. Since 2000, jobs have grown at an annual rate of 2.1% while the number housing units has only grown at an annual rate of 1.6%.

3.4. As a result, the percentage of the workforce living locally has declined. This phenomenon has resulted in a number of persons employed in the community and their families being forced to move outside the community, to places like Teton County, Idaho and Lincoln County, Wyoming. Estimates indicate that in 1986 approximately 91% of the workforce lived locally. In 1995 this number had decreased to approximately 80%. By 2005, it was 68%. By 2015, it was estimated only 58% of the workforce resided locally.

4.5. The decline in the local workforce has resulted in a deterioration of community character. This decline in the percentage of the workforce living locally has resulted in an impairment of the social, economic, and political fabric of the community, along with the community’s character. Estimates indicate this problem will continue to worsen in the future, unless additional housing is provided within price and rental ranges that are affordable to the workforce. More specifically:

a. A local workforce household is more likely to reinvest socially, civically, and economically in the community. As a greater percentage of the workforce commutes, their children no longer attend schools in the community, they no longer worship in the community, and they no longer express their ideas at the ballot box.

b. A local workforce results in a more balanced and sustainable local economy and resilient provision of critical services. As the community becomes more reliant on commuters, it also becomes more susceptible to weather events that adversely impact the local economy and the provision of critical community services.

c. A local workforce also results in a healthier ecosystem. A commuter workforce generates more traffic than a local workforce, which results in greater impact to wildlife and the environment in general.

d. The lack of local affordable workforce housing opportunities will result in the loss of generational continuity. If there are few housing opportunities available that are affordable to the workforce, there is little chance children who grow up in the community can raise their own families in the community, and continue to support and participate in the civic and social life of the community which they have been a part of their entire lives.

5.6. As a result the community set a workforce housing goal. To address the impacts from this loss of the local workforce, in 2012 Teton County and the Town of Jackson set a goal in the Jackson/Teton County Comprehensive Plan to ensure a variety of workforce housing opportunities exist in the community so that at least 65% of those employed locally live locally.

6.7. To implement this goal, development must provide mitigation for the need for affordable workforce housing it creates. To assist in the implementation of this goal, these standards require new physical development, use, development options, and subdivision employee.
6.3.2 Applicability

For these reasons, these affordable workforce housing standards, are hereby adopted by the Town Council/Board of County Commissioners.

C. Technical support

The technical support and analysis upon which these affordable workforce housing standards are established is based upon The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, which is incorporated herein by reference.

D. Authority

The Board of County Commissioners has the authority to adopt these affordable workforce housing standards in accordance with the Wyoming Constitution, Section 18-5-202 et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

6.3.2. Applicability

These affordable workforce housing standards apply to any employee generating development, unless exempted below.

A. Employee Generating Development.

Employee generating development is a new building or use not currently in existence, as further defined below.

1. Existence. For the purpose of this standard existence shall mean a building or use existing on February 21, 1995, or the building or use legally established since that date with the highest affordable workforce housing requirement. The burden of identifying the existing building or use shall be the responsibility of the landowner. The landowner shall provide the Planning Director photos, permits, licenses, records, or other documentation that establishes the existing building or use. For example, On December 18, 1995 the use of a property was a restaurant/bar. In 2000 the use of the property changed to a retail. In 2010 the use of the property changed to office. The exiting use for the purpose of this standard is restaurant/bar because restaurant/bar use has the highest affordable workforce housing requirement of the legal uses since December 18, 1995. An office space built as permitted in 2004 is considered existing for the purpose of this standard, regardless of the employee mitigation provided in 2004.

   a. This definition of existence shall not apply to an attached single-family unit or apartment for which housing mitigation has not been provided. (It shall apply to other residential uses.) For example: An existing apartment building built prior to 1995 is being razed to build a new apartment building. Because the apartment building being razed

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1 In the Town LDRs, this provision will state:

The Town Council of the Town of Jackson has the authority to adopt these affordable workforce housing standards in accordance with Article 13, Section 1 of the Wyoming Constitution, and Section 15-1-601, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

2 Town date is December 18, 1995
did not provide any affordable housing mitigation when it was built, the new apartment building would be subject to this Division as though the apartment building being razed did not exist.

2. Other types of development. This division only applies to new building and use. A non-building physical development, development option, or subdivision is not employee generating development and not subject to this Division, except that Sec 4.3.1.F.6 requires a Planned Resort Master Plan to include an estimation of the affordable workforce housing that will be required for the entire resort and a housing mitigation plan for the entire resort. For example: This Division does not apply to an application for a single-family subdivision. This Division will be applied to each lot in the subdivision at the time a building permit is submitted.

A.B. Approved Unbuilt Development

1. Approval prior to February 21, 1995. Employee generating development approved prior to February 21, 1995 which has not yet been developed shall also be subject to this Division upon submittal of any required application to complete the development. For example: There is no “credit” for an existing vacant lot. A subdivision completed in 1992 approved construction of a detached single-family unit on each of the lots in the subdivision. Upon application for a building permit to build a unit on one of the lots in the subdivision, this Division shall apply. For example: A Planned Unit Development approved in 2004 approved commercial and residential development on a site, but did not include a specific housing mitigation plan outlining the required number of affordable and employee housing units. Upon application for a development plan, building permit, or use permit under that PUD this Division shall apply.

2. Substantial amendment to prior approval. In addition, this Division shall apply to all employee generating development not completed under an existing approval when that existing approval is substantially amended, regardless of whether the amendment applies to the entire uncompleted portion of the approval, and regardless of the approved Housing Mitigation Plan (or Housing Mitigation Agreement). A substantial amendment is any amendment that would increase the amount of affordable workforce housing required. For example: A Sketch Plan was approved for a three building development and included a Housing Mitigation Plan. Only one building has been built, and only the required housing associated with the built building has been provided. An amendment to the Sketch Plan is proposed to increase the size of one of the unbuilt buildings. The amount of affordable workforce housing required to approve the amendment would be equal to the current requirement for both unbuilt buildings.

B.C. Exemptions

The following are exempt from the standards of this Division.

1. Existing. An existing physical development or use, and maintenance or alteration of an existing physical development or use.

2. Prior approval. Approved employee generating development with an approved Mitigation Plan that is completed pursuant to the approval.

3 Town date is December 18, 1995
3. Replacement. Replacement of an existing physical development, use, development option, or subdivision within 12 months, except for:

4. Any expansion of the existing physical development, use, development option, or subdivision; or

a. Replacement of an existing residential use for which housing mitigation has not been provided. For example: An existing apartment building built prior to 1995 is being razed to build a new apartment building. Because the apartment building being razed did not provide any affordable housing mitigation when it was built, the new apartment building would be subject to this Division as though the apartment building being razed did not exist.

1. Housing Department unit. A residential unit subject to a deed restriction administered by the Housing Department.

5. Affordable Other workforce housing unit. A residential unit subject to a deed restriction administered by the Housing Department, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area; or an apartment in the NL-5 zone. (This exemption shall not apply to an occupancy restriction as defined in the Housing Department Rules and Regulations.)

3. Historic building. Use of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant. In addition, if a historic building is used in its historic location, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt. For example: A 2,000 square foot historic cabin being converted into a restaurant would be exempt from this Division. If the historic cabin has not been moved and is being used as a restaurant in its historic location, another 2,000 square feet of floor area elsewhere on the site are also exempt from this division. If the historic cabin has been relocated from another location, only the cabin itself is exempt.


7. 2,000-2,500 sf local occupancy detached single-family unit. A detached single-family unit (6.1.4.B) of 2,000-2,500 square feet or less, which meets the standards for local occupancy established in 6.3.3.A.8. (Upon expansion of such a unit beyond 2,000-2,500 sf, this Division shall apply to the entire unit.) For example: An 1,800 sf detached single-family unit would be exempt from this Section. A proposal to add 900 sf to the unit would result in a requirement of 0.071 affordable workforce housing units. (0.000017 * 2,700 + Exp(-15.49 + 1.59*Ln(2,700))/2.176 - 0 = 0.071).

6. Replacement after damage by natural disaster. Replacement of an attached single-family unit or apartment that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction. The replacement shall be complete, or an application to complete shall be sufficient, within 18 months of the date of destruction.

8. Mobile home. A mobile home (6.1.4.E) or mobile home park (7.1.4).


County LDRs only
6.3.3. Amount of Affordable Workforce Housing Required

A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

<table>
<thead>
<tr>
<th>Use Proposed</th>
<th>Affordable Workforce Housing Units Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Single-Family Unit (6.1.4.B) (Non-Local Occupancy, A.8)</td>
<td>0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.4142.176</td>
</tr>
<tr>
<td>Detached Single-Family Unit (6.1.4.B) (Local Occupancy, see A.8)</td>
<td>0.000017(sf) + (Exp(-16.14 + 1.59*Ln(sf)))/2.4142.176</td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.C), Apartment (6.1.4.D) (Non-Local Occupancy, A.8)</td>
<td>0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/2.4142.176</td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.C), Apartment (6.1.4.D) (Local Occupancy, see A.8)</td>
<td>0.000017(sf) + (Exp(-14.82 + 1.59*Ln(sf)))/2.4142.176</td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B), Short-Term Rental Unit (6.1.5.C)</td>
<td>0.204 * room</td>
</tr>
<tr>
<td>Office (6.1.6.B), Retail (6.1.6.C), Service (6.1.6.D), Heavy Retail/Service (6.1.6.F), Nursery (6.1.6.H), Amusement (6.1.7.B), Adult Entertainment Business (6.1.7.F)</td>
<td>0.000655-000493 * sf, 0.000573-000431 * sf</td>
</tr>
</tbody>
</table>

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5 Town LDRs only

6 In the Town LDRs, the list will be: the DC, CR-1, CR-2, CR-3, OR, TS, UC, BP, NH-1, NM-2, NM-1, P, and P/SP zones.
6.3.3 Amount of Affordable Workforce Housing Required

<table>
<thead>
<tr>
<th>Use Proposed</th>
<th>Affordable Workforce Housing Units Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant/Bar (6.1.6.E)</td>
<td>0.001589-001197 * sf</td>
</tr>
<tr>
<td>Mini-Storage Warehouse (6.1.6.G)</td>
<td>0.000013 * sf</td>
</tr>
<tr>
<td>Heavy Retail/Service (6.1.6.F), Industrial Uses (6.1.9), Transportation/Infrastructure Uses (6.1.10), Mini-Storage Warehouse (6.1.6.G)</td>
<td>0.000326-000246 * sf</td>
</tr>
<tr>
<td>Outdoor Recreation (6.1.3.C), Developed Recreation (6.1.7.D), Outfitter/Tour Operator (6.1.7.E), Institutional Uses (6.1.8)</td>
<td>0.000698 * sf independent calculation</td>
</tr>
</tbody>
</table>

1. **Schedule and calculator available.** A schedule of the requirement for *employee generating development* of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.

2. **Use not listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed *employee generating development* and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B to determine the requirement.

3. **Expansion.** In the case of an expansion to an existing *physical development, use, development option, or subdivision building or use*, the amount of affordable workforce housing required shall be calculated based only on the *expansion difference between the requirement for the proposed and existing employee generating development*. For example: A *5,000 sf office building proposing to add 1,500 sf would be required to provide 0.74 affordable workforce housing units (0.000493 * 6,500 - 0.000493 * 5,000 = 0.74). A *3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units* ($\text{0.000698 * 3,000 + } \frac{\text{Exp}(-15.49 + 1.59*\text{Ln}(3,000))/2.176 - \text{0.000698 * 3,000 + } \frac{\text{Exp}(-15.49 + 1.59*\text{Ln}(3,000))/2.176}{2.176} = 0.017})$

4. **Change of Use.** In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use. An existing use shall not have been discontinued for longer than 12 months. For example: A proposal to use a *2,000 sf retail space as an office would be required to include 0.124 affordable workforce housing units* ($\text{0.000493 * 2,000 - 0.000431 * 2,000 = 0.124}$)

5. **Estimating use or size.** Where the use or size of the proposal is unknown, the following estimates shall be used:

   a. **Platting vacant single family lots.** For subdivision in the R-1, R-2, R-3, R-TC, S, NC, BC, and AR zones, the maximum habitable floor area allowed above ground on each lot proposed shall be used to calculate the amount of affordable workforce housing required at the time of subdivision. If additional habitable floor area is proposed at the

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2. In the Town LDRs, the list will be: the R, NL-1, NL-2, NL-3, and NL-4 zones.
6.3.3 Amount of Affordable Workforce Housing Required

6.3.3.1 Time of building permit, the additional affordable workforce housing mitigation as required by this Section shall be required at that time.

6.5 Unknown use. For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that use of a Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.

7.6 Sf. In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.

a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.

b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.

c. Other square footage used for commercial activity that are not habitable floor area, such as outdoor seating and sales areas, shall be included in the calculation.

8.7 Room. In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.

8. Local occupancy restriction. The requirement calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, an occupancy restriction as defined in the Housing Department Rules and Regulations shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction, as defined in the Housing Department Rules and Regulations, on a unit shall exempt the unit from any requirement pursuant to 6.3.2.B.4. However, 6.3.2.B.4 does not apply to an occupancy restriction placed to utilize the local occupancy calculation. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy. For example: An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units (3 * (0.000017 * 1,000 + Exp(-14.17 + 1.59*Ln(3,500)))/2.176) = 0.108). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required (3 * (0.000017 * 1,000 + Exp(-14.82 + 1.59*Ln(3,500)))/2.176) = 0.081).

9. Removal of a voluntary restriction. An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.

10. Update requirement regularly. The determination of need for affordable workforce housing shall be evaluated and updated at least every five years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to
The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

1. Applicability

   a. Applicant option. An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.

   b. Unspecified use. The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:

      i. A calculation for the proposed use is not established in Sec. 6.3.3.A; or

      ii. A proposed use does not rely on floor area; or

      iii. The proposal is a Planned Resort estimating housing need pursuant to Section 4.3.1.F.6; or

      iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

2. Calculation Methodology. An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in 6.3.3.A. That methodology is represented by the following equation:

   \[
   \text{Requirement (units per sf/room) = \left[ \frac{A}{30} \times X \times Y \right] + \left[ \frac{B}{X} \times Y \right] + \left[ \frac{C}{X} \times Y \right] + \left[ \frac{D}{WX} \times Y \right]}
   \]

   a. A = the number of construction workers needed to construct one sf/room of the use.

   b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development, these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development, these are the employees who work at the use.

   c. C = the number of fire and emergency medical personnel needed to serve one sf or \#room of the use.

   d. D = the number of law enforcement personnel needed to serve one sf/room of the use.

   e. 30 = the 30 year average career of a construction worker.

   f. X = the average number of workers in the household of an employee in a specific industry.
6.3.4 Type of Affordable Workforce Housing Required

The affordable workforce housing units required by this Division shall comply with the following requirements to ensure their affordability and livability.

A. Unit types allowed.

A required affordable or workforce housing unit shall be a detached single-family unit (6.1.4.B), attached single-family unit (6.1.4.C), apartment (6.1.4.D), or accessory residential unit (6.1.11.B). No other residential or lodging unit type shall be required affordable workforce housing.

B. Affordability.

1. Restriction. Each affordable or workforce housing unit shall be subject to one of the following restrictions.

   a. Less than 50% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.

   b. 50%-80% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.

   c. 80%-120% of Median Income. An affordable rental or affordable ownership restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 80% up to 120% of family median income.

   d. 120%-200% of Median Income. A workforce rental or workforce ownership restriction, as defined in the Housing Department Rules and Regulations, for households making above 120% up to 200% of family median income.

\[ Y = \text{the percentage of workers in a specific industry that cannot afford market housing.} \]

3. Calculation Values. The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.

   a. Values that may be altered. In the equation for independent calculation an alternate value shall only be used for \( A, B, \) or \( CA, B, \) or the \( X \) and \( Y \) values associated with an altered \( A \) or \( B \).

   b. Alternate values. The alternate value proposed shall be calculated using:

      i. Generally recognized principles and methods of impact analysis; and

      ii. Verifiable local information and data; and

      iii. Data that is industry specific rather than business specific; and

      iv. In the case of \( B \), the year-round, including dual-seasonal, post-construction occupancy of the space. For example: A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. “\( B \)” for that use of that space = 7.
2. **Allocation of restrictions.** The above restrictions shall be allocated to the required units in the following order. For requirements above 8-7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.

<table>
<thead>
<tr>
<th>Affordability Restriction</th>
<th>Units Required</th>
<th>&lt;50%</th>
<th>50%-80%</th>
<th>80%-120%</th>
<th>120%-200%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>01</td>
<td>01</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>1</td>
<td>10</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>2</td>
<td>10</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>3</td>
<td>01</td>
<td>0</td>
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</tr>
<tr>
<td></td>
<td>6</td>
<td>2</td>
<td>21</td>
<td>23</td>
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</tr>
<tr>
<td></td>
<td>8</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

a. The Housing Director may adjust the restriction allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.

i. The adjustment shall not reduce the required number of units.

ii. The restriction allocation shall meet the following distribution.

<table>
<thead>
<tr>
<th>Affordability Restriction</th>
<th>Percentage of Required units</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 50%</td>
<td>At least 44.25%</td>
</tr>
<tr>
<td>50%-80%</td>
<td>At least 27.19%</td>
</tr>
<tr>
<td>80%-120%</td>
<td>No more than 23.43%</td>
</tr>
<tr>
<td>120%-200%</td>
<td>No more than 15.13%</td>
</tr>
</tbody>
</table>

3. **Allocation of restrictions by unit size.** To the maximum extent practicable, the allocation of restrictions shall be evenly distributed across all unit sizes.

C. **Unit Size - Allocation of bedrooms per unit.**

The size of the required units, in number of bedrooms, shall be determined in the following order. For requirements above 4-7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Units Required</th>
<th>1 Bedroom or Studio</th>
<th>2 Bedroom</th>
<th>3 Bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>01</td>
<td>01</td>
<td>0</td>
</tr>
<tr>
<td></td>
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<td>7</td>
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</tbody>
</table>

*Assumed Employees per Unit 1.45 1.85 2.0 2.1

1. **Administrative Adjustment.** The Housing Director may adjust the bedroom allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.

a. The adjustment shall not reduce the required number of units.
b. The maximum number of bedrooms in any unit shall be 3.

c. The bedroom mix shall serve the needs of the local workforce.

d. The bedroom allocation shall provide housing for a total number of workers equal to the required number of units times 1.8 workers per unit. The number of workers housed through the proposed bedroom allocation shall be calculated using the employees per unit assumed in the above table.

D. Required components of livability.

Each required affordable or workforce housing unit shall include, at a minimum, the following components of livability as they are defined in the Housing Department Rules and Regulations.

1. A fully equipped kitchen;
2. A fully equipped bathroom;
3. An area for living;
4. An area for sleeping; and
5. An area for storage.

E. Compliance with Rules and Regulations.

Each required affordable or workforce housing unit shall comply with the Housing Department Rules and Regulations.

1. The Jackson/Teton County Affordable Housing Department ("Housing Department") is responsible for administration of any affordable or workforce housing units established in accordance with this Division, as well as other affordable workforce housing units it is directed to administer by the Town Council/Board of County Commissioners.

2. To assist in the administration of this Division, the Housing Department is authorized to establish Town and County have adopted the Jackson/Teton County Housing Department Rules and Regulations, which shall authorize the Housing Department to:

   a. Manage and oversee all affordable and workforce housing units.
   b. Determine the structure and design of the units.
   c. Determine the building materials to be used for the units.
   d. Administer the marketing of the units.
   e. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.
   f. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations shall also include rules addressing:
      i. Renter and buyer non-compliance, which may include but are not limited to requirements for disqualification and prosecution for fraud.
      ii. Seller non-compliance (for initial or subsequent sales), which may include but are not limited to issuance of an affidavit affecting title and prosecution for fraud.
iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney’s fees and other costs associated with the Department’s compliance enforcement.

6.3.5. Method for Providing Required Affordable Workforce Housing

A. Standards Applicable to All Methods

Regardless of the method used to provide the affordable workforce housing required, each required affordable workforce housing unit provided shall comply with the following standards.

1. Type. Each required affordable workforce housing unit shall meet the standards of Section 6.3.4, as well as all other standards of these LDRs and the Housing Department Rules and Regulations.

2. Location. Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing, except that a requirement generated in Alta may be provided west of the Tetons.

3. Phasing. If the employee generating development is approved for phases, the required affordable workforce housing shall be provided in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.

3.A. Deed Restriction. To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction, in perpetuity, and a Housing Mitigation Agreement. More specifically:

a. Deed restriction. The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction, in perpetuity, in a form established and approved by the Housing Department, and included in the Rules and Regulations.

b. Housing Mitigation Agreement. The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the Town/County Attorney.

B. Preferred Methods.

Each employee generating development subject to the requirements of this Division shall provide the required affordable workforce housing by one or a combination of the methods identified below, in order of priority. Alternate methods shall not be proposed.

1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site. Below are LDRs intended to facilitate construction of required affordable workforce housing.

   a. FAR exemption for affordable or workforce housing units. Applies in the WC/DC, CR-1, CR-2, CR-3, OR, NH-1, and NM-2 zones, see the applicable zone/Section 7.8.3.
6.3.5 Method for Providing Required Affordable Workforce Housing

b. **25% FAR Bonus for affordable or workforce housing units.** Applies in the TS, UC, and BP zones, see the applicable zone. ⁸

c. **FAR Increases for more units.** Applies in the AR/NL-5 and NM-1 zones, see the applicable zone.

d. **FAR exemption for ARUs accessory to a nonresidential use.** Applies in the AC, WC, OP, BP, R-1, R-2, R-3, BC, and R zones, see the applicable zone. ⁹

e.e. **Shared parking between nonresidential use and affordable workforce housing.** Applies in all zones, see Section 6.2.2.B.1.

2. Conveyance of land for affordable workforce housing.

3. Utilization of a banked affordable or workforce housing unit.

4. Restriction of an existing residential unit as an affordable workforce housing unit.

5. Payment of an in-lieu fee.

C. **Priority Method Impracticable**

A required affordable or workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making one of the following findings for each higher priority method.

1. **Less than one unit.** An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.

   a. **Exception for change to short-term rental.** In buildings approved under the affordable workforce housing standards in place since July 18, 2018, change of use of a unit from attached-single family or apartment to short-term rental shall be mitigated by construction of the required housing regardless of the amount of the requirement.

2. **On-site provision impractical.** On-site provision of the required affordable workforce housing:

   a. **Is inconsistent with the Comprehensive Plan or LDRs; or**

   b. **Does not comply with other Town, County, State, or Federal laws; or**

   c. **Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.**

3. **Off-site methods not reasonably available.** A good faith effort to provide the required affordable workforce housing units off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:

   a. **No off-site options are for sale that would support affordable workforce housing units at an economically feasible density to provide the amount of affordable workforce housing units required.**

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⁸ Town only
⁹ County only
b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

1. Construction. Construction of required affordable workforce housing units shall comply with the following standards.

   a. Timing. Unless an alternate phasing plan is established in the Housing Mitigation Agreement, each required affordable housing unit shall be reviewed and constructed pursuant to the following standards. If an alternate phasing plan is established, the Housing Mitigation Agreement shall include financial assurances that the construction will occur.

      i. Each required affordable or workforce housing unit constructed shall receive a certificate of occupancy prior to the granting of the applicable certificate of occupancy, or use permit, or subdivision plat for the employee generating development. If the Planning Director approves a performance bond pursuant to Sec. 8.2.11 to meet this requirement, the financial assurance shall be reviewed and updated annually.

      ii. If the employee generating development is approved for phases, the required affordable workforce housing units shall be constructed in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.

      iii. The application to construct the affordable workforce housing shall be sufficient in order for an application for development plan, a building permit or use permit, or building permit for employee generating development to be determined sufficient.

      iv. The approval process for the employee generating development shall occur concurrent with the approval process of the required affordable workforce housing development. [For example: an employee generating development proposes off-site required affordable workforce housing of a scale that requires a development plan. The development plan for the employee generating development shall not be approved until the development plan for the required affordable workforce housing is approved.]

2. Conveyance of Land. Conveyance of land for affordable workforce housing shall comply with the following standards.

   a. Acceptance. Land conveyed shall only be approved and accepted at the discretion of the Town Council/Board of County Commissioners, regardless of the decision maker on approval of the application for the employee generating development that is providing the mitigation.

   b. Conveyance. The conveyance shall utilize the Town/County deed template.
b.c. **Timing.** Land conveyance shall occur concurrently with approval of the development plan, use permit, or building permit, whichever occurs first, unless a different time of conveyance is established in the Housing Mitigation Agreement. If a different time is established, the Housing Mitigation Agreement shall include financial assurances that land conveyance will occur.

c.d. **Amount.** Land conveyed shall be in an amount that allows for economically feasible construction of at least the amount of affordable workforce housing units required under the zoning applicable to the land, at the time of conveyance. The value of the land conveyed shall also be at least equal to the in-lieu fee that would be required.

d.e. **Confirmation of fair market value.** The fair market value of the land conveyed shall be confirmed at the time of conveyance. Fair market value shall be net of any customary real estate commission for the sale of land.

e.f. **Clear title.** Land conveyed shall have clear title, physical and legal access, and be free of any liens.

f.g. **Onsite Infrastructure.** Land conveyed shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available), and other basic services in place to the property line of the land, as applicable. If this cannot be demonstrated, the applicant shall post a bond in accordance with Section 8.2.11, to complete the improvements. (In no event shall the bonded improvements be completed more than one year after the date of conveyance of the land to the Town/County.)

**h. i. Suitability.** Where there is concern about the suitability of soils or other site conditions to support affordable workforce housing, a soils report and/or other reports shall be prepared by an engineer or other consultant deemed qualified by the Town Council/Board of County Commissioners, at the applicant’s expense, stipulating the land is suitable for the type of construction contemplated, stating any special construction techniques necessary for its development.

**h. ii. Use of conveyed land.**

i. Land conveyed shall be used for the development of affordable workforce housing units, and when accepted by the Town Council/Board of Teton County Commissioners shall be conveyed to the Jackson/Teton County Housing Authority for that purpose.

ii. Where it is determined by the Board of County Commissioners and Town Council that the goals of providing affordable workforce housing will be better met through sale of the conveyed land, the conveyed land may be sold by the Jackson/Teton County Housing Authority.

iii. Proceeds from the sale of conveyed land shall be placed in the interest-bearing Affordable Workforce Housing AccountFund. Proceeds from the sale of conveyed land, and any interest accrued from the sale, shall be used for development of affordable workforce housing that meets the standards of this Division, within a reasonable period of time after deposit into the accountfund.

3. **Banked units.**
6.3.5 Method for Providing Required Affordable Workforce Housing

a. **Banking of a unit.** A voluntarily restricted affordable or workforce housing unit may be banked if it complies with the following standards.

i. The voluntarily restricted unit shall not be tied to any requirement in these LDRs.

ii. The deed restriction shall be approved by the Housing Department.

iii. The deed restriction shall identify the unit as a banked unit and require re-recording of the restriction to associate the unit with the employee generating development that utilizes the banked unit.

iv. The unit shall be banked for a maximum of 20 years.

b. **Utilization of a banked unit.** Utilization of a banked unit to fulfill an affordable workforce housing requirement shall comply with the following.

i. The banked unit shall have a deed restriction that complies with Section 6.3.4. (The deed restriction on a banked unit may be amended, if approved by the Housing Department, to meet this requirement.)

ii. Prior to granting of the applicable certificate of occupancy or use permit, approval of the development plan, use permit, or building permit for the employee generating development, whichever comes first, the deed restriction on the banked unit shall be re-recorded to reference the employee generating development it is mitigating. At the same time, the Housing Mitigation Agreement identifying use of the banked unit shall be recorded against the property of the employee generating development.

4. **Restriction of an existing unit.** Restriction of an existing residential unit as an affordable or workforce housing unit shall comply with the following standards.

a. **Age and Condition.** The unit shall be less than 15 years old and shall have been maintained to the standards required by the Rules and Regulations.

b. **Timing.** A restriction approved by the Housing Department shall be placed on the existing unit prior to the granting of the applicable certificate of occupancy, use permit, or subdivision plat for the employee generating development.

5. **Payment of an in-lieu fee.** Payment of a fee in-lieu for affordable workforce housing shall comply with the following standards.

a. **Amount.** The amount of the in-lieu fee shall be proportionate to the need created by the development as established in Sec. 6.3.3 based on the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended. The in-lieu fee amounts shall vary by affordability restriction and number of bedrooms. The current in-lieu fee amounts are included in the Administrative Manual. 10

<table>
<thead>
<tr>
<th>Required In-Lieu Fee per Unit by Unit Size and Income Limit10</th>
<th>1 Bedroom/Studio</th>
<th>2 Bedroom</th>
<th>3 Bedroom</th>
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<tr>
<td>50% of Median Income</td>
<td>$ 191,250314,339</td>
<td>$ 286,200433,608</td>
<td>$ 381,262565,486</td>
</tr>
<tr>
<td>80% of Median Income</td>
<td>$ 143,250259,138</td>
<td>$ 231,300364,102</td>
<td>$ 319,537490,080</td>
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</table>

10 For example: the FY18-FY19 fee in-lieu amounts would be: (FY 19 amounts will be calculated when HUD data becomes available in April)
b. **Fractional amount.** If a fraction of an affordable workforce housing unit is required, the same fraction of the in-lieu fee amount shall be required.

c. **Update.** The **Town Council/Board of Teton County Commissioners** shall update the fee in-lieu amount annually, by Resolution, based on the cost of developing the required affordable workforce housing and the resale value of the required **affordable** workforce housing.

   i. The cost of development shall be provided by the Housing Director to reflect the full development cost of habitable floor area, including land and non-habitable floor area, based on recent past development.

   ii. Unit sizes shall be assumed to be

   1). 1 Bedroom/Studio: **750 sf habitable**

   2). 2 Bedroom: **1,050 sf habitable**

   3). 3 Bedroom: **1,350 sf habitable**

   iii. The maximum sales and rental prices shall be as established by the Housing Department annually pursuant to the Rules and Regulations.

   iv. The capitalization rate for rental units shall be assumed to be eight percent (8%).

d. **Timing.** The in-lieu fee shall be paid prior to the granting of the applicable certificate of occupancy, or use permit, or subdivision plat for the **employee generating development,** whichever occurs first.

e. **Payment.** In-lieu fees collected shall be immediately deposited into the interest-bearing Affordable Workforce Housing Account Fund.

f. **Use of Fees.** In-lieu fees, and any interest accrued from in-lieu fees, shall be used for the development of affordable workforce housing that meets the standards of this Division.

g. **Refund of in-lieu fees.**

   i. **Clawback.** In-lieu fees shall be refunded at the below levels if the required affordable workforce housing is provided by a higher priority method within 2 years.

   a). **Provision within 1 year.** If the required affordable workforce housing is provided by a higher priority method within 1 year of the payment of the in-lieu fee, 97% of the in-lieu fee shall be refunded.

   b). **Provision within 2 years.** If the required affordable workforce housing is provided by a higher priority method within 2 years of the payment of the in-lieu fee, 95% of the in-lieu fee shall be refunded.

   i.i. **Seven year limit.** In-lieu fees shall be refunded upon written request by the current owner of the **development employee generating development** for which in-lieu fees are paid, if the fees are not expended within seven 7 years from the date the fees are paid.

<table>
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<tr>
<th>120% of Median Income</th>
<th>50,130,128,983</th>
<th>124,794,208,316</th>
<th>199,794,323,724</th>
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<tr>
<td>200% of Median Income</td>
<td>0</td>
<td>29,335</td>
<td>35,355,129,552</td>
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6.3.6 Housing Mitigation Plan and Housing Mitigation Agreement

A. Housing Mitigation Plan

An application for physical development, use, development option, or subdivision shall demonstrate compliance with, or exemption from, this Division through a Housing Mitigation Plan.

1. Part of application. The Housing Mitigation Plan shall be a required component of a sufficient application for physical development, use, development option, or subdivision.

2. Review and decision. The decision maker on the application, for which the Housing Mitigation Plan is a part, shall review and make a decision on the Housing Mitigation Plan as part of the review of the application, except that only the Town Council/Board of Teton County Commissioners can accept a proposal to convey land.

3. Contents of Mitigation Plan. The Housing Mitigation Plan shall be in the form of the Housing Mitigation Plan template provided in the Administrative Manual and include the following.

   a. Applicability. A statement that the requirements of this Division apply, or the proposed employee generating development is exempt from this Division in accordance with Sec. 6.3.2, along with an explanation why.

   b. Calculation of Requirement. Calculation of the amount of required affordable workforce housing created by the employee generating development in accordance with Sec. 6.3.3.

   c. Tabulation of unit types. Demonstration how the unit types required by Sec. 6.3.4 will be provided.

ii.iii. Expired approval or permit. An in-lieu fee required for an employee generating development for which approval has expired shall be refunded upon a written request from the current owner of the property for which the fee was paid. Such request shall be submitted to the Planning Director within three months of the date of the expiration.

iii.iv. Written request. In all instances where a refund of an in-lieu fee is available, the current owner must submit proof of ownership of the property and proof of payment of the in-lieu fee.
Proposed method of provision. The method (or combination of methods) by which affordable workforce housing is to be provided in accordance with Sec. 6.3.5. The method of provision proposed shall include the following, as applicable.

- Findings to justify that higher priority methods are impracticable (e.g., construction of affordable workforce housing units, on-site or off-site) if they are not used.
- Location of the proposed units, if applicable.
- The time by which the units or another method of mitigation will be provided.
- A completed Housing Department Deed Restriction Worksheet for each unit.
- Demonstration of compliance with the standards of Subsection 6.3.5.D. for the specific method(s) proposed.
- In the case of construction of units, the application number(s) for the permit(s) to construct the units.
- In the case of a conveyance of land:
  - A topographic and boundary survey of the land to be conveyed.
  - An analysis of the residential development allowed on the land by the current zoning.
  - Evidence that on-site infrastructure needed for development is on the site, or will be timely when it will be provided by the person conveying the land.
  - A title report on the land demonstrating clear title, physical and legal access, any liens, easements, and other information necessary to fully describe the legal status of the land to be conveyed.
  - An appraisal of the fair market value of the land.
- Any additional information or studies determined by the Planning Director to be necessary to demonstrate compliance with Subsection 6.3.5.D.2.
- In the case of restriction of an existing unit, the certificate of occupancy for the unit, and an inspection of the maintenance of the unit to the standards of the Rules and Regulations shall be completed by a qualified professional inspector.
- In the case of payment of an in-lieu fee, calculation of the in-lieu fee amount.

B. Housing Mitigation Agreement

As a condition of approval of the *employee generating development*, the owner of the property on which the *employee generating development* is proposed shall enter into a Housing Mitigation Agreement with the Town/County. The Housing Mitigation Agreement shall include: the approved Housing Mitigation Plan; all terms and conditions of the approval of the Housing Mitigation Plan; and all applicable deed restrictions; and any other provisions the decision-maker or the Housing Department deems relevant.

1. In signing the agreement, the applicant agrees to comply with the terms and conditions of the approved Housing Mitigation Plan and the Housing Mitigation Agreement.
2. The requirement for a Housing Mitigation Agreement may be waived if the required affordable workforce housing is provided prior to approval of the employee generating development.

2.3. The Housing Mitigation Agreement shall be recorded against the property of the employee generating development.

3.4. The Housing Mitigation Agreement shall be in a form acceptable by the Town/County Attorney.

4.5. The Housing Mitigation Agreement shall be amended only in accordance with its original approval.
Additional Standards Outside of Division 6.3

References to concurrent updates

These affordable workforce housing standards are proposed concurrently with updates to zoning in Town and the Housing Department Rules and Regulations. All references in this draft are intended to reference the updated zoning and updated Rules and Regulations.

Zoning Update materials can be found at: https://www.engage2017.jacksontetonplan.com/townzoning

Rules and Regulations Update materials can be found at: https://www.engage2017.jacksontetonplan.com/housingrulesandregulations

References throughout the rest of the LDRs

Throughout the LDRs there are references to Divisions 7.4 and 6.3 and “affordable”, “employee”, and “workforce” housing. All of those references are updated as applicable. All changes are identified in the Ordinance the Town is considering for adoption, and will be identified in the resolution the County considers for adoption on July 16, 2018.

Other Sections to be Amended to Implement this Update

Add “Affordable Workforce Housing Standards (Div. 6.3)” to the list of regulation exemption applicable to agriculture in Section 6.1.3.B.2.d.i of the County LDRs

Delete Division 7.4

Add Section 8.10.10. Housing Director

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Jackson/Teton County Affordable Housing Director by other provisions of the County Regulations/Jackson Municipal Code and the Board of County Commissioners/Town Council, the Housing Director shall have the following authority and duties under these LDRs:

A. To advise and provide technical assistance to the Town Administrator, Planning Director, Planning and Zoning Commission, Board of Adjustment, and Board of County Commissioners/Town Council in regard to the housing issues which may arise during implementation of these LDRs; and

B. To review, consider, and decide the following applications, where the Housing Director or Department is identified as the decision maker:

   a. minor deviation pursuant to 8.2.13.B.2,
   b. formal interpretation pursuant to Sec. 8.6.1,
   c. zoning compliance verification pursuant to Sec. 8.6.2, and
   d. administrative adjustment pursuant to Sec. 8.8.1.

Add 9.2.2.W. The words “Housing Director” shall mean the Jackson/Teton County Affordable Housing Director.

Add 9.2.2.X. The words “Housing Department” shall mean the Jackson/Teton County Affordable Housing Department.
Add to and amend the definitions in Division 9.5 of the LDRs as follows:

**Affordable housing unit.** An affordable housing unit is a unit subject to an Affordable Ownership or Affordable Rental deed restriction as defined in the Housing Department Rules and Regulations.

**Affordable workforce housing unit.** A detached single-family unit, attached single-family unit, or apartment unit that is deed restricted in accordance with Sec. 6.3.4 for the purpose of providing for sale or rental housing that is affordable to those members of the workforce in the Jackson Hole community whose incomes are less than 200% of the median income. Affordable workforce housing is workforce housing that costs 30% or less of the occupant household’s gross income. When used in reference to a requirement to provide affordable workforce housing, the standards for the units required to be provided are established by Division 6.3. See also “affordable housing unit” and “workforce housing unit”, which are specific types of deed-restricted units.

**Affordable.** A term used in conjunction with or with reference to a sale or rental price for a dwelling unit. Affordable housing means a dwelling unit that a household earning 175% or less of the Teton County median family income can purchase with a mortgage payment that does not exceed 30% of its gross household income, or rent with the gross rent and utility payments not exceeding 30% of its the gross household income.

**Banked unit.** A residential unit, on which a deed restriction approved by the Housing Department has been voluntarily been place, which may be utilized within 20-years of placement of the restriction as required housing for employee generating development.

**Employee generating development.** Employee generating development is a new building or New physical development, use, development option, or subdivision not currently in existence as further defined by Sec. 6.3.2.A, unless exempted in accordance with Sec. 6.3.2.B. It is a term describing development that requires provision of affordable workforce housing pursuant to Division 6.3, unless exempt in that Division.

**Employee Housing Unithousing.** A dwelling unit that is restricted to occupation by a person, and that person’s family, employed within Teton County, Wyoming through deed, lease, covenant, or other means1) A unit subject to an Employee Housing restriction as defined in the Housing Department Rules and Regulations, such units were required by Division 6.3 as it existed prior to July 18, 2018. 2) A unit occupied by an employee of a business on the site.

**Local occupancy.** Residential units subject to an occupancy restriction as defined in the Housing Department Rules and Regulations.

**Non-local tenancy.** Residential units not subject to an occupancy restriction as defined in the Housing Department Rules and Regulations

**Workforce housing unit.** A workforce housing unit is a unit subject to a Workforce Ownership or Workforce Rental deed restriction as defined in the Housing Department Rules and Regulations. See also “workforce housing”, which is the broader definition of the concept of workforce housing as it is used in the Jackson/Teton County Comprehensive Plan.

**Workforce housing.** Workforce housing is market and deed-restricted housing occupied by people working locally who would otherwise commute from outside the community. See also “workforce housing unit”, which is a specific type of deed-restricted unit.
ORDINANCE L

AN ORDINANCE AMENDING AND REENACTING SECTION II OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) TO DELETE DIVISION 7.4 AND SECTION 9.5.V, AND AMEND DIVISIONS 6.3, 1.4, AND SECTIONS 1.9.3.B.2, 1.9.3.C.2, 2.2.2.C.2, 2.2.2.D.2, 2.2.3.C.2, 2.2.3.D.2, 2.2.4.C.2, 2.2.4.D.2, 2.2.5.C.2, 2.2.5.D.2, 2.3.1.B.1, 2.3.1.C.2, 2.3.1.D.2, 2.3.2.B.1, 2.3.2.C.2, 2.3.2.D.2, 2.3.30.B.1, 2.3.30.C.2, 2.3.30.D.2, 2.3.13.C.2, 2.3.13.D.2, 3.3.1.C.2, 3.3.1.D.2, 4.2.1.C.2, 4.2.1.D.2, 4.2.2.C.2, 4.2.2.D.2, 4.3.1.D.3, 4.3.1.F.6, 4.3.1.F.11.f, 6.1.3.B.2.d.i.b, 6.1.5.C.2.c, 6.1.11.B.3.c, 6.2.2.B.1, 7.8.3, 7.8.4, 8.10.10, 9.2.2.Y, 9.2.2.Z, 9.5.A, 9.5.B, 9.5.E, AND 9.5.W OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING THE AFFORDABLE WORKFORCE HOUSING REQUIRED TO BE PROVIDED WITH DEVELOPMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION I.

Section II of Town of Jackson Ordinance No. 1074 as amended (part) is hereby amended and reenacted to delete Division 7.4 and Section 9.5.V, and amend Divisions 6.3, 1.4, and Sections 1.9.3.B.2, 1.9.3.C.2, 2.2.2.C.2, 2.2.2.D.2, 2.2.3.C.2, 2.2.3.D.2, 2.2.4.C.2, 2.2.4.D.2, 2.2.5.C.2, 2.2.5.D.2, 2.3.1.B.1, 2.3.1.C.2, 2.3.1.D.2, 2.3.2.B.1, 2.3.2.C.2, 2.3.2.D.2, 2.3.10.B.1, 2.3.10.C.2, 2.3.10.D.2, 3.3.1.C.2, 3.3.1.D.2, 4.2.1.C.2, 4.2.1.D.2, 4.2.2.C.2, 4.2.2.D.2, 4.3.1.D.3, 4.3.1.F.6, 4.3.1.F.11.f, 6.1.3.B.2.d.i.b, 6.1.5.C.2.c, 6.1.11.B.3.c, 6.2.2.B.1, 7.8.3, 7.8.4, 8.10.10, 9.2.2.Y, 9.2.2.Z, 9.5.A, 9.5.B, 9.5.E, AND 9.5.W of the Town of Jackson Land Development Regulations to read as follows:
3. Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.

4. Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

1.3.3. Implement the Illustration of Our Vision (1/1/15, Ord. 1074)

A. Achieve the desired future character identified for each Character District.

B. Implement the policy objectives for each Character District.

C. Achieve the character-defining features identified for each Subarea.

1.3.4. Predictable Regulations, Incentives, and Allowances (1/1/15, Ord. 1074)

A. Ensure standards are consistently applied to similar applications and circumstances.

B. Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.

C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

1.3.5. Coordination Between Jurisdictions (1/1/15, Ord. 1074)

A. Implement the joint Town/County Vision through coordinated, supportive actions.

B. Maintain a common structure, format, and definitions in Town and County LDRs.

Div. 1.4. Organization of the LDRs (P17-052)

These LDRs constitute the Town’s zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community’s character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- What can be built or physically developed?
- What uses are allowed?
- How can the land be developed or subdivided?
The LDRs contain 9 articles.

### General

| Article 1: General Provisions | This article establishes the purpose and intent of the LDRs and the zones. It includes general provisions that identify the Town's authority to adopt the LDRs, outlines the organization of the LDRs, and establishes to whom the LDRs apply. It also establishes the rules governing nonconformities. |
| Article 9: Definitions | This article consolidates definitions for terms necessary to understand and enforce the LDRs. It also provides rules of construction for interpreting terms, rules of measurement that establish methodologies for the measurement of common standards (e.g., setbacks, height, etc.), and a list of abbreviations. |

### Zone Specific Standards

Articles 2-4 establish the zones and zone standards. Each zone section includes a purpose and intent statement, the specific standards applicable in the zone, and the general standards from Articles 5-7 that may be applicable in the zone. The provisions in each zone are organized by: Physical Development, Use and Development Options and Subdivision.

| Article 2: Complete Neighborhood Zones | This article establishes the zones that implement the vision for Complete Neighborhoods identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan. |
| Article 3: Rural Area Zones | This article establishes the zones that implement the vision for Rural Areas identified in the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan. |
| Article 4: Special Purpose Zones | This article establishes the resort, civic, and other special purpose zones that apply to unique places in the community to protect and support their special character. |

### Standards Applicable to All Zones

Articles 5-7 establish the physical development, use, development option and subdivision standards that apply across multiple zones. These standards may only apply in certain overlays, or may apply in all zones. They apply in conjunction with the zone-specific standards of Articles 2-4.

| Article 5: Physical Development Standards | This article establishes the standards for the location, mass, and form of physical development. Environmental, scenic, and natural hazard protections, as well as landscaping, sign, stormwater, and grading and erosion control standards are also included. Standards applicable in the Natural Resource and Scenic Resources Overlays are established in this article. |
| Article 6: Use Standards | This article establishes and defines the allowed uses. Use-based standards such as parking and affordable workforce housing are included in this article, as are operational standards. |
| Article 7: Development Option & Subdivision Standards | This article establishes and defines the allowed development options. It also establishes subdivision standards and includes subdivision-based requirements such as development exactions, required transportation facilities and required utilities. |

### Administration

| Article 8: Administrative Procedures | This article establishes the procedures and review standards for the permits or approvals that are used to ensure development complies with the standards of these LDRs. It also establishes the enforcement provisions for the LDRs. The applicable procedures are referenced within the zone standards (Articles 2-4) and standards applicable in all zones (Articles 5-7). |
2. A nonconforming building shall not be subdivided into condominiums or townhomes, unless the subdivision brings the physical development into compliance with these LDRs.

3. A boundary adjustment pursuant to Sec. 8.5.5. of a site that includes nonconforming physical development shall not increase the nonconformity of the physical development.

4. A subdivision or development option on a site with nonconforming physical development shall require all physical development on the site, except existing buildings, comply with these LDRs.

1.9.3. Nonconforming Uses (P17-052)

A. Applicability

A nonconforming use is declared generally incompatible with the character of the zone or overlay in which it is located. This Section shall apply to:

1. A lawfully established use that is not allowed in the zone or overlay;

2. A lawfully established conditional or special use that does not have an approved Conditional Use Permit or Special Use Permit; and

3. A lawfully established use that does not comply with the use standards applicable to the zone or overlay. Use standards applicable to all zones are found in Article 6. Use standards applicable to specific zones are found in Subsection C of the zone-specific sections found in Article 2.-Article 4.

B. Expansion

1. A nonconforming use may only be expanded a cumulative total of 20% in the floor area and site area occupied and/or the daily and annual duration of operation.

2. An expansion of a nonconforming use shall not create or increase nonconformity with use-based standards such as parking and affordable workforce housing.

3. An expansion of a nonconforming use shall comply with all physical development, development option, and subdivision standards of these LDRs.

4. An expansion of a use that is nonconforming because it does not have an approved CUP or SUP requires approval of a CUP or SUP upon 20% cumulative total expansion in the floor area and site area occupied and/or the daily and annual duration of operation.

C. Change in Use

A nonconforming use may be changed to another nonconforming use provided all 3 of the following standards are met.
1. The new use is a materially less intense nonconforming use. The determination of the level of intensity shall include, but is not limited to, consideration of traffic generated (amounts and type), impacts on access, parking demand, proposed level of activity, operational characteristics, and other potentially adverse impacts on neighboring lands.

2. The new use shall not create or increase nonconformities with use-based standards such as parking and affordable workforce housing.

3. The new use shall obtain a Conditional Use Permit pursuant to Sec. 8.4.2.

D. Discontinuance

1. If a nonconforming use is operationally discontinued for a period of more than one year, whether or not the equipment or furniture is removed, the use shall not be reestablished or resumed, and any subsequent use of the site shall conform to these LDRs.

2. When government action other than those described in 1.9.1.1, a natural disaster, or any other action not considered a willful act of the owner or occupant can be documented as the reason for discontinuance, the nonconforming use may be discontinued for longer than one year provided an application to reconstruct or reestablish the use is submitted to the Planning Director within one year from cessation of the use, and reconstruction or reestablishment is completed within the time period established in the permit approved for the reconstruction or reestablishment.

3. Once a nonconforming principal use is discontinued, all associated accessory uses shall discontinue within 31 days or a sufficient application to permit each accessory use in association with another principal use shall be submitted within 31 days.

4. Time spent maintaining, altering, replacing, or expanding a structure or site devoted to the nonconforming use is not considered a discontinuance of the use, provided:

   a. All appropriate permits or approvals are obtained;

   b. The maintenance, alteration, replacement, or expansion is completed within 18 months after commencement; and

   c. The use is reestablished within 31 days after completion of the maintenance, alteration, replacement, or expansion.

E. Subdivision of a Nonconforming Use Prohibited.

Subdivision or Exempt Land Division of a structure or land containing a nonconforming use shall constitute discontinuance of the nonconforming use.
C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Uses</th>
<th>2. Use Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Permit</strong></td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Apartment (6.1.4.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Dormitory (6.1.4.F.)</td>
<td>C</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.)</td>
<td>C</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B.)</td>
<td>B (LO)</td>
</tr>
<tr>
<td>Short-term Rental Unit (6.1.5.C.)</td>
<td>B (LO)</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Retail (6.1.6.C.)</td>
<td>B</td>
</tr>
<tr>
<td>Service (6.1.6.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Restaurant/Bar (6.1.6.E.)</td>
<td>B</td>
</tr>
<tr>
<td>Amusement/Recreation</td>
<td></td>
</tr>
<tr>
<td>Amusement (6.1.7.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Developed Recreation (6.1.7.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Outfitter/Tour Operator (6.1.7.E.)</td>
<td>C</td>
</tr>
<tr>
<td>Institutional Uses</td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
</tr>
<tr>
<td>Day Care/Education (6.1.8.C.)</td>
<td>B</td>
</tr>
</tbody>
</table>

Y = Use allowed, no use permit required  B = Basic Use Permit (Sec. 8.4.1)  C = Conditional Use Permit (Sec. 8.4.2)  (LO) = Lodging Overlay Only
### 1. Allowed Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>Individual Use (max)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation/Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking (6.1.10.B.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td>0.5/employee + 0.5/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>0.5/employee + 0.5/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>1/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Family Home Daycare (6.1.11.F.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>0.5/employee + 0.5 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td><strong>Temporary Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>n/a</td>
<td>n/a</td>
<td>0.5/1,000 sf outdoor display area + 0.5/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Farm Stand (6.1.12.E.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>2.5/1,000 sf display area</td>
<td>exempt</td>
</tr>
</tbody>
</table>

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### 3. Operational Standards

**Outdoor Storage**  
Sec. 6.4.1.

Outdoor Storage  
Prohibited

Freestanding storage units (trailers, sheds, “Bully Barns”, tarpaulin structures, etc.) not made a permanent part of a structure  
Prohibited

**Refuse and Recycling**  
Sec. 6.4.2.

Trash & recycling enclosure  
Required

**Noise**  
Sec. 6.4.3.

Sound level at property line (max)  
65 DBA

**Vibration**  
Sec. 6.4.4.

**Electrical Disturbances**  
Sec. 6.4.5.

**Fire and Explosive Hazards**  
Sec. 6.4.6.
D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7, are applicable unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Subdivision and Development Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Allowed Subdivision Options</td>
</tr>
<tr>
<td>Land Division</td>
</tr>
<tr>
<td>Townhouse Condominium Subdivision</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Residential Subdivision Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools and Parks Exaction</td>
</tr>
<tr>
<td>Schools exaction</td>
</tr>
<tr>
<td>Parks exaction</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Facilities</td>
</tr>
<tr>
<td>Access</td>
</tr>
<tr>
<td>Right-of-way for Minor Local Road (min)</td>
</tr>
<tr>
<td>Paved travel way for Minor Local Road (min)</td>
</tr>
<tr>
<td>Required Utilities</td>
</tr>
<tr>
<td>Water</td>
</tr>
<tr>
<td>Sewer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Required Subdivision and Development Option Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Land Division</td>
</tr>
<tr>
<td>≤ 10 Lots</td>
</tr>
<tr>
<td>&gt; 10 Lots</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
</tr>
</tbody>
</table>
C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

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<tr>
<th>1. Allowed Uses</th>
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<tbody>
<tr>
<td>Use Permit</td>
<td>Density (max)</td>
</tr>
<tr>
<td>Use</td>
<td>Individual Use (max)</td>
</tr>
</tbody>
</table>

Residential Uses

- **Attached Single-Family Unit (6.1.4.B.)**
  - B
  - 8,000 sf habitable excluding basement
  - n/a
  - 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU
  - $0.000017*sf + (Exp(-14.17 + 1.59*Ln(sf)))/2.176

- **Apartment (6.1.4.D.)**
  - B
  - n/a
  - 0.25/bed
  - exempt

- **Dormitory (6.1.4.F.)**
  - C
  - n/a
  - 0.5/bed
  - exempt

- **Group Home (6.1.4.G.)**
  - C
  - n/a
  - 0.25/bed exempt

Lodging

- **Conventional Lodging (6.1.5.B.)**
  - B (LO)
  - n/a
  - 0.75/room
  - 0.204*bedrooms

- **Short-term Rental Unit (6.1.5.C.)**
  - B (LO)
  - n/a
  - 1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU
  - 0.204*bedrooms

Commercial Uses

- **Office (6.1.6.B.)**
  - B
  - n/a
  - 2.47/1,000 sf
  - 0.000493*sf

- **Retail (6.1.6.C.)**
  - B
  - 6,000 sf excluding basement storage
  - n/a
  - 3.37/1,000 sf
  - 0.000431*sf

- **Service (6.1.6.D.)**
  - B
  - 2.25/1,000 sf
  - 0.000431*sf

- **Restaurant/Bar (6.1.6.E.)**
  - B
  - 1/73 sf dining area + 1/40 sf bar area
  - 0.001197*sf

Amusement/Recreation

- **Amusement (6.1.7.B.)**
  - B
  - n/a
  - 1/40 sf seating area or independent calculation
  - 0.000431*sf

- **Developed Recreation (6.1.7.D.)**
  - B
  - n/a
  - 3.37/1,000 sf
  - independent calculation

- **Outfitter/Tour Operator (6.1.7.E.)**
  - B
  - n/a
  - independent calculation
  - independent calculation

Institutional Uses

- **Assembly (6.1.8.B.)**
  - C
  - n/a
  - independent calculation
  - independent calculation

- **Day Care/Education (6.1.8.C.)**
  - B
  - n/a
  - independent calculation
  - independent calculation

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<td></td>
</tr>
<tr>
<td>Parking (6.1.10.B.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td>0.75/employee + 0.75/stored vehicle</td>
<td>0.000246*sf</td>
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<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
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<td>n/a</td>
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<td></td>
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<td>Accessory Residential Unit (6.1.11.B.)</td>
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<td>n/a</td>
<td>n/a</td>
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<td>exempt</td>
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<tr>
<td>Home Occupation (6.1.11.D.)</td>
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<td></td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Family Home Daycare (6.1.11.F.)</td>
<td>B</td>
<td>n/a</td>
<td></td>
<td></td>
<td>0.75/employee + 0.75 off-street pick-up/ drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>n/a</td>
<td></td>
<td></td>
<td>0.75/1,000 sf outdoor display area + 0.75/ employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Farm Stand (6.1.12.E.)</td>
<td>B</td>
<td>n/a</td>
<td></td>
<td></td>
<td>3.75/1,000 sf display area</td>
<td>exempt</td>
</tr>
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</tr>
</tbody>
</table>

### Refuse and Recycling

<table>
<thead>
<tr>
<th>Trash &amp; recycling enclosure required</th>
<th>&gt; 4 DUs and all nonresidential</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Noise</th>
<th>Sec. 6.4.3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound level at property line (max)</td>
<td>65 DBA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vibration</th>
<th>Sec. 6.4.4.</th>
</tr>
</thead>
</table>

### Electrical Disturbances

<table>
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<tr>
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<th>Sec. 6.4.5.</th>
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</table>

<table>
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<tr>
<th>Fire and Explosive Hazards</th>
<th>Sec. 6.4.6.</th>
</tr>
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D. Development Options and Subdivision

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<tr>
<th>1. Allowed Subdivision and Development Options</th>
<th>GSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>7,500 sf</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>Sec. 7.2.3.</td>
<td></td>
</tr>
<tr>
<td>Townhouse Condominium Subdivision</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>Sec. 7.2.4.</td>
</tr>
</tbody>
</table>

| 2. Residential Subdivision Requirements       |           |                |               |           |           |                 |
| School and Parks Exaction                     |           |                |               |           |           |                 |
| Schools exaction                              | .020 acres per 1- or 2-family unit | .015 acres per multi-family unit |
| Parks exaction                                | 9 acres per 1,000 resident |

| 3. Infrastructure                              |           |                |               |           |           |                 |
| Transportation Facilities                      |           |                |               |           |           | (Div. 7.6.)    |
| Access                                        | required |
| Right-of-way for Minor Local Road (min)        | 60’       |
| Paved travel way for Minor Local Road (min)    | 20’       |

<table>
<thead>
<tr>
<th>4. Required Subdivision and Development Option Permits</th>
<th>Planned Unit Development (Sec. 8.7.3.)</th>
<th>Sketch Plan (Sec. 8.3.1.)</th>
<th>Development Plan (Sec. 8.3.2.)</th>
<th>Development Option Plan (Sec. 8.5.2.)</th>
<th>Subdivision Plat (Sec. 8.5.3.)</th>
</tr>
</thead>
<tbody>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≤ 10 Lots</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>&gt; 10 Lots</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
## C. Allowed Uses and Use Standards

Standards applicable to use are provided below. Where a cross-reference is listed see the referenced division or section for additional standards. Allowed uses are listed in subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to Sec. 6.1.2.C. All standards in Article 6. are applicable unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Uses</th>
<th>2. Use Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
<td><strong>Permit</strong></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Apartment (6.1.4.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Dormitory (6.1.4.F.)</td>
<td>C</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.)</td>
<td>C</td>
</tr>
<tr>
<td><strong>Lodging</strong></td>
<td></td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B.)</td>
<td>B (LO)</td>
</tr>
<tr>
<td>Short-term Rental Unit (6.1.5.C.)</td>
<td>B (LO)</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Retail (6.1.6.C.)</td>
<td>B</td>
</tr>
<tr>
<td>Service (6.1.6.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Restaurant/Bar (6.1.6.E.)</td>
<td>B</td>
</tr>
<tr>
<td><strong>Amusement/Recreation</strong></td>
<td></td>
</tr>
<tr>
<td>Amusement (6.1.7.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Developed Recreation (6.1.7.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Outfitter/Tour Operator (6.1.7.E.)</td>
<td>B</td>
</tr>
<tr>
<td><strong>Institutional Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
</tr>
<tr>
<td>Day Care/Education (6.1.8.C.)</td>
<td>B</td>
</tr>
</tbody>
</table>

Y = Use allowed, no use permit required  
B = Basic Use Permit (Sec. 8.4.1.)  
C = Conditional Use Permit (Sec. 8.4.2.)  
(LO) = Lodging Overlay Only
### 1. Allowed Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>Individual Use (max)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.) (E.1.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation/Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking (6.1.10.B.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>n/a</td>
<td>n/a</td>
<td>0.75/employee + 0.75/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
<td></td>
<td></td>
<td>0.75/employee + 0.75/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>1/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Family Home Daycare (6.1.11.F.)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>0.75/employee + 0.75 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td><strong>Temporary Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>n/a</td>
<td>n/a</td>
<td>0.75/1,000 sf outdoor display area + 0.75/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Farm Stand (6.1.12.E)</td>
<td>B</td>
<td>n/a</td>
<td>n/a</td>
<td>3.75/1,000 sf display area</td>
<td>exempt</td>
</tr>
</tbody>
</table>

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B = Basic Use Permit (Sec. 8.4.1.)  
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### 2. Use Requirements

### 3. Operational Standards

<table>
<thead>
<tr>
<th>Outdoor Storage</th>
<th>Sec. 6.4.1.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Storage</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Freestanding storage units (trailers, sheds, “Bully Barns”, tarpaulin structures, etc.) not made a permanent part of a structure</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Refuse and Recycling</td>
<td>Sec. 6.4.2.</td>
</tr>
<tr>
<td>Trash &amp; recycling enclosure required</td>
<td>&gt; 4 DUs and all nonresidential</td>
</tr>
<tr>
<td>Noise</td>
<td>Sec. 6.4.3.</td>
</tr>
<tr>
<td>Sound level at property line (max)</td>
<td>65 DBA</td>
</tr>
<tr>
<td>Vibration</td>
<td>Sec. 6.4.4.</td>
</tr>
<tr>
<td>Electrical Disturbances</td>
<td>Sec. 6.4.5.</td>
</tr>
<tr>
<td>Fire and Explosive Hazards</td>
<td>Sec. 6.4.6.</td>
</tr>
</tbody>
</table>
D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7, are applicable unless stated otherwise.

### 1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>GSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td>7,500 sf</td>
<td></td>
<td></td>
<td></td>
<td>Sec. 7.2.3.</td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td></td>
<td>Sec. 7.2.4.</td>
</tr>
<tr>
<td>Townhouse Condominium Subdivision</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

### 2. Residential Subdivision Requirements

#### Schools and Parks Exaction

- Schools exaction: .020 acres per 1- or 2-family unit, .015 acres per multi-family unit
- Parks exaction: 9 acres per 1,000 resident

### 3. Infrastructure

#### Transportation Facilities

Access: required

- Right-of-way for Minor Local Road (min): 60’
- Paved travel way for Minor Local Road (min): 20’

#### Required Utilities

- Water: public
- Sewer: public

### 4. Required Subdivision and Development Option Permits

<table>
<thead>
<tr>
<th>Option</th>
<th>Planned Unit Development (Sec. 8.7.3)</th>
<th>Sketch Plan (Sec. 8.3.1)</th>
<th>Development Plan (Sec. 8.3.2)</th>
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<td>X</td>
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<tbody>
<tr>
<td>Use</td>
<td>Permit</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.B.)</td>
<td>B</td>
</tr>
<tr>
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<td>B</td>
</tr>
<tr>
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<td>C</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.)</td>
<td>C</td>
</tr>
<tr>
<td>Live-Work Unit (6.1.4.H.)</td>
<td>B</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>B</td>
</tr>
<tr>
<td>Retail (6.1.6.C.) (E.3.)</td>
<td>B</td>
</tr>
<tr>
<td>Service (6.1.6.D.) (E.3.)</td>
<td>B</td>
</tr>
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<tr>
<td>Utility Facility (6.1.10.C.)</td>
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</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
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<tr>
<td>Outdoor Storage Prohibited</td>
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<tbody>
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D. Development Options and Subdivision

Standards applicable to development options and subdivision are provided below. Where a cross-reference is provided see the referenced division or section for additional standards. All standards in Article 7 are applicable unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>7,500 sf</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>Sec. 7.2.3.</td>
<td></td>
</tr>
<tr>
<td>Townhouse Condominium Subdivision</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>Sec. 7.2.4.</td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

<table>
<thead>
<tr>
<th>Schools and Parks Exaction</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools exaction</td>
<td>.020 acres per 1- or 2-family unit</td>
<td>.015 acres per multi-family unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks exaction</td>
<td>9 acres per 1,000 resident</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Infrastructure

<table>
<thead>
<tr>
<th>Transportation Facilities</th>
<th>(Div. 7.6.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access</td>
<td>required</td>
</tr>
<tr>
<td>Right-of-way for Minor Local Road (min)</td>
<td>60’</td>
</tr>
<tr>
<td>Paved travel way for Minor Local Road (min)</td>
<td>20’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required Utilities</th>
<th>(Div. 7.7.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>public</td>
</tr>
<tr>
<td>Sewer</td>
<td>public</td>
</tr>
</tbody>
</table>

4. Required Subdivision and Development Option Permits
Div. 2.3. Complete Neighborhood Legacy Zones

2.3.1. Town Square (TS) (P17-052)

A. Intent

The purpose of the Town Square (TS) Zone is to provide development standards that preserve and enhance the unique character, qualities, and pedestrian-oriented environment of the Jackson Town Square and its immediate vicinity. An essential component of the tourism environment for Teton County and the Town of Jackson is the Town Square and the commercial environment that has developed in the immediate vicinity of the Square. This area is important to both the County and the Town because the character of the area is the cornerstone of tourism commercial activity in the community.

B. Physical Development

Standards applicable to physical development in the TS zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the physical development standards applicable in the TS zone, however, all standards in Article 5, are applicable in the TS zone, unless stated otherwise.

1. Structure Location and Mass

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
<th>I</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSR (min)</td>
<td>Lot Coverage (max)</td>
<td>Street Setback (min) (E.1)</td>
<td>Side Setback (min)</td>
<td>Rear Setback (min)</td>
<td>Height (max)</td>
<td>Stories (max)</td>
<td>Stories (LO) (max)</td>
<td>FAR (max)</td>
</tr>
<tr>
<td>Allowed use</td>
<td>.0</td>
<td>n/a</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>35’</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Detached accessory structure</td>
<td>n/a</td>
<td>n/a</td>
<td>30’</td>
<td>5’</td>
<td>5’</td>
<td>28’</td>
<td>2</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Exceptions

FAR. A 25% increase in FAR is allowed provided the increased floor area is devoted to on-site permanently affordable workforce housing (deed restricted).

Side/Rear yard residential projections. Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard.

Rear yard setback for nonresidential uses. Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor.

Detached Accessory Structure Separation. 10’
C. Allowed Uses and Use Standards

Standards applicable to uses in the TS zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the use standards applicable in the TS zone, however, all standards in Article 6, are applicable in the TS zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Use Permit</th>
<th>Use</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.) (E.2.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B.)</td>
<td>C(LO)</td>
<td>0 sf</td>
<td>n/a</td>
<td>0.75/LU + 1 per 150 sf assembly area</td>
<td>0.204*bedrooms</td>
</tr>
<tr>
<td>Short-term Rental Unit (6.1.5.C.)</td>
<td>C(LO)</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf, max 2</td>
<td>0.204*bedrooms</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.65/1,000 sf</td>
<td>0.000493*sf</td>
</tr>
<tr>
<td>Retail (6.1.6.C.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>2.25/1,000 sf</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td>Service (6.1.6.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td>Restaurant/Bar (6.1.6.E.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/110 sf dining area + 1/60 sf bar area</td>
<td>0.001197*sf</td>
</tr>
<tr>
<td>Amusement/Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement (6.1.7.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/60 sf seating area or independent calculation</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td>Transportation/Infrastructure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
<td></td>
<td></td>
<td>0.5/employee + 0.5/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.25/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y = Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO)= Lodging Overlay Only.

3. Maximum Scale of Use

<table>
<thead>
<tr>
<th>Individual Use (floor area) (max)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual retail use excluding basement</td>
<td>12,500 sf habitable</td>
</tr>
<tr>
<td>Lodging operation with multiple buildings</td>
<td>90,000 sf habitable</td>
</tr>
</tbody>
</table>
4. Operational Standards

Outdoor Storage  
(Section 6.4.1)

Refuse and Recycling  
(Section 6.4.2)

Trash & recycling enclosure required  
> 4 DUs and all nonresidential

Noise  
(Section 6.4.3)

Sound level at property line (max)  
65 DBA

Vibration  
(Section 6.4.4)

Electrical Disturbances  
(Section 6.4.5)

Fire and Explosive Hazards  
(Section 6.4.6)

D. Development Options and Subdivision

Standards applicable to development options and subdivision in the TS zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the TS zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the TS zone, however, all standards in Article 7, are applicable in the TS zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Lot Coverage (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>5,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.4)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

Schools and Parks Exaction  
(Section 7.5)

Schools exaction  
.020 acres per 1- or 2-family unit  
.015 acres per multi-family unit

Parks exaction  
9 acres per 1,000 resident

3. Infrastructure

Transportation Facilities  
(Section 7.6)

Access  
required

Right-of-way for Minor Local Road (min)  
60’

Paved travel way for Minor Local Road (min)  
20’

Required Utilities  
(Section 7.7)

Water  
public

Sewer  
public
2.3.2. Urban Commercial (UC) (P17-052)

A. Intent

The purpose of the Urban Commercial (UC) Zone is to provide for relatively intense mixed-use development of lodging, restaurants, financial, retail, and visitor-oriented services, and the full range of residential uses. The UC Zone is intended to be applied to central, pedestrian-oriented commercial areas and dense residential areas associated with these commercial areas.

B. Physical Development

Standards applicable to physical development in the UC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the physical development standards applicable in the UC, however, all standards in Article 5. are applicable in the UC zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Structure Location and Mass</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>Detached single-family unit</strong></td>
</tr>
<tr>
<td><strong>Other principal use</strong></td>
</tr>
<tr>
<td><strong>Accessory use</strong></td>
</tr>
<tr>
<td><strong>Detached accessory structure</strong></td>
</tr>
</tbody>
</table>

**Exceptions**

- **FAR.** A 25% increase in FAR is allowed, provided the increased floor area is devoted to on-site permanently affordable workforce housing (deed restricted).
- **Side/Rear Yard Residential Projections.** Fire escapes may extend into a side or rear yard by not more than 4 feet. Patios which are at grade may extend to any portion of a side or rear yard.
- **Rear yard for nonresidential uses.** Minimum rear setback of 22 feet on the ground level with the exception of structural elements supporting the upper floor.
- **Detached Accessory Structure Separation.** 10’
C. Allowed Uses and Use Standards

Standards applicable to uses in the UC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the use standards applicable in the UC zone, however, all standards in Article 6, are applicable in the UC zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Use</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min)</th>
<th>Affordable Workforce Housing Units (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Permit</td>
<td></td>
<td></td>
<td>(Div. 6.2.)</td>
<td>(Div. 6.3.)</td>
</tr>
<tr>
<td>1. Allowed Uses</td>
<td>2. Use Requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td>1.5/1,000 sf, max 2</td>
<td>0.000017<em>sf + (Exp(-15.49 + 1.59</em>Ln(sf)))/2.176</td>
</tr>
<tr>
<td>Detached Single-Family Unit (6.1.4.B.)</td>
<td>Y</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf, max 2</td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.C.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf, max 2</td>
</tr>
<tr>
<td>Apartment (6.1.4.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf, max 2</td>
</tr>
<tr>
<td>Dormitory (6.1.4.F)</td>
<td>C</td>
<td>0 sf</td>
<td>35 rooms per acre</td>
<td>1/bed</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.)</td>
<td>C</td>
<td>0 sf</td>
<td>35 rooms per acre</td>
<td>0.5/bed</td>
</tr>
<tr>
<td>Lodging</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B.)</td>
<td>B(LO)</td>
<td>0 sf</td>
<td>n/a</td>
<td>0.75/LU + 1 per 150 sf assembly area</td>
</tr>
<tr>
<td>Short-term Rental Unit (6.1.5.C.)</td>
<td>B(LO)</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf, max 2</td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.65/1,000 sf</td>
</tr>
<tr>
<td>Retail (6.1.6.C.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>2.25/1,000 sf</td>
</tr>
<tr>
<td>Service (6.1.6.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5/1,000 sf</td>
</tr>
<tr>
<td>Restaurant/Bar (6.1.6.E.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/110 sf dining area + 1/60 sf bar area</td>
</tr>
<tr>
<td>Amusement/Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement (6.1.7.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/60 sf seating area or independent calculation</td>
</tr>
<tr>
<td>Developed Recreation (6.1.7.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>2.25/1,000 s</td>
</tr>
<tr>
<td>Outfitter/Tour Operator (6.1.7.E.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Institutional Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Day Care/Education (6.1.8.C.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
</tr>
</tbody>
</table>

Y = Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.), (LO)= Lodging Overlay Only
## Article 2. Complete Neighborhood Zones | Div. 2.3. Complete Neighborhood Legacy Zones

### 2.3.2. Urban Commercial (UC) (P17-052)

#### 1. Allowed Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min)</th>
<th>Affordable Workforce Housing Units (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation/Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>0.5/employee + 0.5/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
<td></td>
<td></td>
<td>0.5/employee + 0.5/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
</tbody>
</table>

| Minor | B | 0 sf | n/a | | |

**Accessory Uses**

| Accessory Residential Unit (6.1.11.B.) | B | 0 sf | n/a | 1.25/DU | exempt |
| Bed and Breakfast (6.1.11.C.) | B(LO) | 0 sf | n/a | 0.75/LU | exempt |
| Home Occupation (6.1.11.D.) | B | 0 sf | n/a | n/a | exempt |
| Home Business (6.1.11.E.) | B | 0 sf | n/a | 0.5 per employee | exempt |
| Family Home Daycare (6.1.11.F) | B | 0 sf | n/a | 0.5/employee + 0.5 off-street pick-up/drop-off | exempt |
| Home Daycare Center (6.1.11.G.) | B | 0 sf | n/a | 0.5/employee + 1 off-street pick-up/drop-off | exempt |
| Drive-in Facility (6.1.11.H.) | B | 0 sf | n/a | n/a | exempt |

**Temporary Uses**

| Christmas Tree Sales (6.1.12.B.) | Y | 0 sf | n/a | 0.5/1,000 sf outdoor display area + 0.5/employee | exempt |
| Temporary Shelter (6.1.12.D.) | Y | 1 unit per lot | 1.5/1,000 sf, max 2 | exempt |
| Farm Stand (6.1.12.E.) | B | 0 sf | n/a | 2.5/1,000 sf display area | exempt |
| Temporary Gravel Extraction & Processing (6.1.12.F.) | B | 0 sf | n/a | 0.5/employee | exempt |

Y = Use allowed, no use permit required,  B=Basic Use Permit (Sec. 8.4.1.),  C=Conditional Use Permit (Sec. 8.4.2.),  (LO)= Lodging Overlay Only

#### 2. Use Requirements

#### 3. Maximum Scale of Use

**Individual Use (floor area) (max)**

| Single-family unit (detached, attached, or apartment) | |
| Habitable floor area excluding basement | 8,000 sf |
| Gross floor area excluding basement | 10,000 sf |
| Individual retail use excluding basement | 12,500 sf habitable |
| Lodging operation with multiple buildings | 90,000 sf habitable |
4. Operational Standards

Outdoor Storage  
(See Sec. 6.4.1. (E.3.)

Refuse and Recycling  
(See Sec. 6.4.2.)

Trash & recycling enclosure required > 4 DUs and all nonresidential

Noise  
(See Sec. 6.4.3.)

Sound level at property line (max) 65 DBA

Vibration  
(See Sec. 6.4.4.)

Electrical Disturbances  
(See Sec. 6.4.5.)

Fire and Explosive Hazards  
(See Sec. 6.4.6.)

D. Development Options and Subdivision

Standards applicable to development options and subdivision in the UC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the UC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the UC zone, however, all standards in Article 7, are applicable in the UC zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Lot Coverage (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>5,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.3.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.4.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowed Development Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Cluster Development (UCD)</td>
<td>15,000 sf</td>
<td>23.5 du/ac</td>
<td>.20</td>
<td>n/a</td>
<td>.65</td>
<td>n/a</td>
<td>(Sec. 7.1.3.)</td>
<td></td>
</tr>
<tr>
<td>Planned Unit Development (PUD-ToJ)</td>
<td>15,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>.65</td>
<td>.5</td>
<td>(Sec. 4.4.2.)</td>
<td></td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

Schools and Parks Exaction  
(See Div. 7.5.)

Schools exaction .020 acres per 1- or 2-family unit
.015 acres per multi-family unit

Parks exaction 9 acres per 1,000 resident

3. Infrastructure

Transportation Facilities  
(See Div. 7.6.)
2.3.10. Business Park-Town (BP-ToJ) (P17-052)

A. Intent

The purpose of the Business Park-Town (BP-ToJ) Zone is to provide suitable locations and environs for a variety of industrial, wholesaling, distribution, and service commercial types of uses to meet general community needs.

B. Physical Development

Standards applicable to physical development in the BP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the physical development standards applicable in the BP-ToJ zone, however, all standards in Article 5, are applicable in the BP-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Live-work unit</th>
<th>Other principal use</th>
<th>Accessory use</th>
</tr>
</thead>
<tbody>
<tr>
<td>.15</td>
<td>.15</td>
<td>.15</td>
</tr>
<tr>
<td>n/a</td>
<td>n/a</td>
<td>See standards for primary use with which associated</td>
</tr>
<tr>
<td>20’</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>10’</td>
<td>10’</td>
<td>20’</td>
</tr>
<tr>
<td>20’</td>
<td>20’</td>
<td>35’</td>
</tr>
<tr>
<td>35’</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>.40</td>
<td>.41</td>
</tr>
<tr>
<td>25% increase in FAR is allowed in all nonresidential zones, provided the increased floor area is devoted to on-site permanently affordable workforce housing (deed restricted).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Detached Accessory Structure Separation. 10’
C. Allowed Uses and Use Standards

Standards applicable to uses in the BP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the BP-ToJ zone, however, all standards in Article 6. are applicable in the BP-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.) (E.1.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor Recreation (6.1.3.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Live-Work Unit (6.1.4.H.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.5 /DU or 1.5/1,000 sf</td>
<td>[Use to be deleted by P17-077]</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Retail/Service (6.1.6.F.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>2/1,000 sf + 3/repair bay + 1/wash bay</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Mini-Storage Warehouse (6.1.6.G.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/10 storage units + 1/employee</td>
<td>0.000013*sf</td>
</tr>
<tr>
<td>Nursery (6.1.6.H.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td>Amusement/Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developed Recreation (6.1.7.D.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>4.5/1,000 sf</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Outfitter/Tour Operator (6.1.7.E.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Adult Entertainment Business (6.1.7.F.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/30 sf seating area</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td>Institutional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Daycare/Education (6.1.8.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industry (6.1.9.B.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/1,000 sf + 1/company vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Heavy Industry (6.1.9.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>2/1,000 sf + 1/company vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Disposal (6.1.9.D.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee</td>
<td>0.000246*sf</td>
</tr>
</tbody>
</table>

Y = Use allowed, no use permit required,  B = Basic Use Permit (Sec. 8.4.1.),  C = Conditional Use Permit (Sec. 8.4.2.)
### Article 2. Complete Neighborhood Zones | Div. 2.3. Complete Neighborhood Legacy Zones

#### 2.3.10. Business Park-Town (BP-ToJ) (P17-052)

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min)</th>
<th>Affordable Workforce Housing Units (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation/Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 1 per stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td><strong>Wireless Communications Facilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 1 per stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Major</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport (6.1.10.E.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>7/daily aircraft movement</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.25/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Family Home Daycare (6.1.11.F.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 1 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Daycare Center (6.1.11.G.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 2 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td><strong>Temporary Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/1,000 sf outdoor display area + 1/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Real Estate Sales Office (6.1.12.C.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>3.3/1,000 sf</td>
<td>exempt</td>
</tr>
<tr>
<td>Temp. Gravel Extraction and Processing (6.1.12.F.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y=Use allowed, no use permit required,  B=Basic Use Permit (Sec. 8.4.1.),  C=Conditional Use Permit (Sec. 8.4.2.)

<table>
<thead>
<tr>
<th>3. Maximum Scale of Use</th>
<th>4. Operational Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Use (floor area) (max)</td>
<td>Outdoor Storage</td>
</tr>
<tr>
<td>Live/Work unit</td>
<td>(Sec. 6.4.1.) (E.3.b.)</td>
</tr>
<tr>
<td>Accessory residential unit</td>
<td>Refuse and Recycling</td>
</tr>
<tr>
<td>750 sf min. 2,000 sf max habitable</td>
<td>(Sec. 6.4.2.)</td>
</tr>
<tr>
<td></td>
<td>Trash &amp; recycling enclosure required</td>
</tr>
<tr>
<td></td>
<td>&gt; 4 DUs and all nonresidential</td>
</tr>
<tr>
<td></td>
<td>Noise</td>
</tr>
<tr>
<td></td>
<td>Sound level at property line (max)</td>
</tr>
<tr>
<td></td>
<td>Vibration</td>
</tr>
<tr>
<td></td>
<td>(Sec. 6.4.4.)</td>
</tr>
<tr>
<td></td>
<td>Electrical Disturbances</td>
</tr>
<tr>
<td></td>
<td>(Sec. 6.4.5.)</td>
</tr>
<tr>
<td></td>
<td>Fire and Explosive Hazards</td>
</tr>
<tr>
<td></td>
<td>(Sec. 6.4.6.)</td>
</tr>
</tbody>
</table>
D. Development Options and Subdivision

Standards applicable to development options and subdivision in the BP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the BP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the BP-ToJ zone, however, all standards in Article 7, are applicable in the BP-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Subdivision and Development Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Allowed Subdivision Options</td>
</tr>
<tr>
<td>Land Division</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

<table>
<thead>
<tr>
<th>2. Residential Subdivision Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools and Parks Exaction</td>
</tr>
<tr>
<td>Schools exaction</td>
</tr>
<tr>
<td>Parks exaction</td>
</tr>
</tbody>
</table>

3. Infrastructure

<table>
<thead>
<tr>
<th>3. Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation Facilities</td>
</tr>
<tr>
<td>Access (E.3.a.)</td>
</tr>
<tr>
<td>Right-of-way for Minor Local Road (min)</td>
</tr>
<tr>
<td>Paved travel way for Minor Local Road (min)</td>
</tr>
<tr>
<td>Required Utilities</td>
</tr>
<tr>
<td>Water</td>
</tr>
<tr>
<td>Sewer</td>
</tr>
</tbody>
</table>

4. Required Subdivision and Development Option Permits

<table>
<thead>
<tr>
<th>4. Required Subdivision and Development Option Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>Land Division</td>
</tr>
<tr>
<td>≤ 10 Lots</td>
</tr>
<tr>
<td>&gt; 10 Lots</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
</tr>
</tbody>
</table>

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the BP-ToJ zone.
### 12. Required Physical Development Permits

<table>
<thead>
<tr>
<th>Physical Development</th>
<th>Sketch Plan (Sec. 8.3.1.)</th>
<th>Development Plan (Sec. 8.3.2.)</th>
<th>Building Permit (Sec. 8.3.3.)</th>
<th>DRC Review (Sec. 8.2.6.)</th>
<th>Sign Permit (Sec. 8.3.5.)</th>
<th>Grading Permit (Sec. 8.3.4.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 5 units</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>5 - 10 units</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>&gt; 10 units</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>Nonresidential Floor Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≤ 5,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>5,001 - 15,000 sf</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>&gt; 15,000 sf</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
</tbody>
</table>

### C. Allowed Uses and Use Standards

Standards applicable to uses in the MHP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the MHP-ToJ zone, however, all standards in Article 6, are applicable in the MHP-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Uses</th>
<th>2. Use Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>BSA (min)</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Mobile Home (E.1.) (6.1.4.E.)</td>
<td>B</td>
</tr>
<tr>
<td>Transportation/Infrastructure</td>
<td></td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td></td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td></td>
</tr>
<tr>
<td>Temporary Shelter (6.1.12.D.)</td>
<td>B</td>
</tr>
<tr>
<td>Temp. Gravel Extraction and Processing (6.1.12.F.)</td>
<td>B</td>
</tr>
</tbody>
</table>

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.)
3. Maximum Scale of Use
not applicable

4. Operational Standards

Outside Storage  (Sec. 6.4.1.)
Refuse and Recycling  (Sec. 6.4.2.)
Trash and recycling enclosure required >4 DUs and all nonresidential
Noise  (Sec. 6.4.3.)
Max sound level at property line 55 DBA
Vibration  (Sec. 6.4.4.)
Electrical Disturbances  (Sec. 6.4.5.)
Fire and Explosive Hazards  (Sec. 6.4.6.)

D. Development Options and Subdivision

Standards applicable to development options and subdivision in the MHP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the MHP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the MHP-ToJ zone, however, all standards in Article 7. are applicable in the MHP-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>FAR (max)</th>
<th>Height (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td>subdivision prohibited</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowed Development Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>n/a</td>
<td>see Sec. 7.1.4. for standards</td>
<td>18’</td>
<td>(Sec. 7.1.4.)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

Schools and Parks Exactions  (Div. 7.5.)

School Exaction .020 acres per 1- or 2-family unit .015 acres per multi-family unit
Park Exaction 9 acres per 1,000 resident

3. Infrastructure

Transportation Facilities  (Div. 7.6.)

Access required
Right-of-way for a Minor Local Road (min) 60’
Paved travel way for a Minor Local Road (min) 20’

Required Utilities  (Div. 7.7.)

Water public
Sewer public

4. Required Subdivision and Development Option Permits
C. Allowed Uses and Use Standards

Standards applicable to uses in the R-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the R-ToJ zone, however, all standards in Article 6. are applicable in the R-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Open Space</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture (6.1.3.B.)</td>
<td>B</td>
<td>0 ac</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Outdoor Recreation (6.1.3.C.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td><strong>Residential</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detached Single-Family Unit (6.1.4.B.)</td>
<td>Y</td>
<td>0 ac</td>
<td>1 unit per lot</td>
<td>2/DU</td>
<td>0.000017<em>sf + (Exp(-15.49 + 1.59</em>Ln(sf)))/2.176</td>
</tr>
<tr>
<td>Dormitory (6.1.4.E)</td>
<td>C</td>
<td>0 ac</td>
<td>7 rooms per acre</td>
<td>1/bed</td>
<td>exempt</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.) (E.3.)</td>
<td>C</td>
<td>0 ac</td>
<td>7 rooms per acre</td>
<td>0.5/bed</td>
<td>exempt</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nursery (6.1.6.H.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>2 per 1,000 sf + 1 per 4,000 sf outdoor display area + 1 per employee</td>
<td>0.000431*sf</td>
</tr>
<tr>
<td><strong>Institutional</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>independent calculation</td>
<td>independent calculation</td>
</tr>
<tr>
<td><strong>Transportation/Infrastructure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>1/employee + 1/stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>1/employee + 1 per stored vehicle</td>
<td>0.000246*sf</td>
</tr>
<tr>
<td><strong>Minor</strong></td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/bed</td>
<td>exempt</td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B., E.5.)</td>
<td>B</td>
<td>0 sf</td>
<td>1 unit per lot</td>
<td>1/bedroom</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>0 ac</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Business (6.1.11.E.)</td>
<td>C</td>
<td>0 ac</td>
<td>n/a</td>
<td>1/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Family Home Daycare (6.1.11.F.)</td>
<td>B</td>
<td>--</td>
<td>n/a</td>
<td>1/employee + 1 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y=Use allowed, no use permit required  B=Basic Use Permit (Sec. 8.4.1.)  C=Conditional Use Permit (Sec. 8.4.2.)
<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>0 ac</td>
<td>n/a</td>
<td>1 per 1,000 sf outdoor display area + 1 per employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Farm Stand (6.1.12.E.)</td>
<td>B</td>
<td>0 ac</td>
<td>n/a</td>
<td>5 per 1,000 sf display area</td>
<td>exempt</td>
</tr>
<tr>
<td>Real Estate Sales Office (6.1.12.C.)</td>
<td>B</td>
<td>0 ac</td>
<td>n/a</td>
<td>3.3/1,000 sf display area</td>
<td>exempt</td>
</tr>
<tr>
<td>Temporary Shelter (6.1.12.D.)</td>
<td>B</td>
<td>0 ac</td>
<td>1 unit per lot</td>
<td>2/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Temp. Gravel Extraction and Processing (6.1.12.F.)</td>
<td>B</td>
<td>0 ac</td>
<td>n/a</td>
<td>1/employee</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y=Use allowed, no use permit required   B=Basic Use Permit (Sec. 8.4.1.)   C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use

**Individual Use (floor area) (max)**

- Single family unit (detached)
  - Habitable floor area excluding basement: 8,000 sf
  - Gross floor area excluding basement: 10,000 sf

- Accessory Residential Unit
  - Detached ARU on Lot < 18,000 sf: 500 sf habitable
  - All other ARUs: 800 sf habitable

4. Operational Standards

- Outdoor Storage (Sec. 6.4.1.)
- Refuse and Recycling (Sec. 6.4.2.)
- Trash & recycling enclosure required > 4 DUs and all nonresidential
- Noise (Sec. 6.4.3.)
- Sound level at property line (max): 65 DBA
- Vibration (Sec. 6.4.4.)
- Electrical Disturbances (Sec. 6.4.5.)
- Fire and Explosive Hazards (Sec. 6.4.6.)
D. Development Options and Subdivision

Standards applicable to development options and subdivision in the R-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the R-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the R-ToJ zone, however, all standards in Article 7, are applicable in the R-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>Site Area (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>LSR (min)</th>
<th>FAR (max)</th>
<th>Lot Coverage (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td>n/a</td>
<td>12,000 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.3.)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

Schools and Parks Exaction

- Schools exaction: .020 acres per 1- or 2-family unit
- Parks exaction: .015 acres per multi-family unit

3. Infrastructure

Transportation Facilities

- Access required
- Right-of-way for Minor Local Road (min): 60’
- Paved travel way for Minor Local Road (min): 20’

Required Utilities

- Water public
- Sewer public

4. Required Subdivision and Development Option Permits

<table>
<thead>
<tr>
<th>Option</th>
<th>Planned Unit Development (Sec. 8.7.3.)</th>
<th>Sketch Plan (Sec. 8.3.1.)</th>
<th>Development Plan (Sec. 8.3.2.)</th>
<th>Development Option Plan (Sec. 8.5.2.)</th>
<th>Subdivision Plat (Sec. 8.5.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Division</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≤ 10 Lots</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt; 10 Lots</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the R-ToJ zone.

1. For lots in developments with required open space, the lot coverage shall be calculated for the entire project area and allocated to each lot at the time a Development Plan is approved.
12. Required Physical Development Permits

<table>
<thead>
<tr>
<th>Physical Development</th>
<th>Sketch Plan (Sec. 8.3.1.)</th>
<th>Development Plan (Sec. 8.3.2.)</th>
<th>Building Permit (Sec. 8.3.3.)</th>
<th>DRC Review (Sec. 8.2.6.)</th>
<th>Sign Permit (Sec. 8.3.5.)</th>
<th>Grading Permit (Sec. 8.3.4.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 5 units</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>5 - 10 units</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>&gt; 10 units</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>Nonresidential Floor Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≤ 5,000 sf</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>5,001 - 15,000 sf</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>&gt; 15,000 sf</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>(Sec. 5.7.1.)</td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

C. Use Standards

Standards applicable to uses in the P/SP-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the P/SP-ToJ zone, however, all standards in Article 6. are applicable in the P/SP-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (Div. 6.2)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture (6.1.3.B.)</td>
<td>Y</td>
<td>0 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Outdoor Recreation (6.1.3.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>independent calculation</td>
<td>exempt</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dormitory (6.1.4.F.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/bed</td>
<td>exempt</td>
</tr>
<tr>
<td>Group Home (6.1.4.G.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>0.5/bed</td>
<td>exempt</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office (6.1.6.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>3.3/1,000 sf</td>
<td>exempt</td>
</tr>
<tr>
<td>Service (6.1.6.D.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>3/1,000 sf</td>
<td>exempt</td>
</tr>
<tr>
<td>Heavy Retail/Service (6.1.6.F.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>2/1,000 sf + 3/repair bay + 1/wash bay</td>
<td>exempt</td>
</tr>
<tr>
<td>Mini-Storage Warehouse (6.1.6.G.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/10 storage units + 1/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Amusement/Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developed Recreation (6.1.7.D.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>4.5/1,000 sf</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y=Use allowed, no permit required   B=Basic Use Permit (Sec. 8.4.1.)   C=Conditional Use Permit (Sec. 8.4.2.)
### 1. Allowed Uses

<table>
<thead>
<tr>
<th>Use</th>
<th>Permit</th>
<th>BSA (min)</th>
<th>Density (max)</th>
<th>Parking (min) (Div. 6.2.)</th>
<th>Affordable Workforce Housing Units (min) (Div. 6.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (6.1.8.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daycare/Education (6.1.8.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industry (6.1.9.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/1,000 sf + 1/company vehicle</td>
<td>exempt</td>
</tr>
<tr>
<td>Heavy Industry (6.1.9.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>2/1,000 sf</td>
<td>exempt</td>
</tr>
<tr>
<td>Disposal (6.1.9.D.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Transportation/Infrastructure</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking (6.1.10.B.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Utility Facility (6.1.10.C.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 1/stored vehicle</td>
<td>exempt</td>
</tr>
<tr>
<td>Wireless Communications Facilities (6.1.10.D.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 1 per stored vehicle</td>
<td>exempt</td>
</tr>
<tr>
<td>Major</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heliport (6.1.10.E.)</td>
<td>C</td>
<td>0 sf</td>
<td>n/a</td>
<td>7/daily aircraft movement</td>
<td>exempt</td>
</tr>
<tr>
<td>Accessory Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Residential Unit (6.1.11.B.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1.25/DU</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Occupation (6.1.11.D.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>n/a</td>
<td>exempt</td>
</tr>
<tr>
<td>Home Daycare Center (6.1.11.G.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee + 2 off-street pick-up/drop-off</td>
<td>exempt</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales (6.1.12.B.)</td>
<td>Y</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/1,000 sf outdoor display area + 1/employee</td>
<td>exempt</td>
</tr>
<tr>
<td>Farm Stand (6.1.12.E.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>5/1,000 sf display area</td>
<td>exempt</td>
</tr>
<tr>
<td>Temp. Gravel Extraction and Processing (6.1.12.F.)</td>
<td>B</td>
<td>0 sf</td>
<td>n/a</td>
<td>1/employee</td>
<td>exempt</td>
</tr>
</tbody>
</table>

Y=Use allowed, no permit required  
B=Basic Use Permit (Sec. 8.4.1.)  
C=Conditional Use Permit (Sec. 8.4.2.)

### 3. Maximum Scale of Use

not applicable
4. Nuisance Standards

<table>
<thead>
<tr>
<th>Outside Storage</th>
<th>(Sec. 6.4.1.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse and Recycling</td>
<td>(Sec. 6.4.2.)</td>
</tr>
<tr>
<td>Trash and recycling enclosure required</td>
<td>&gt;4 DUs and all nonresidential</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Noise</th>
<th>(Sec. 6.4.3.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max sound level at property line</td>
<td>65 DBA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vibration</th>
<th>(Sec. 6.4.4.)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Electrical Disturbances</th>
<th>(Sec. 6.4.5.)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Fire and Explosive Hazards</th>
<th>(Sec. 6.4.6.)</th>
</tr>
</thead>
</table>

D. Development Options

Standards applicable to development options and subdivision in the P/SP-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P/SP-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P/SP-ToJ zone, however, all standards in Article 7, are applicable in the P/SP-ToJ zone, unless stated otherwise.

1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>FAR (max)</th>
<th>Height (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowed Subdivision Options</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.3.)</td>
<td></td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.4.)</td>
<td></td>
</tr>
</tbody>
</table>

2. Residential Subdivision Requirements

<table>
<thead>
<tr>
<th>Schools and Parks Exactions</th>
<th>(Div. 7.5.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools exaction</td>
<td>0.02 acres per 1- or 2-family unit</td>
</tr>
<tr>
<td>Parks exaction</td>
<td>0.015 acres per multi-family unit</td>
</tr>
</tbody>
</table>

3. Infrastructure

<table>
<thead>
<tr>
<th>Transportation Facilities</th>
<th>(Div. 7.6.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access</td>
<td>required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required Utilities</th>
<th>(Div. 7.7.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>Connection to public supply required</td>
</tr>
<tr>
<td>Sewer</td>
<td>Connection to public supply required</td>
</tr>
</tbody>
</table>

4. Required Subdivision and Development Option Permits
12. Required Physical Development Permits

<table>
<thead>
<tr>
<th>Physical Development</th>
<th>Sketch Plan (Sec. 8.3.1.)</th>
<th>Development Plan (Sec. 8.3.2.)</th>
<th>Building Permit (Sec. 8.3.3.)</th>
<th>DRC Review (Sec. 8.2.6.)</th>
<th>Sign Permit (Sec. 8.3.5.)</th>
<th>Grading Permit (Sec. 8.3.4.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt; 5 units</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 - 10 units</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt; 10 units</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nonresidential Floor Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>≤ 5,000 sf</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5,001 - 15,000 sf</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt; 15,000 sf</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Sign</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

C. Use Standards

Standards applicable to uses in the P-ToJ zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-ToJ zone. This Subsection is intended to indicate all of the use standards applicable in the P-ToJ zone, however, all standards in Article 6, are applicable in the P-ToJ zone, unless stated otherwise.

<table>
<thead>
<tr>
<th>1. Allowed Uses</th>
<th>2. Use Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Permit</td>
<td>BSA (min)</td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>Y</td>
</tr>
<tr>
<td>Outdoor Recreation</td>
<td>C</td>
</tr>
<tr>
<td>Transportation/Infrastructure</td>
<td></td>
</tr>
<tr>
<td>Utility Facility</td>
<td>C</td>
</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>B</td>
</tr>
<tr>
<td>Major</td>
<td>C</td>
</tr>
<tr>
<td>Temporary Uses</td>
<td></td>
</tr>
<tr>
<td>Christmas Tree Sales</td>
<td>Y</td>
</tr>
<tr>
<td>Temp. Gravel Extraction and Processing</td>
<td>B</td>
</tr>
</tbody>
</table>

Y=Use allowed, no permit required  B=Basic Use Permit (Sec. 8.4.1.)  C=Conditional Use Permit (Sec. 8.4.2.)
### 3. Maximum Scale of Use

not applicable

### 4. Nuisance Standards

#### Outside Storage

(Sec. 6.4.1.)

#### Refuse and Recycling

(Sec. 6.4.2.)

Trash and recycling enclosure required >4 DUs and all nonresidential

#### Noise

Max sound level at property line

65 DBA

#### Vibration

(Sec. 6.4.4.)

#### Electrical Disturbances

(Sec. 6.4.5.)

#### Fire and Explosive Hazards

(Sec. 6.4.6.)

### D. Development Options

Standards applicable to development options and subdivision in the P-ToJ zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the P-ToJ zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the P-ToJ zone, however, all standards in Article 7, are applicable in the P-ToJ zone, unless stated otherwise.

#### 1. Allowed Subdivision and Development Options

<table>
<thead>
<tr>
<th>Option</th>
<th>BSA (min)</th>
<th>Lot Size (min)</th>
<th>Density (max)</th>
<th>OSR (min)</th>
<th>FAR (max)</th>
<th>Height (max)</th>
<th>Option Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allowed Subdivision Options</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Division</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>(Sec. 7.2.3.)</td>
<td></td>
</tr>
<tr>
<td>Condominium/Townhouse</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>determined by physical development</td>
<td>Sec. 7.2.4.</td>
<td></td>
</tr>
</tbody>
</table>

#### 2. Residential Subdivision Requirements

**Schools and Parks Exactions**

(Sec. 7.5.)

<table>
<thead>
<tr>
<th>Exaction</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools exaction</td>
<td>0.02 acres per 1- or 2-family unit</td>
</tr>
<tr>
<td>Parks exaction</td>
<td>9 acres per 1,000 residents</td>
</tr>
</tbody>
</table>

#### 3. Infrastructure

**Transportation Facilities**

(Sec. 7.6.)

Access

required

**Required Utilities**

(Sec. 7.7.)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>Connection to public supply required</td>
</tr>
<tr>
<td>Sewer</td>
<td>Connection to public supply required</td>
</tr>
</tbody>
</table>

#### 4. Required Subdivision and Development Option Permits
B. Applicability

Only those lands described below shall be eligible for Planned Resort zoning. The intent is that a limited number of PR Districts be created and only in locations that are consistent with the Jackson/Teton County Comprehensive Plan.

1. **Snow King Ski and Summer Resort.** For the purposes of this Division, this area shall be known as “Snow King Resort” and shall encompass the property described in Sec. 4.3.2.

2. **Teton Village.** The Teton Village Resort Zone is comprised of 2 Planned Unit Developments (PUDs) known as Teton Village I and Teton Village II. For the purposes of this Division, this area in its entirety shall be known as “Teton Village” and shall encompass the property described in Sec. 4.3.3. and Sec. 4.3.4.

3. **Jackson Hole Golf and Tennis Club.** For the purposes of this Division, this area shall be known as “Golf and Tennis” and shall encompass the property described in Sec. 4.3.5.

4. **Snake River Canyon Ranch.** For the purposes of this Division, formerly known as Astoria Mineral Hot Springs, shall be known as “Snake River Canyon Ranch” and shall encompass the property described in Sec. 4.3.6.

5. **Grand Targhee.** For the purposes of this Section, this area shall be known as “Grand Targhee” and shall encompass the property described in Sec. 4.3.7.

C. Legislative Act

Each Planned Resort Zone is subject to the legislative authority of the Town Council and to the findings and procedural standards outlined in Sec. 8.7.3. An approved Planned Resort master plan shall establish the development standards for that Planned Resort Zone.

D. Findings for Approval

A Planned Resort master plan shall be approved only if all of the following findings are made.

1. **Consistency with Comprehensive Plan.** The Planned Resort master plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.

2. **Consistency with Purpose and Intent.** The Planned Resort master plan is substantially consistent with the purpose and intent of this Section, as set forth in 4.3.1.A.

3. **Affordable Workforce Housing.** The Planned Resort master plan ensures a supply of affordable workforce housing that is in accordance with the requirements for housing created by development within the Planned Resort.
6. **Housing Element.** The Planned Resort master plan shall have a housing element to ensure a supply of affordable workforce housing that is commensurate to the demand for housing created by development within the Planned Resort.

   a. **Affordable workforce housing shall be provided pursuant to** [Div. 6.3](#).

      i. **Housing Calculations.** Since development of a Planned Resort may span time periods over which numbers of employees and their salaries may fluctuate, the calculations performed in developing a Housing Mitigation Plan shall use data current for the most recent full year prior to application for Planned Resort master plan.

      ii. **Master Plan Estimate.** The amount of housing required and the locations where it will be provided, as presented in the Planned Resort master plan, shall be treated as an estimate/concept, and shall be finalized by the Planning Director as Development Plans within the Planned Resort are reviewed and acted upon. Each approved Development Plan shall establish the actual amount and location of required housing for that portion of the Planned Resort master plan.

7. **Design Element.** The Planned Resort master plan shall include design guidelines, and a mechanism for their implementation, that establish design parameters for both buildings and spaces in the Planned Resort. The design theme of the resort shall be defined by the applicant and be consistent with the standards of this Section. This Subsection establishes concepts that the design guidelines shall address; the design guidelines shall be evaluated as to whether or not they address these concepts, as well as character objectives for specific resorts set forth in [Sec. 4.3.2.-Sec. 4.3.7](#). The design guidelines shall be prepared by an architect or landscape architect licensed in the State of Wyoming; preparation by a person or persons of similar expertise may be permitted by the Planning Director.

   a. **General.** There shall be visual continuity among the resort structures and design elements without unduly limiting variety in design. Development shall be compatible with the surrounding built and natural environment in both scale and character. The design theme of the Planned Resort shall have an emphasis on outdoor recreational activities and create a sense of place. A sense of place is created when site planning and architecture:

      i. concentrate activities and human interaction into identifiable spaces, such as a plaza or mall;
      
      ii. assemble a built environment that connects buildings, spaces and structures through common scale, design and materials;
      
      iii. incorporate into the built environment the natural features and cultural heritage of the area; and
      
      iv. produce an identifiable image that is associated with the planned resort and with Jackson Hole.
amenities, and required performances that mitigate the impacts of the resort shall be developed or provided in proportion to the type and amount of development in each phase.

e. **Performance Objectives.** The Town shall establish performance objectives as part of the Planned Resort master plan approval that ensure that development within the Planned Resort achieves the required mitigation of projected impacts on the community. The resort developers shall be responsible for ensuring that proposed mitigation measures are effective. For example, the resort approval may require vehicle trip reduction techniques in order to avoid undesired vehicle trips; performance objectives shall be identified and incorporated into a monitoring program, described below.

f. **Monitoring Program.** A program for monitoring compliance with performance objectives for each phase of development shall be designed in a collaborative effort between the applicant(s) and the Town, and shall be set forth in the Planned Resort master plan approval. The monitoring program shall be implemented by the applicant, or an entity that equitably represents all landowners within the Planned Resort, and will include monitoring of TDM components, affordable workforce housing developments, and other such elements as identified by the Town Council.

i. **Program Contents.** The monitoring program shall specify data collection needs, responsibility for data collection, techniques to be used in analyzing data, how the data shall be used to determine achievement of performance objectives, and the schedule for reporting to the Town the results of the monitoring effort.

ii. **Program Results.** Representatives of the landowners within the Planned Resort shall have 3 reporting opportunities to demonstrate achievement of performance objectives. If, by the third scheduled report, the resort has been unable to meet any specified performance objective, the Planned Resort master plan may be subject to reconsideration pursuant to E.8.d.

g. **Achievement of Performance Objectives.** Approval of future final development plans may be delayed until the performance objectives of the previous phases are met or a strategy for achieving them has been approved by the Town Council.

12. **Community Services Element (Optional).** Resorts function as integral parts of the community by participating in civic initiatives and implementing the goals of the community. The optional community services element is intended to be a component of the Planned Resort master plan in which the benefits that the resort area provides to the community are acknowledged. Landowners within Planned Resorts are encouraged to continue with, and expand upon, programs designed to retain local access to the resort's main recreational activity and facilities. Community service programs help to maintain a balance at the resort between out-of-town visitors and the community, and contribute to the quality of life in the community. Examples of community services currently provided are:
ii. minimize conflicts between agricultural operations and neighboring developments by encouraging protection of large, contiguous blocks of open space; and

iii. to preserve agricultural open space which is crucial to the wildlife, scenic and community values of Teton County, as outlined in the Comprehensive Plan.

b. **Active.** Agricultural land shall be actively farmed or ranched.

c. **Ancillary retail prohibited.** Retail sale of agricultural products on-site is prohibited unless permitted as a separate use.

d. **Exemptions.** The following exemptions apply to agricultural uses:

   i. **Regulation Exemptions.** Agricultural uses are exempt from certain provisions of the regulations listed below. Refer to the referenced LDR section for specifics of the exemption.

      a). Grading, Erosion Control, and Stormwater except on natural slopes of 25% or greater ([Sec. 5.7.2](#)/ [Sec. 5.7.4](#))

      b). Affordable Workforce Housing Requirements (Div. 6.3.)

   ii. **Permit Exemptions.** Agricultural uses are exempt from obtaining the following permits. However, exemption from the requirement to obtain a permit does not grant exemption from any regulations. See subsection 6.1.3.B.2.d.i. above for applicable regulation exemptions.

      a). Grading Permits except on natural slopes of 25% or greater ([Sec. 5.7.1](#))

C. **Outdoor Recreation**

1. **Definition.** Outdoor recreation is the use of land for passive or active recreational or athletic purposes that requires minimal permanent physical development relative to the open space.

   a. **Includes:**

      i. parks

      ii. arborets

      iii. athletic fields not in stadiums

      iv. equestrian centers

      v. nordic ski trails

      vi. downhill ski areas

      vii. outdoor receptions (4 or more events per year, excluding non-profit events)
2. **Standards**

   a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.

   b. Developments that have been approved for short-term rentals of less than 31 days prior to November 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9, or in accordance with the PUD approval, whichever is applicable.

   c. A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards would apply.

   **EXAMPLE:** A short-term rental unit is subject to lodging affordable workforce housing requirements rather than residential affordable workforce housing requirements. See also 6.3.5.C.1.a when changing use from residential to short-term rental.

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### 6.1.6. Commercial Uses (1/4/17, Ord. 1163)

**A. All Commercial Uses**

1. **Definition.** A commercial use is the sale of goods or services.

**B. Office**

1. **Definition.** Office use is a professional service or other activity customarily provided in an office environment where appointments are scheduled.

   a. **Includes:**

      i. legal, accounting, investment, and financial services

      ii. medical, dental, and other health services

      iii. engineering, architectural, and other design services

      iv. counseling and social services

      v. insurance and real estate

      vi. broadcast studios for television and radio

      vii. administrative and sales offices for business, industry, and government, provided that only administrative, bookkeeping, and clerical types of activities are conducted on site.

2. **Establishment of Office Overlay.**

   a. **Establishment.** There is hereby established the Office Overlay (OF) which, in areas where it applies, shall allow office uses.

   b. **Location.** The Office Overlay shall apply to lands as identified on the Official Zoning Map.
3. Standards
   a. **Zone Specific Standards Also Apply.** In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E for the Section of the Zone in which the ARU is located.
   b. **Occupancy.** The occupancy of an ARU shall be restricted to persons that meet one of the following standards:
      i. The occupants shall be employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations; or
      ii. The occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children; or
      iii. The occupants shall be intermittent, nonpaying guests of the family occupying the primary Detached Single-Family Unit.
   c. **Use as Required Housing.** An accessory residential unit may be utilized to satisfy the requirements set forth in Div. 6.3, so long as it complies with the standards of Div. 6.3.

C. Bed and Breakfast
   1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
   2. **Primary Uses:**
      a. Detached single-family unit
   3. **Standards**
      a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).
      b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.
      c. No more than 2 family style meals may be provided per 24 hour period. The meals shall be for the guests of the bed and breakfast only.
      d. The owner or manager shall reside in the dwelling unit.

D. Home Occupation
   1. **Definition.** A home occupation is an accessory nonresidential use conducted entirely within a residential unit or on-site structure accessory to the residential unit. The intent of a home occupation is to give small, local businesses a place to start. Home occupations are intended to be at a residential scale; once they grow beyond a certain size they can no longer be characterized as home occupations.
1. **Administrative Adjustment.** The Planning Director may establish a lesser parking requirement pursuant to the procedure of Sec. 8.8.1, based on information from reliable sources that demonstrates a lesser standard is workable due to anticipated parking demand and alternative transportation services available.

2. **Change of Use.** An applicant for a change of use shall only be required to additionally provide the difference between the parking requirement of the existing use and proposed use, regardless of the actual parking that exists.

**B. Shared Parking**

If two or more uses occupy a site or structure, the required parking, queuing and loading shall be the additive total for each individual use unless the Planning Director determines uses are compatible for sharing parking based on the following standards.

1. **Residential and Nonresidential Uses.** A percentage of the parking spaces required for nonresidential uses may be considered shared with on-site residential uses in accordance with the table below, and the extent to which:
   a. The residential use provides on-site affordable workforce housing; and
   b. The location and design of the development enhances the shared parking function.

<table>
<thead>
<tr>
<th>Nonresidential Use</th>
<th>Affordable Workforce Housing or ARU</th>
<th>Other Residential Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>100%</td>
<td>25%</td>
</tr>
<tr>
<td>Office</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Restaurant/Bar</td>
<td>100%</td>
<td>20%</td>
</tr>
<tr>
<td>Service</td>
<td>100%</td>
<td>25%</td>
</tr>
<tr>
<td>All Industrial Uses</td>
<td>100%</td>
<td>75%</td>
</tr>
<tr>
<td>Other nonresidential uses</td>
<td>100%</td>
<td>20%</td>
</tr>
</tbody>
</table>

2. **Other Compatible Uses.** Notwithstanding the standard percentages established in the table above, reductions in total parking requirements between and among any uses may be granted in one or more of the following circumstances:
   a. When it is intended that patrons frequent more than one use in a single trip (example: lodging and restaurant)
   b. When operating hours are substantially different (example: movie theater and office)
   c. When peak trip generation characteristics are substantially different (example: lodging and retail)
Div. 6.3. Affordable Workforce Housing Standards

6.3.1. Purpose and Findings (P17-052)

A. Purpose

The purpose of these affordable workforce housing standards is to ensure that affordable workforce housing is provided to the local workforce by employee generating development proportionate with the need for affordable workforce housing it creates.

B. Legislative Findings

In adopting this Section, the Town Council finds:

1. **A local workforce is a defining feature of community character.** An essential component of the community character and social, economic, and political fabric of Teton County and the Town of Jackson over the years is the presence of those persons and families that work in the community, live in the community, attend schools in the community, worship in the community, and vote in the community. Maintenance of a local workforce is key to a balanced and sustainable local economy and resilient level of critical service provision.

2. **Supply of local workforce housing is limited by affordability.** One of the primary factors that historically allowed this special community character in Teton County and the Town of Jackson is that, until the mid-1990s, the cost of housing was affordable to those persons living and working in the community. Beginning in the mid-1980s, a significant second home market emerged in Jackson Hole. These home buyers came from different parts of the country and had substantially higher incomes than the local workforce. They have contributed to a dramatic increase in land and construction costs in the community, resulting in a substantial increase in the price of housing. This increase in housing prices, when coupled with slightly increasing or static local workforce wages (accounting for inflation), has made market-rate housing unaffordable to most of the local workforce, forcing many to move outside the community. Review of state and national census and other wage and labor data demonstrate this trend.

   a. In 1986, median sales prices of homes ($90,000) in Teton County and the Town of Jackson were on target with the affordable housing price for a median income household ($90,667). From that point in time forward, housing prices have increased so that they no longer align with what is affordable to median income households.

   b. By 2000, the median sales price ($565,000) was nearly 3 times the price that was affordable to a median income household ($196,333).

   c. In 2007, the median sales price ($1,075,000) was approximately 4 times the price affordable to a median income household ($270,000).
d. While the Great Recession had an impact on housing prices, even during the downturn housing was never affordable to most of the workforce. In 2012, the median sales price of housing ($853,150) was more than 2.6 times the price that is affordable to a median income household ($320,667).

e. By 2016, the affordability gap had returned to pre-Great Recession levels with the median sales price ($1,130,000) at 3.95 times the price that is affordable to a median income household ($286,000).

3. Local housing supply has not been added at the same rate as local jobs. In conjunction with the decrease in affordability, there is a shortage of local workforce housing because job growth has outpaced housing growth. Since 2000, jobs have grown at an annual rate of 2.1% while the number of housing units has only grown at an annual rate of 1.6%.

4. As a result, the percentage of the workforce living locally has declined. These phenomena have resulted in a number of persons employed in the community and their families being forced to move outside the community, to places like Teton County, Idaho and Lincoln County, Wyoming. Estimates indicate that in 1986 approximately 91% of the workforce lived locally. In 1995 this number had decreased to approximately 80%. By 2005 it was 68%. By 2015, it was estimated only 58% of the workforce resided locally.

5. The decline in the local workforce has resulted in a deterioration of community character. This decline in the percentage of the workforce living locally has resulted in an impairment of the social, economic, and political fabric of the community, along with the community’s character. Estimates indicate this problem will continue to worsen in the future, unless additional housing is provided within price and rental ranges that are affordable to the workforce. More specifically:

a. A local workforce household is more likely to reinvest socially, civically, and economically in the community. As a greater percentage of the workforce commutes, their children no longer attend schools in the community, they no longer worship in the community, and they no longer express their ideas at the ballot box.

b. A local workforce results in a more balanced and sustainable local economy and resilient provision of critical services. As the community becomes more reliant on commuters, it also becomes more susceptible to weather events that adversely impact the local economy and the provision of critical community services.

c. A local workforce also results in a healthier ecosystem. A commuter workforce generates more traffic than a local workforce, which results in greater impact to wildlife and the environment in general.

d. The lack of local affordable workforce housing opportunities will result in the loss of generational continuity. If there are few housing opportunities available that are affordable to the workforce, there is little chance
children who grow up in the community can raise their own families in the community, and continue to support and participate in the civic and social life of the community which they have been a part of their entire lives.

6. As a result the community set a workforce housing goal. To address the impacts from this loss of the local workforce, in 2012 Teton County and the Town of Jackson set a goal in the Jackson/Teton County Comprehensive Plan to ensure a variety of workforce housing opportunities exist in the community so that at least 65% of those employed locally live locally.

7. To implement this goal, development must provide mitigation for the need for affordable workforce housing it creates. To assist in the implementation of this goal, these standards require employee generating development to provide affordable workforce housing proportionate to the need it creates.

8. For these reasons, these affordable workforce housing standards, are hereby adopted by the Town Council.

C. Technical support

The technical support and analysis upon which these affordable workforce housing standards are established is based upon The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, which is incorporated herein by reference.

D. Authority

The Town Council of the Town of Jackson has the authority to adopt these affordable workforce housing standards in accordance with Article 13, Section 1 of the Wyoming Constitution, and Section 15-1-601, et. seq., Wyoming Statutes, and such other authorities and provisions that are established in the statutory and common law of the State of Wyoming.

6.3.2. Applicability (P17-052)

These affordable workforce housing standards apply to any employee generating development, unless exempted below.

A. Employee Generating Development

Employee generating development is a new building or use not currently in existence, as further defined below.

1. Existence. For the purpose of this standard existence shall mean a building or use existing on December 18, 1995, or the building or use legally established since that date with the highest affordable workforce housing requirement. The burden of identifying the existing building or use shall be the responsibility of the landowner. The landowner shall provide the Planning Director photos, permits, licenses, records, or other documentation that establishes the existing building or use.
Article 6. Use Standards Applicable in All Zones | Div. 6.3. Affordable Workforce Housing Standards

6.3.2. Applicability (P17-052)

**EXAMPLE:** On December 18, 1995 the use of a property was a restaurant/bar. In 2000 the use of the property changed to retail. In 2010 the use of the property changed to office. The exiting use for the purpose of this standard is restaurant/bar because restaurant/bar use has the highest affordable workforce housing requirement of the legal uses since December 18, 1995.

**EXAMPLE:** An office space built as permitted in 2004 is considered existing for the purpose of this standard, regardless of the employee mitigation provided in 2004.

a. This definition of existence shall not apply to an attached single-family unit or apartment for which housing mitigation has not been provided. (It shall apply to other residential uses.)

**EXAMPLE:** An existing apartment building built prior to 1995 is being razed to build a new apartment building. Because the apartment building being razed did not provide any affordable housing mitigation when it was built, the new apartment building would be subject to this Division as though the apartment building being razed did not exist.

2. **Other types of development.** This division only applies to new building and use. A non-building physical development, development option, or subdivision is not employee generating development and not subject to this Division, except that Sec 4.3.1.F.6 requires a Planned Resort Master Plan to include an estimation of the affordable workforce housing that will be required for the entire resort and a housing mitigation plan for the entire resort.

**EXAMPLE:** This Division does not apply to an application for a single-family subdivision. This Division will be applied to each lot in the subdivision at the time a building permit is submitted.

**B. Approved Unbuilt Development**

1. **Approval prior to February 21, 1995.** Employee generating development approved prior to February 21, 1995 which has not yet been developed shall also be subject to this Division upon submittal of any required application to complete the development.

**EXAMPLE:** There is no “credit” for an existing vacant lot. A subdivision completed in 1992 approved construction of a detached single-family unit on each of the lots in the subdivision. Upon application for a building permit to build a unit on one of the lots in the subdivision, this Division shall apply.

**EXAMPLE:** A Planned Unit Development approved in 2004 allows commercial and residential development on a site, but does not include a specific housing mitigation plan outlining the required number of affordable and employee housing units. Upon application for a development plan, building permit, or use permit under that PUD this Division shall apply.
2. **Substantial amendment to prior approval.** In addition, this Division shall apply to all employee generating development not completed under an existing approval when that existing approval is substantially amended, regardless of whether the amendment applies to the entire uncompleted portion of the approval, and regardless of the approved Housing Mitigation Plan (or Housing Mitigation Agreement). A substantial amendment is any amendment that would increase the amount of affordable workforce housing required.

**EXAMPLE:** A Sketch Plan was approved for a three building development and included a Housing Mitigation Plan. Only one building has been built, and only the required housing associated with the built building has been provided. An amendment to the Sketch Plan is proposed to increase the size of one of the unbuilt buildings. The amount of affordable workforce housing required to approve the amendment would be equal to the current requirement for both unbuilt buildings.

**C. Exemptions**

The following are exempt from the standards of this Division.

1. **Housing Department unit.** A residential unit subject to a deed restriction administered by the Housing Department.

2. **Other workforce housing.** A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area; or an apartment in the NL-5 zone.

3. **Historic building.** Use of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant. In addition, if a historic building is used in its historic location, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt.

**EXAMPLE:** A 2,000 square foot historic cabin being converted into a restaurant would be exempt from this Division. If the historic cabin has not been moved and is being used as a restaurant in its historic location, another 2,000 square feet of floor area elsewhere on the site are also exempt from this division. If the historic cabin has been relocated from another location, only the cabin itself is exempt.


5. **Replacement after damage by natural disaster.** Replacement of an attached single-family unit (6.1.4.C) or apartment (6.1.4.D) that is demolished or destroyed by a natural disaster or through any manner not willfully accomplished by the owner, regardless of the extent of the demolition or destruction. The replacement shall be complete, or an application to complete shall be sufficient, within 18 months of the date of destruction.

6. **Mobile home.** A mobile home (6.1.4.E) or mobile home park (7.1.4).


9. **Daycare.** A daycare or early childhood education use.

10. **Accessory use.** An accessory use (6.1.11).

11. **Temporary use.** A temporary use (6.1.12).

12. **Workforce housing unit incentive.** A residential unit approved pursuant to Div. 7.8, whether deed restricted or not.

13. **Public/semi-public zone.** Physical development, use, development option, or subdivision in the public/semi-public zone.

### 6.3.3. Amount of Affordable Workforce Housing Required (P17-052)

**A. Requirement**

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

<table>
<thead>
<tr>
<th>Required Affordable Workforce Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Use</strong></td>
</tr>
<tr>
<td>Detached Single-Family Unit (6.1.4.B)</td>
</tr>
<tr>
<td>(Non-Local Occupancy, A.8)</td>
</tr>
<tr>
<td>Detached Single-Family Unit (6.1.4.B)</td>
</tr>
<tr>
<td>(Local Occupancy, A.8)</td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.C),</td>
</tr>
<tr>
<td>Apartment (6.1.4.D)</td>
</tr>
<tr>
<td>(Non-Local Occupancy, A.8)</td>
</tr>
<tr>
<td>Attached Single-Family Unit (6.1.4.C),</td>
</tr>
<tr>
<td>Apartment (6.1.4.D)</td>
</tr>
<tr>
<td>(Local Occupancy, A.8)</td>
</tr>
<tr>
<td>Conventional Lodging (6.1.5.B), Short-Term Rental Unit (6.1.5.C)</td>
</tr>
<tr>
<td>Office (6.1.6.B)</td>
</tr>
<tr>
<td>Retail (6.1.6.C), Service (6.1.6.D),</td>
</tr>
<tr>
<td>Nursery (6.1.6.H), Amusement (6.1.7.B),</td>
</tr>
<tr>
<td>Adult Entertainment Business (6.1.7.F)</td>
</tr>
<tr>
<td>Restaurant/Bar (6.1.6.E)</td>
</tr>
<tr>
<td>Mini-Storage Warehouse (6.1.6.G)</td>
</tr>
<tr>
<td>Heavy Retail/Service (6.1.6.F), Industrial Uses (6.1.9), Transportation/Infrastructure Uses (6.1.10)</td>
</tr>
<tr>
<td>Outdoor Recreation (6.1.3.C), Developed Recreation (6.1.7.D), Outfitter/Tour Operator (6.1.7.E), Institutional Uses (6.1.8)</td>
</tr>
</tbody>
</table>
1. **Schedule and calculator available.** A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.

2. **Use not listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B to determine the requirement.

3. **Expansion.** In the case of an expansion to an existing building or use, the amount of affordable workforce housing required shall be calculated based on the difference between the requirement for the proposed and existing employee generating development.

   **EXAMPLE:** A 5,000 sf office building proposing to add 1,500 sf would be required to provide 0.74 affordable workforce housing units \((0.000493 \times 6,500 - 0.000493 \times 5,000 = 0.74)\). A 3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units \((0.000017 \times 3,500 + \exp(-15.49 + 1.59 \times \ln(3,500))/2.176) - (0.000017 \times 3,000 + \exp(-15.49 + 1.59 \times \ln(3,000))/2.176) = 0.017)\).

4. **Change of Use.** In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use.

   **EXAMPLE:** A proposal to use a 2,000 sf retail space as an office would be required to include 0.124 affordable workforce housing units \((0.000493 \times 2,000 - 0.000431 \times 2,000 = 0.124)\).

5. **Unknown use.** For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.

6. **Sf.** In the calculations “sf” is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.

   a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.

   b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.

7. **Room.** In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.
8. **Local occupancy restriction.** The calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, a restriction shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction on a unit, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.B.4. However, 6.3.2.B.4 does not apply to an occupancy restriction placed to utilize the local occupancy calculation.

**EXAMPLE:** An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units (3 * (0.000017 * 1,000 + Exp(-14.17 + 1.59*Ln(3,500))/2.176) = 0.108). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required (3 * (0.000017 * 1,000 + Exp(-14.82 + 1.59*Ln(3,500))/2.176) = 0.081).

9. **Removal of a voluntary restriction.** An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.

10. **Update requirement regularly.** The determination of need for affordable workforce housing shall be evaluated and updated at least every 5 years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

B. **Independent Calculation**

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

1. **Applicability**

   a. **Applicant option.** An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.

   b. **Unspecified use.** The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:
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6.3.3. Amount of Affordable Workforce Housing Required (P17-052)

i. A calculation for the proposed use is not established in Sec. 6.3.3.A; or

ii. A proposed use does not rely on floor area; or

iii. The proposal is a Planned Resort estimating housing need pursuant to Section 4.3.1.F.6; or

iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

2. Calculation Methodology. An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in 6.3.3.A. That methodology is represented by the following equation:

Requirement (units per sq/room) = \[\frac{A}{30/X*Y} + \frac{B}{X*Y} + \frac{C}{X*Y} + \frac{D}{X*Y}\]

a. \(A\) = the number of construction workers needed to construct one sq or room of the use.

b. \(B\) = the post-construction workers needed to operate one sq/room of the use. In the case of residential development, these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development, these are the employees who work at the use.

c. \(C\) = the number of fire and emergency medical personnel needed to serve one sq/room of the use.

d. \(D\) = the number of law enforcement personnel needed to serve one sq/room of the use.

e. \(30\) = the 30 year average career of a construction worker.

f. \(X\) = the average number of workers in the household of an employee in a specific industry.

g. \(Y\) = the percentage of workers in a specific industry that cannot afford market housing.

3. Calculation Values. The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.

a. Values that may be altered. In the equation for independent calculation an alternate value shall only be used for \(A\), \(B\), or the \(X\) and \(Y\) values associated with an altered \(A\) or \(B\).

b. Alternate values. The alternate value proposed shall be calculated using:

i. Generally recognized principles and methods of impact analysis; and
ii. Verifiable local information and data; and

iii. Data that is industry specific rather than business specific; and

iv. In the case of B, the year-round (including dual seasonal), post-construction occupancy of the space.

EXAMPLE: A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. “B” for that use of that space = 7.

6.3.4. Type of Affordable Workforce Housing Required (P17-052)

The affordable workforce housing required by this Division shall comply with the following requirements to ensure its affordability and livability.

A. Unit types allowed.

A required affordable or workforce housing unit shall be a detached single-family unit (6.1.4.B), attached single-family unit (6.1.4.C), apartment (6.1.4.D), or accessory residential unit (6.1.11.B). No other residential or lodging unit type shall be required affordable workforce housing.

B. Affordability.

1. Restriction. Each affordable or workforce housing unit shall be subject to one of the following restrictions.

   a. Less than 50% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.

   b. 50%-80% of Median Income. An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.

   c. 80%-120% of Median Income. An affordable rental or affordable ownership restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 80% up to 120% of family median income.

   d. 120%-200% of Median Income. A workforce rental or workforce ownership restriction, as defined in the Housing Department Rules and Regulations, for households making above 120% up to 200% of family median income.

2. Allocation of restrictions. The above restrictions shall be allocated to the required units in the following order. For requirements above 7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.
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6.3.4. Type of Affordable Workforce Housing Required (P17-052)

<table>
<thead>
<tr>
<th>Units Required</th>
<th>&lt; 50%</th>
<th>50% - 80%</th>
<th>80% - 120%</th>
<th>120% - 200%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
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<tr>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
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<tr>
<td>7</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

a. The Housing Director may adjust the restriction allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.

i. The adjustment shall not reduce the required number of units.

ii. The restriction allocation shall meet the following distribution.

<table>
<thead>
<tr>
<th>Affordability Restriction</th>
<th>% of Required Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 50%</td>
<td>At least 25%</td>
</tr>
<tr>
<td>50% - 80%</td>
<td>At least 19%</td>
</tr>
<tr>
<td>80% - 120%</td>
<td>No more than 43%</td>
</tr>
<tr>
<td>120% - 200%</td>
<td>No more than 13%</td>
</tr>
</tbody>
</table>

3. Allocation of restrictions by unit size. To the maximum extent practicable, the allocation of restrictions shall be evenly distributed across all unit sizes.

C. Unit Size - Allocation of bedrooms per unit.

The size of the required units, in number of bedrooms, shall be determined in the following order. For requirements above 7 units, the order of allocation shall repeat. A fractional requirement shall be the last allocated.

<table>
<thead>
<tr>
<th>Units Required</th>
<th>1 Bedroom or Studio</th>
<th>2 Bedroom</th>
<th>3 Bedroom</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>3</td>
<td>1</td>
<td>2</td>
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<tr>
<td>4</td>
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<tr>
<td>5</td>
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</tr>
<tr>
<td>6</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

*Assumed Employees per Unit 1.45  2.0  2.1
1. **Administrative Adjustment.** The Housing Director may adjust the bedroom allocation in accordance with the procedure of Sec. 8.8.1 and the following standards.

   a. The adjustment shall not reduce the required number of units.

   b. The maximum number of bedrooms in any unit shall be 3.

   c. The bedroom mix shall serve the needs of the local workforce.

   d. The bedroom allocation shall provide housing for a total number of workers equal to the required number of units times 1.8 workers per unit. The number of workers housed through the proposed bedroom allocation shall be calculated using the employees per unit assumed in the above table.

D. **Required components of livability.**

Each required affordable or workforce housing unit shall include, at a minimum, the components of livability required by the Housing Department Rules and Regulations.

E. **Compliance with Rules and Regulations.**

Each required affordable or workforce housing unit shall comply with the Housing Department Rules and Regulations.

1. The Jackson/Teton County Affordable Housing Department is responsible for administration of any affordable or workforce housing units established in accordance with this Division, as well as other housing units it is directed to administer by the Town Council.

2. To assist in the administration of this Division, the Town and County have adopted the Jackson/Teton County Housing Department Rules and Regulations, which authorize the Housing Department to:

   a. Manage and oversee all affordable and workforce housing units.

   b. Enforce livability standards.

   c. Administer the marketing of the units.

   d. Establish rules for qualifying renters and buyers, and administer selection of renters and buyers.

   e. Establish rules for and monitor the units to ensure applicants, renters, and sellers comply with the requirements of this Division and the Rules and Regulations. The Rules and Regulations also include rules addressing:

      i. Renter and buyer non-compliance, which include but are not limited to requirements for disqualification and prosecution for fraud.

      ii. Seller non-compliance (for initial or subsequent sales), which include but are not limited to issuance of an affidavit affecting title and prosecution for fraud.
iii. Housing Department reimbursement by the renter, seller, or applicant, for any attorney's fees and other costs associated with the Department's compliance enforcement.

6.3.5. Method for Providing Required Affordable Workforce Housing (P17-052)

A. Standards Applicable to All Methods

Regardless of the method used to provide the affordable workforce housing required, each required affordable or workforce housing unit provided shall comply with the following standards.

1. **Type.** Each required affordable or workforce housing unit shall meet the standards of Section 6.3.4, as well as all other standards of these LDRs and the Housing Department Rules and Regulations.

2. **Location.** Each required unit shall be located in the Town of Jackson or in Teton County east of the Tetons, and shall be in an area determined suitable for affordable workforce housing.

3. **Phasing.** If the employee generating development is approved for phases, the required affordable workforce housing shall be provided in proportion to the phases of the employee generating development. The phasing plan shall be established in the Housing Mitigation Agreement. The phasing plan shall require a recalculation of the amount of affordable workforce housing required at each phase.

4. **Deed Restriction.** To ensure compliance with the standards of this Division, the property of each affordable workforce housing unit and the property of the employee generating development shall both be subject to a deed restriction and a Housing Mitigation Agreement. More specifically:
   a. **Deed restriction.** The property of the affordable workforce housing unit and the property of the employee generating development shall be subject to a deed restriction, in perpetuity, in a form established and approved by the Housing Department, and included in the Rules and Regulations.
   b. **Housing Mitigation Agreement.** The property of the affordable workforce housing unit and the property of the employee generating development shall also be subject to a Housing Mitigation Agreement which shall be recorded against the property of the employee generating development in a form acceptable to the Town Attorney.

B. Preferred Methods.

Each employee generating development subject to the requirements of this Division shall provide the required affordable workforce housing by one or a combination of the methods identified below, in order of priority. Alternate methods shall not be proposed.
1. Construction of required affordable workforce housing on the site of the employee generating development, or off-site.
   a. **FAR exemption for affordable or workforce housing units.** Applies in the DC, CR-1, CR-2, CR-3, OR, NH-1, and NM-2 zones, see Section 7.8.3.
   b. **25% FAR Bonus for affordable or workforce housing units.** Applies in the TS, UC, and BP zones, see the applicable zone.
   c. **FAR Increases for more units.** Applies in the NL-5 and NM-1 zones, see the applicable zone.
   d. **Shared parking between nonresidential use and affordable workforce housing.** Applies in all zones, see Section 6.2.2.B.1.

2. Conveyance of land for affordable workforce housing.

3. Utilization of a banked affordable or workforce housing unit.

4. Restriction of an existing residential unit as an affordable workforce housing.

5. Payment of an in-lieu fee.

### C. Priority Method Impracticable

A required affordable or workforce housing unit shall be provided through the highest priority method practicable. A lower priority method may be used upon making the following findings for each higher priority method.

1. **Less than one unit.** An in-lieu fee may be paid for an affordable workforce housing requirement of less than one unit.
   a. **Exception for change to short-term rental.** In buildings approved under the affordable workforce housing standards in place since July 18, 2018, change of use of a unit from attached-single family or apartment to short-term rental shall be mitigated by construction of the required housing regardless of the amount of the requirement.

2. **On-site provision impractical.** On-site provision of the required affordable workforce housing:
   a. Does not comply with other Town, County, State, or Federal laws; or
   b. Is unreasonable due to lack of infrastructure, inappropriate soils, or other site conditions.

3. **Off-site methods not reasonably available.** A good faith effort to provide the required affordable workforce housing off-site, is unsuccessful due to infrastructure, regulatory (either Town, County, State or Federal), or other site constraints of the land, or due to the price at which the land was available for sale. Conditions relevant to these constraints include but are not limited to factors like:
a. No off-site options are for sale that would support affordable workforce housing at an economically feasible density to provide the amount of affordable workforce housing required.

b. The inability to provide the needed infrastructure (e.g., roads, water supply, sewage disposal, telephone, electricity and gas) for the development of available off-site locations.

D. Standards Applicable to Specific Methods

In addition to the standards applicable to all methods, the following shall also apply to the specific method used for the provision of affordable workforce housing.

1. Construction. Construction of required affordable workforce housing shall comply with the following standards.

   a. Timing. Unless an alternate phasing plan is established in the Housing Mitigation Agreement, each required affordable or workforce housing unit shall be reviewed and constructed pursuant to the following standards. If an alternate phasing plan is established, the Housing Mitigation Agreement shall include financial assurances that the construction will occur.

      i. Each required affordable or workforce housing unit constructed shall receive a certificate of occupancy prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development. If the Planning Director approves a performance bond pursuant to Sec. 8.2.11 to meet this requirement, the financial assurance shall be reviewed and updated annually.

      ii. The application to construct the affordable workforce housing shall be sufficient in order for an application for a building permit or use permit for employee generating development to be determined sufficient.

      iii. The approval process for the employee generating development shall occur concurrent with the approval process of the required affordable workforce housing development.

      EXAMPLE: An employee generating development proposes off-site required affordable workforce housing of a scale that requires a development plan. The development plan for the employee generating development shall not be approved until the development plan for the required affordable workforce housing is approved.

2. Conveyance of Land. Conveyance of land for affordable workforce housing shall comply with the following standards.

   a. Acceptance. Land conveyed shall only be approved and accepted at the discretion of the Town Council, regardless of the decision maker on the application for the employee generating development.

   b. Conveyance. The conveyance shall utilize the Town deed template.
c. **Timing.** Land conveyance shall occur concurrently with approval of the development plan, use permit, or building permit, whichever occurs first, unless a different time of conveyance is established in the Housing Mitigation Agreement. If a different time is established, the Housing Mitigation Agreement shall include financial assurances that land conveyance will occur.

d. **Amount.** Land conveyed shall be in an amount that allows for economically feasible construction of at least the amount of affordable workforce housing required under the zoning applicable to the land, at the time of conveyance. The value of the land conveyed shall also be at least equal to the in-lieu fee that would be required.

e. **Confirmation of fair market value.** The fair market value of the land conveyed shall be confirmed at the time of conveyance. Fair market value shall be net of any customary real estate commission for the sale of land.

f. **Clear title.** Land conveyed shall have clear title, physical and legal access, and be free of any liens.

g. **Onsite Infrastructure.** Land conveyed shall be fully ready for development and ready for construction, with roads, water supply, sewage disposal, telephone, electricity and gas (if available), and other basic services in place to the property line of the land, as applicable. If this cannot be demonstrated, the applicant shall post a bond in accordance with Section 8.2.11, to complete the improvements. (In no event shall the bonded improvements be completed more than one year after the date of conveyance of the land to the Town.)

h. **Suitability.** Where there is concern about the suitability of soils or other site conditions to support affordable workforce housing, a soils report and/or other reports shall be prepared by an engineer or other consultant deemed qualified by the Town Council, at the applicant’s expense, stipulating the land is suitable for the type of construction contemplated, stating any special construction techniques necessary for its development.

i. **Use of conveyed land.**

i. Land conveyed shall be used for the development of affordable workforce housing units, and when accepted by the Town Council shall be conveyed to the Jackson/Teton County Housing Authority for that purpose.

ii. Where it is determined by the Board of County Commissioners and Town Council that the goals of providing affordable workforce housing will be better met through sale of the conveyed land, the conveyed land may be sold by the Jackson/Teton County Housing Authority.

iii. Proceeds from the sale of conveyed land shall be placed in the interest-bearing Affordable Housing Fund. Proceeds from the sale of conveyed land, and any interest accrued from the sale, shall be
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6.3.5. Method for Providing Required Affordable Workforce Housing (P17-052)

used for development of affordable workforce housing that meets the standards of this Division, within a reasonable period of time after deposit into the fund.

3. Banked units.
   a. **Banking of a unit.** A voluntarily restricted affordable or workforce housing unit may be banked if it complies with the following standards.
      i. The voluntarily restricted unit shall not be tied to any requirement in these LDRs.
      ii. The deed restriction shall be approved by the Housing Department.
      iii. The deed restriction shall identify the unit as a banked unit and require re-recording of the restriction to associate the unit with the employee generating development that utilizes the banked unit.
      iv. The unit shall be banked for a maximum of 20 years.
   b. **Utilization of a banked unit.** Utilization of a banked unit to fulfill an affordable workforce housing requirement shall comply with the following.
      i. The banked unit shall have a deed restriction that complies with Section 6.3.4. (The deed restriction on a banked unit may be amended, if approved by the Housing Department, to meet this requirement.)
      ii. Prior to granting of the applicable certificate of occupancy, or use permit for the employee generating development, the deed restriction on the banked unit shall be re-recorded to reference the employee generating development it is mitigating. At the same time, the Housing Mitigation Agreement identifying use of the banked unit shall be recorded against the property of the employee generating development.

4. **Restriction of an existing unit.** Restriction of an existing residential unit as an affordable workforce housing unit shall comply with the following standards.
   a. **Condition.** The unit shall have been maintained to the standards required by the Rules and Regulations.
   b. **Timing.** A restriction approved by the Housing Department shall be placed on the existing unit prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development.

5. **Payment of an in-lieu fee.** Payment of a fee in-lieu for affordable workforce housing shall comply with the following standards.
   a. **Amount.** The amount of the in-lieu fee shall be proportionate to the need created by the development as established in Sec. 6.3.3 based on the Teton County and Town of Jackson Employee Generation Land Use Study.
(August 22, 2013), as amended. The in-lieu fee amounts shall vary by affordability restriction and number of bedrooms. The current in-lieu fee amounts are included in the Administrative Manual.

b. **Fractional amount.** If a fraction of an affordable workforce housing unit is required, the same fraction of the in-lieu fee amount shall be required.

c. **Update.** The Town Council shall update the fee in-lieu amount annually, by Resolution, based on the cost of developing the required affordable workforce housing and the resale value of the required affordable workforce housing.

   i. The cost of development shall be provided by the Housing Director to reflect the full development cost of habitable floor area, including land and non-habitable floor area, based on recent past development.

   ii. Unit sizes shall be assumed to be

      a). 1 Bedroom/Studio: 650 sf habitable
      b). 2 Bedroom: 900 sf habitable
      c). 3 Bedroom: 1,150 sf habitable

   iii. The maximum sales and rental prices shall be as established by the Housing Department annually pursuant to the Rules and Regulations.

   iv. The capitalization rate for rental units shall be assumed to be eight percent (8%).

d. **Timing.** The in-lieu fee shall be paid prior to the granting of the applicable certificate of occupancy or use permit for the employee generating development, whichever occurs first.

e. **Payment.** In-lieu fees collected shall be immediately deposited into the interest-bearing Affordable Housing Fund.

f. **Use of Fees.** In-lieu fees, and any interest accrued from in-lieu fees, shall be used for the development of affordable workforce housing that meets the standards of this Division.

g. **Refund of in-lieu fees.**

   i. **Clawback.** In-lieu fees shall be refunded at the below levels if the required affordable workforce housing is provided by a higher priority method within 2 years.

      a). **Provision within 1 year.** If the required affordable workforce housing is provided by a higher priority method within 1 year of the payment of the in-lieu fee, 97% of the in-lieu fee shall be refunded.

      b). **Provision within 2 years.** If the required affordable workforce housing is provided by a higher priority method within 2 years of the payment of the in-lieu fee, 95% of the in-lieu fee shall be refunded.
ii. **Seven year limit.** In-lieu fees shall be refunded upon written request by the current owner of the employee generating development for which in-lieu fees are paid, if the fees are not expended within 7 years from the date the fees are paid.

a). Notwithstanding this provision, if the Town Council earmarks the fees for expenditure on a specific affordable workforce housing project, then the Town Council may extend the time period by up to 3 additional years.

b). In-lieu fee payments shall be deemed expended on the basis that the first payment in shall be the first payment out.

c). The written request shall be submitted to the Planning Director within 1 year from the end of the seventh year, or 1 year from the end of the extended refund time period.

iii. **Expired approval or permit.** An in-lieu fee required for an employee generating development for which approval has expired shall be refunded upon a written request from the current owner of the property for which the fee was paid. Such request shall be submitted to the Planning Director within 3 months of the date of the expiration.

iv. **Written request.** In all instances where a refund of an in-lieu fee is available, the current owner must submit proof of ownership of the property and proof of payment of the in-lieu fee.

### 6.3.6. Housing Mitigation Plan and Housing Mitigation Agreement (P17-052)

#### A. Housing Mitigation Plan

An application for employee generating development shall demonstrate compliance with, or exemption from, this Division through a Housing Mitigation Plan.

1. **Part of application.** The Housing Mitigation Plan shall be a required component of a sufficient application for the employee generating development.

2. **Review and decision.** The decision maker on the application, for which the Housing Mitigation Plan is a part, shall review and make a decision on the Housing Mitigation Plan as part of the review of the application, except that only the Town Council can accept a proposal to convey land.

3. **Contents of Mitigation Plan.** The Housing Mitigation Plan shall be in the form of the Housing Mitigation Plan template provided in the Administrative Manual and include the following.

   a. **Applicability.** A statement that the requirements of this Division apply, or the proposed employee generating development is exempt from this Division in accordance with Sec. 6.3.2, along with an explanation why.
b. **Calculation of Requirement.** Calculation of the amount of required affordable workforce housing created by the employee generating development in accordance with Sec. 6.3.3.

c. **Tabulation of unit types.** Demonstration how the unit types required by Sec. 6.3.4 will be provided.

d. **Proposed method of provision.** The method (or combination of methods) by which affordable workforce housing is to be provided in accordance with Sec. 6.3.5. The method of provision proposed shall include the following, as applicable.

i. Findings to justify that higher priority methods are impracticable (e.g., construction of affordable workforce housing, on-site or off-site) if they are not used.

ii. Location of the proposed units, if applicable.

iii. The time by which the units or another method of mitigation will be provided.

iv. A completed Housing Department Deed Restriction Worksheet for each unit.

v. Demonstration of compliance with the standards of Subsection 6.3.5.D for the specific method(s) proposed.

vi. In the case of construction of units, the application number(s) for the permit(s) to construct the units.

vii. In the case of a conveyance of land:

   a). A topographic and boundary survey of the land to be conveyed.

   b). An analysis of the residential development allowed on the land by the current zoning.

   c). Evidence that on-site infrastructure needed for development is on the site, or when it will be provided by the person conveying the land.

   d). A title report on the land demonstrating clear title, physical and legal access, any liens, easements, and other information necessary to fully describe the legal status of the land to be conveyed.

   e). An appraisal of the fair market value of the land.

   f). Any additional information or studies determined by the Planning Director to be necessary to demonstrate compliance with Subsection 6.3.5.D.2.
viii. In the case of restriction of an existing unit, the certificate of occupancy for the unit, and an inspection of the maintenance of the unit to the standards of the Rules and Regulations completed by a qualified professional inspector.

ix. In the case of payment of an in-lieu fee, calculation of the in-lieu fee amount.

B. Housing Mitigation Agreement

As a condition of approval of the employee generating development, the owner of the property on which the employee generating development is proposed shall enter into a Housing Mitigation Agreement with the Town. The Housing Mitigation Agreement shall include: the approved Housing Mitigation Plan; all terms and conditions of the approval of the Housing Mitigation Plan; and all applicable deed restrictions.

1. In signing the agreement, the applicant agrees to comply with the terms and conditions of the approved Housing Mitigation Plan and the Housing Mitigation Agreement.

2. The requirement for a Housing Mitigation Agreement may be waived if the required affordable workforce housing is provided prior to approval of the employee generating development.

3. The Housing Mitigation Agreement shall be recorded against the property of the employee generating development.

4. The Housing Mitigation Agreement shall be in a form acceptable by the Town Attorney.

5. The Housing Mitigation Agreement shall be amended only in accordance with its original approval.
Div. 7.8. Workforce Housing Incentive Program

7.8.1. Intent (11/23/16, Ord. 1153)

This Division establishes incentives for the development of workforce housing. Because not every landowner will use the incentives, this Division manages growth by limiting the actual (rather than a projected) use of the incentives. Section 7.8.2, establishes the limit on the cumulative use of the incentives over time, and the following Sections establish specific incentives.

7.8.2. Cumulative Limit on Incentives (11/23/16, Ord. 1153)

Use of an incentive in this Division is prohibited if the application would increase the amount of residential development allowed in the Town and County above the amount allowed and planned for since 1994.

A. The amount of residential development allowed in the Town and County is reported annually as Indicator 1 of the Jackson/Teton County Comprehensive Plan Indicator Report. Past Indicator Reports can be found at www.jackontetonplan.com.

B. A residential unit shall be added to the amount of residential development allowed in the Town and County upon its initial approval using an incentive in this Division.

C. A residential unit approved using an incentive in this Division shall be subtracted from the amount of residential development allowed in the Town and County upon expiration, revocation, or extinguishment of the approval.

EXAMPLE: A project proposing 4 residential units through use of the Workforce Housing Floor Area Bonus (Sec. 7.8.4.) receives Sketch Plan approval in 2016. The 2017 Indicator Report would report an increase of 4 residential units as a result of the project. If by 2018 the units are not built and the Sketch Plan approval has expired, the 2019 Indicator Report would report a decrease of 4 residential units as a result of the project expiration. The cumulative effect of the increase reported in the 2017 and decrease reported in the 2019 would reflect that no incentive units have been built on the site.

7.8.3. Deed Restricted Housing Exemption (P17-052)

A. Intent

Deed restricted housing is required by Div. 6.3., and other standards of these LDRs. A landowner may also voluntarily deed restrict housing. In order to encourage incorporation of required and voluntary deed restricted housing into development, deed restricted housing is exempt from certain LDRs.

B. Applicability

The exemptions of this section shall apply to the following floor area.

1. Required Restricted Housing. Floor area in a residential unit that is required to be restricted in order to comply with Div. 6.3., or another standard of these LDRs.
2. **Voluntary Restricted Housing.** Floor area in a residential unit that is subject to an affordable or workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk, that is not required by Div. 6.3, or another standard of these LDRs.

C. **Exemptions**

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable workforce housing required by Div. 6.3
4. Limit on 20% expansion of a nonconforming physical development

### 7.8.4. Workforce Housing Floor Area Bonus (P17-052)

#### A. Intent

In most cases, the volume of building allowed by the minimum setbacks and maximum height exceeds the volume of building allowed by the FAR of a property. The purpose of the workforce housing floor area bonus is to encourage development, especially by the private sector, of additional affordable or workforce housing units in that excess volume by allowing additional unrestricted floor area.

#### B. Applicability

The exemptions of this Section shall apply to both the deed restricted and unrestricted floor area approved pursuant to this Section.

1. **Maximum Amount of Unrestricted Housing.** The maximum amount of unrestricted floor area that can be approved pursuant to this Section is limited by the amount of restricted floor area provided pursuant to this Section, as tabulated below.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Unrestricted Floor Area : Restricted Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC</td>
<td>2:1</td>
</tr>
<tr>
<td>CR-1</td>
<td>2:1</td>
</tr>
<tr>
<td>CR-2</td>
<td>2:1</td>
</tr>
<tr>
<td>OR</td>
<td>2:1</td>
</tr>
</tbody>
</table>

2. **Restricted Housing.** The restricted floor area provided pursuant to this Section shall be subject to an affordable or workforce deed restriction, acceptable to the Jackson/Teton County Housing Department, which is recorded with the County Clerk.
3. **Required Restrictions Do Not Apply.** Floor area that is required to be restricted in order to comply with Div. 6.3, or another standard of these LDRs shall not be included in the calculation of the maximum amount of unrestricted floor area allowed by this Section.

4. **Allowed Use.** Floor area approved pursuant to this Section shall only be used for one of the following uses:
   
a. Attached Single Family Dwelling (6.1.4.C.); or
b. Apartment (6.1.4.D.); or
c. Dormitory (6.1.4.F.); or

C. **Exemptions**

Floor area meeting the applicability standards of this Section is exempt from calculation of the following standards, but is still subject to all other applicable standards of these LDRs.

1. Maximum Floor Area Ratio (FAR)
2. Thresholds for physical development permits
3. Affordable workforce housing required by Div. 6.3
4. Limit on 20% expansion of a nonconforming physical development
8.10.9. Town Attorney (1/1/15, Ord. 1074)

In addition to the jurisdiction, authority and duties which may be conferred upon the Town Attorney by law, and the Town Council, the Town Attorney shall have the following authority and duties under the LDRs:

A. To review and approve as to form all resolutions drafted by the Planning Director, Planning and Zoning Commission, Board of Adjustment, or Town Council in connection with any requirement of the LDRs;

B. To review and approve as to form all proposed new regulations or amendments to these LDRs, all Development Agreements, easements, declarations of covenants, letters of credit, performance guarantees or other such documentation in connection with any requirement of the LDRs; and

C. To advise the Town Administrator, Planning Director, Planning and Zoning Commission, Board of Adjustment, and/or Town Council in regard to legal issues that may arise during implementation of the LDRs.

D. To enforce the provisions of the LDRs.

8.10.10. Housing Director (P17-052)

In addition to the jurisdiction, authority, and duties, which may be conferred upon the Jackson/Teton County Affordable Housing Director by other provisions of the County Regulations/Jackson Municipal Code and the Board of County Commissioners/Town Council, the Housing Director shall have the following authority and duties under these LDRs:

A. To advise and provide technical assistance to the Town Administrator, Planning Director, Planning and Zoning Commission, Board of Adjustment, and Board of County Commissioners/Town Council in regard to the housing issues which may arise during implementation of these LDRs; and

B. To review, consider, and decide the following applications, where the Housing Director or Department is identified as the decision maker:
   1. minor deviation pursuant to 8.2.13.B.2,
   2. formal interpretation pursuant to Sec. 8.6.1,
   3. zoning compliance verification pursuant to Sec. 8.6.2, and
   4. administrative adjustment pursuant to Sec. 8.8.1.
N. The word “Council” or “Town Council” shall mean the Town of Jackson Town Council.

O. The words “Planning and Zoning Commission” or “Planning Commission” or “Board of Adjustment” shall mean the Town of Jackson Planning and Zoning Commission/Board of Adjustment.

P. The words “Planning Department” or “Town Planning Department” shall mean the Town of Jackson Planning Department.

Q. The words “County Clerk” shall mean the Teton County Clerk.

R. The word “State” shall mean the State of Wyoming.

S. The words “County Board” or the phrase “Board of County Commissioners” shall mean the Teton County Board of County Commissioners.

T. The words “Planning Director” or “Town Planning Director” shall mean the Town of Jackson Planning Director or designee.

U. The word “Staff” shall mean the staff of the Town of Jackson Planning Department.

V. The words “Town Engineer” shall mean the Town of Jackson Engineer or designee.

W. The words “Building Official” shall mean the Town of Jackson Building official or designee.

X. The words “Town Administrator” or “Town Manager” or word “Administrator” or “Manager” shall mean the Town of Jackson Administrator.

Y. The words “Housing Director” shall mean the Jackson/Teton County Affordable Housing Director.

Z. The words “Housing Department” shall mean the Jackson/Teton County Affordable Housing Department.
Div. 9.5. Defined Terms

When used in these LDRs, the following terms shall have the following meanings:

A (P17-052)

Access. Access means a method to provide physical entrance to or exit from a property, street, or highway.

Accessory Residential Unit. See 6.1.11.B.

Accessory Structure. An accessory structure is a separate structure that is secondary and subordinate to another structure on the same property.

Accessory Use. See 6.1.2.B.3.

Adjoining. See “Contiguous.”

Adjusted Site Area. See 9.4.4.C.

Affordable Housing Unit. An affordable housing unit is a unit subject to an Affordable Ownership or Affordable Rental deed restriction as defined in the Housing Department Rules and Regulations.

Affordable Workforce Housing Unit. Affordable workforce housing is workforce housing that costs 30% or less of the occupant household’s gross income. When used in reference to a requirement to provide affordable workforce housing, the standards for the units required to be provided are established by Division 6.3. See also “affordable housing unit” and “workforce housing unit”, which are specific types of deed-restricted units.

Agriculture. See 6.1.3.B.

Alley. An access way, no more than 30 feet wide, which provides a means of public access to contiguous property that is not intended for general traffic circulation.

Alter or Alteration. Alter or alteration means any change, addition, or modification in construction or occupancy.

Amusement Use. See 6.1.7.B.

Antenna. Any apparatus used for the transmission and/or reception of radio frequency energy, including, but not limited to, omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or towers.

Apartment. See 6.1.4.D.

Arterial Road. See, “Road, Arterial.”

Assembly. See 6.1.8.B.
Attached Single-Family Unit. See 6.1.4.C.

Awning. Awning means a roof-like cover that projects from and is supported by the wall of a building for the purpose of shielding a doorway or window from the elements.

Background Area. The entire area of a sign on which lettering and/or graphics can be placed.

Bank (Stream/River/Ditch). Bank means the natural or man-made slope immediately bordering the channel of a river, stream, or creek containing and/or confining the normal water flow. See also “Top of Bank”

Banked unit. A residential unit, on which a deed restriction approved by the Housing Department has been voluntarily placed, which may be utilized within 20-years of placement of the restriction as required housing for employee generating development.

Bar. See 6.1.6.E.

Basement. A basement is any story for which the finish floor of the story above is less than 4 feet above finished grade for at least 50% of the perimeter of the story and at no point greater than 10 feet above finished grade.

Base Site Area. See 9.4.4.B.

Base Station. A structure or equipment at a fixed location that enables or is designed to enable FCC-licensed or authorized wireless communications between user equipment and a communications network in connection with the provision of personal wireless services as defined in 47 U.S.C. Section 332(c)(7). The term does not encompass a Tower as defined in this subpart or any equipment associated with a Tower.

a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

c. The term does not include a supporting structure, including by way of example a rooftop, tower, light standard or pole to which the base station, or an element of the base station, may be attached, but does include any structure that houses equipment described in paragraphs (a)-(b) of this section definition.

Bed and Breakfast. See 6.1.11.C.

Bedroom. Bedroom means a room, including a den or unfinished room, in a dwelling unit that is marketed and designed for sleeping, or otherwise has potential to function primarily for sleeping.

Berm. Berm means a man-made landform, typically built as an earth mound, located so as to screen a structure or property from view and/or to provide sound relief from a nearby road.

Blank Wall Area. See Sec. 9.4.15.

Buffer (Natural Resource). The area between a natural resource and the minimum natural resource setback extending the full length of the natural resource.

Building Envelope. A building envelope means the area of a lot of record within which all physical development shall occur.

Building Footprint. The building footprint is the area of the foundation; eaves, overhangs, decks, cantilevers and other projections are not included.

Building. Building means any structure having a roof supported by columns or walls; any enclosed structure, including tarpaulin structures, designed or used for the housing or enclosure of persons, animals, chattels, or property of any kind; or any attached appurtenance thereto, but not including an advertising sign board, fence, tepee, tent, or similar type of temporary structure. See also “Historic Building”

Bulk. Bulk is a spatial dimension of magnitude and refers to the scale, height, floor area, and footprint of a building.

Caliper. The diameter of a tree trunk measured 4.5 feet above the natural grade at the base of the tree.

Canopy Tree. Canopy tree means a deciduous shade or specimen tree, such as aspen, cottonwood, golden willow, or ash.
Detached Single-Family Unit. See 6.1.4.B.

Detention Basin. A detention basin is a covered or uncovered reservoir designed to hold an excessive accumulation of stormwater or snowmelt so as to reduce peak flow in a stormwater or snowmelt drainage system.

Developed Recreation. See 6.1.7.D.

Developer. Developer means a recognized legal or beneficial owner of a lot of record proposed for inclusion in a development or use, including a lessee, optionee, or contract purchaser.

Development Option. A development option is any division of a lot of record into 2 or more lots of record; adjustment of the boundaries of lots of record; entitlement of uses or densities not allowed through approval of only a physical development permit and/or use permit; and any other approval that changes the allowed physical development or use of a site.

Development. Development means any physical development, development option, or subdivision. Development does not mean use if the use does not require any physical development or development option.

Disposal. See 6.1.9.D.

Ditch, Irrigation. See, “Irrigation Ditch.”

Dormitory. See 6.1.4.F.

Downhill Ski Area. See 6.1.3.C.

Drainage. Drainage means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage, sometimes referred to in terms of stormwater management, also includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway. A drainageway is a watercourse identified by the presence of an intermittent flow, or a swale whose drainage area is a minimum of 5 acres.

Drive-In Facility. See 6.1.11.H.

Driveway. Driveway means a private access way serving 2 or fewer single-family units or deeded lots.

Dwelling Unit. A dwelling unit is a unit used residentially and is also known as a residential unit. See Sec. 6.1.4, for a definition of residential use.

Earth Sheltered Design. Earth sheltered design means a building whose mass is built fully or partly below the land surface, or which sits above natural grade but has been covered with earth so that at least 50% of the perimeter of the building is concealed from view.
**Easement.** Easement means a less than fee interest in land, which provides a person other than the owner of the land certain rights over that land, or any designated part of that land, for the purposes specified.

**Education.** See 6.18.C.

**Employee Generating Development.** Employee generating development is a new building or use not currently in existence, as further defined by Sec. 6.3.2.A. It is a term describing development that requires provision of affordable workforce housing pursuant to Division 6.3, unless exempt in that Division.

**Employee Housing.** 1) A unit subject to an Employee Housing restriction as defined in the Housing Department Rules and Regulations, such units were required by Division 6.3 as it existed prior to July 18, 2018. 2) A unit occupied by an employee of a business on the site

**Erosion.** Erosion means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice, and/or gravity.

**Essential Service.** Essential service means facilities owned or maintained by utility companies or public agencies, located in public ways or in easements provided for that purpose, or on a customer's premises not requiring a private right-of-way, that is reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers. Essential services do not include any cross-country line on towers in a private right-of-way.

**Excavation.** Excavation means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the resulting conditions.

**Existing Use or Development.** Existing use or development means any use or development of a site, which is located on the site at a given point in time, whether or not the use or development conforms with the provisions of these LDRs.

**Facade.** A facade is a building's elevation, as viewed in a single plane parallel to a referenced lot line.

**Facade Width.** Facade width is the linear width of the building elevation, measured in a single plane parallel to the referenced lot line.

**Fair Market Value.** The price that land will bring in a competitive and open market under all conditions of fair sale, the buyer and seller each prudently knowledgeable, and assuming the price is not affected by undue stimulus.

**Family.** Family means one or more individuals related by blood, marriage, adoption, or guardianship, or not more than 3 individuals not so related, occupying a dwelling unit and living as a single housekeeping unit.
W (P17-052)

Wastewater Treatment System, Community. Community wastewater treatment system means a privately owned and operated system, other than a municipal sewage treatment plant, for the collection and treatment of wastewater generated by the dwelling units and accessory uses in a development.

Wastewater Treatment System, Public. Public wastewater treatment system (or sanitary sewer) means a wastewater disposal system, other than small wastewater treatment system, approved by the State, County, or Town, and maintained by a public or private agency authorized to operate such system.

Wastewater Treatment System, Small. Small wastewater treatment system means a sewage system, disposal system, or treatment works having simple hydrologic and engineering needs which is intended for wastes originating from a single residential unit serving no more than 4 families, or which distributes 2,000 gallons or less of domestic sewage per day.

Water Supply, Public. Public water supply means a water supply being distributed by 20 or more service connections used to furnish water for human consumption either in preparing foods or beverages for inhabitants of residences or for the use of business establishments. A public water supply includes the source, treatment system, distribution system, service connections, finished water storage, and pumping stations.

Window Surface. All glass and glass surfaces within same vertical plane or wall of a structure.

Wireless Communication Facilities. See 6.1.10.D.

Workforce Housing Unit. A workforce housing unit is a unit subject to a Workforce Ownership or Workforce Rental deed restriction as defined in the Housing Department Rules and Regulations. See also “workforce housing”, which is the broader definition of the concept of workforce housing as it is used in the Jackson/Teton County Comprehensive Plan.

Workforce Housing. Workforce housing is market and deed-restricted housing occupied by people working locally who would otherwise commute from outside the community. See also “workforce housing unit”, which is a specific type of deed-restricted unit.

Y (1/1/15, Ord. 1074)

Yard, Front. See, “Yard, Street.”

Yard, Rear. Rear yard means the area between the rear lot line and the minimum rear setback extending the length of the rear lot line. The rear yard may overlap with a street or side yard. Where yards overlap, the standards for each yard apply.
SECTION II.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III.

If any section, subsection, 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 as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV.

This Ordinance shall become effective after its passage, approval and publication.

PASSED 1ST READING THE _____ DAY OF _______________, 2018.
PASSED 2ND READING THE _____ DAY OF _______________, 2018.
PASSED AND APPROVED THE _____ DAY OF _______________, 2018.

TOWN OF JACKSON

BY: _____________________________
Pete Muldoon, Mayor

ATTEST:

BY: _________________
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 Ordinances of the Town of Jackson, Wyoming.

Sandy Birdyshaw, Town Clerk
STATEMENT/PURPOSE

Replace Division 6.3 and delete Division 7.4 of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to update the housing mitigation requirements on new development; and make other related changes throughout the LDRs.

BACKGROUND

In 2012 the Town and County adopted the current Comprehensive Plan, which includes a goal to house 65% of the workforce locally. The Comprehensive Plan establishes a policy that the community should use requirements, zoning allowances, incentives, and public funding to provide enough affordable housing to meet that goal. In order to coordinate the use of those tools, the Town and County adopted a Workforce Housing Action Plan in 2015.

The Workforce Housing Action Plan is informed by the data and recommendations from 8 housing studies completed between 2007 and 2015, including the 2013 Employee Generation Study (Nexus Study). It identifies an annual demand for 280 workforce housing units to meet the community goal of housing 65% of the workforce locally. In order to supply that demand, the Workforce Housing Action Plan affirms and emphasizes the policy of the Comprehensive Plan that all tools – requirements, allowances, incentives, and funding – must be utilized.

The update to the housing mitigation requirements is one tool. The housing mitigation requirements update is occurring concurrently with updates to the zoning of Character Districts 3-6 in Town which includes allowance and incentive tools that complement the housing mitigation requirements.

Both the housing mitigation requirement update and the update to the zoning in Districts 3-6 are in the final phase of a 4-phase process, branded as Engage 2017: Housing, Parking, and Natural Resources. The intent of approaching these updates through a 4-phase process was to define the problems and identify the solutions 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 on July 10, 2017.

1. Agree to a Process (Feb 17 - May 17)
2. Define the Problem (May 17 - July 17)
3. Identify the Solution (July 17 - Dec. 17)
4. Implement the Solution (Nov. 17 - Jun. 18)

- 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 8 policy questions to answer through the updates
    1. What segments of the workforce should required housing be for?
    2. What portion of the workforce generated by development should be housed through mitigation? (the rest will be housed through other tools, or commute)
    3. How should the housing mitigation requirement be imposed?
    4. What type of housing should be provided through housing mitigation requirements?
    5. What methods for providing required housing mitigation will be allowed and preferred?
    6. What types of development should be exempt from housing mitigation requirements and why?
    7. What type of relief from the housing mitigation requirements should be allowed?
    8. How should the updated requirements be applied to existing development and approvals?

- 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 8 policy questions
    1. Mitigate for year-round, fulltime employees, whether they work in one job or many.
    2. Mitigate for the entire income range of households that cannot afford housing (about 0-200% of median income), but focus the requirements on the lower income households with greater need. Mitigate to the maximum, legal extent to meet the community’s housing goal. (Include with the draft Housing Mitigation LDRs and draft Zoning for Character Districts 3-6, an analysis of how incentives would have to perform if the mitigation requirement were decreased.)
    3. Utilize an employee generation requirement with an implementation approach designed to be consistent with the overall policy direction.
    4. Required housing shall be a residential unit with a minimum number of bedrooms per person required to be housed and minimum livability features such as kitchen, bathroom, bedroom, and storage.
5. Prioritize production of units by the developer through standards that clearly establish the following order of preference and prohibit any method of meeting the housing mitigation requirement that is not on the list.
   - Any new unit; then
   - land dedication; then
   - use of a banked credit; then
   - restriction of an existing unit; then
   - payment of a fee.

6. Exempt the list of development types below, which include development that is legally required to be exempt, residential development that provides affordable workforce housing, and nonresidential development with minimal impact.
   - Existing development, unless it is razed, at which point any rebuild will be considered new development
   - Development that has already provided housing mitigation
   - Development that does not generate employees
   - Housing that is deed-restricted to provide affordable, workforce housing, even if the restriction does not meet the Rules and Regulations
   - Housing provided as part of a workforce housing incentive (example: Town floor area bonus incentive)
   - Mobile Home Unit
   - Accessory Residential Unit
   - Dormitory or Group Home
   - [County Only] Single-family homes less than 2,500 square feet (or a lower threshold)
   - Agriculture
   - Public/Semi-Public
   - Home uses

7. Allow structured, independent calculation as the only method to seek relief from the housing mitigation requirements.

8. A project with an existing approval should have to recalculate its housing mitigation requirement if a substantial amendment to the existing approval is proposed. Future approvals should require that housing mitigation requirements be calculated phase-by-phase based on the standard applicable at the time the phase is approved.

   - 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
     - May 21, 2018: Joint Planning Commission Hearing (continued to May 22)

**Meeting Format**

The Planning Director proposes the following meeting format for the JIM hearing in order to organize the discussion and allow the Mayor and Chair to participate. The purpose of the meeting is to provide approval with modifications (on 1st reading for the Town) of the draft housing mitigation requirements released March 16, 2018. To achieve that purpose, Council and the Board will be asked to provide direction on each of the modifications to that draft proposed in the attached list of modifications.
In preparation for the meeting, staff recommends each Councilor and Commissioner review the list of modifications and determine whether she/he agrees with the Planning Director’s and/or Planning Commissions’ recommendation for each. Staff recommends Councilors and Commissioners focus on those modifications on which staff and the Planning Commission disagree, which are highlighted.

The attached list of proposed modifications is from the May 21 & 22 Planning Commission Hearing, April 24 Brainstorming Workshop, April 12 Public Open House, staff review of the draft, and other public comment on the draft. Councilors and Commissioners should also come prepared with any additional modifications to add to the list for consideration.

The list of proposed modifications is organized to address the Key Issues first. These Key Issues relate to the need for the requirements and the amount of the requirement. If the need for the requirements cannot be confirmed there is no reason to discuss the details of the Public Review Draft. If there is interest in reducing the amount of the requirement staff recommends the amount be reduced directly, rather than through a series of indirect modifications intended to reduce the requirement. After the Key Issues, the modifications are organized by LDR Section.

**Roles**
- Facilitator: Tyler Sinclair, Planning Director
- Content Expert: Alex Norton, Long-Range Planner

**Agenda**
1. Meeting open
   - Mayor and Chair will open the meeting in their normal fashion.
   - As host, the Mayor will open the hearing.
2. Staff presentation/questions
   - Staff will present the background, and meeting format.
   - Staff will answer any questions from Council and the Board about the draft or agenda.
3. Public comment
   - As host, the Mayor will open the floor to public comment.
4. Modifications list review
   - Following public comment, the Mayor will turn the meeting over to Tyler to facilitate.
   - Tyler will facilitate discussion of the attached list of proposed modifications.
   - For each modification, Tyler will ask if there are any Councilors or Commissioners who disagree with the staff recommendation.
     - If no: the staff recommendation will become the direction and Tyler will move to the next modification without discussion.
     - If yes:
       - Alex will present the modification (or modification options if there are multiple modifications proposed for a single topic), staff recommendation and Planning Commission recommendation
       - Tyler will facilitate a discussion of the proposed modification.
       - A straw poll will be taken on the modification. The goal is to have the same set of regulations for the Town and County, but straw polls will be tallied by jurisdiction.
   - Once each of the modifications on the attached list has been reviewed there will be an opportunity for Councilors and Commissioners to add any additional modifications to the
Such additional modifications will be discussed using the same method except that there will be no staff recommendation to reference.

- If the entire modification list cannot be reviewed in a single meeting, the hearing will be continued to June 7, 2018 at 9:00am in Town Hall, and the list will be picked up where Council and the Board left off.

5. Motion
   - Once Council and the Board have made a recommendation on each modification a motion will be made to direct staff to make the directed modifications to the housing mitigation requirements update. For Council the motion will constitute approval on first reading. For the Board, the motion will just be direction, action will be taken on the revised housing mitigation requirements concurrently with Council’s third and final reading at the July 2 JIM.

6. Close
   - The Mayor and Chair will close the meeting in their normal fashion. If the hearing is continued, a new meeting will be opened on June 7.

**STAFF ANALYSIS**

The draft housing mitigation requirements are intended to implement the policy direction provided by the Council and Board in November, which is summarized above. The complete November policy direction is also attached. Staff’s analysis and recommendation on each of the proposed modifications to the draft is attached. Staff’s primary lens of analysis is whether the proposed modification improves implementation of the direction from November. Modifications that would reverse the direction from November are not supported by the Planning Director out of respect for the all of the comment and analysis provided throughout the process. The purpose of engaging the community throughout 2017 was to establish a direction for the update to the housing mitigation requirements and the Planning Director recommends these adoption hearings focus on implementation of that direction.

The draft housing mitigation requirements provided to Council and the Board on March 16, 2018 and presented at the March 19, 2018 JIM focus on the proposed Division 6.3 that will replace Divisions 6.3 and 7.4 in the current LDRs. A redlined version of the entire LDRs, which depicts how the cross-references to the housing requirements would be updated throughout the LDRs has also been available for review since April 20. It is not attached, but can be reviewed on the project webpage: [www.egage2017.jacksontetonplan.com/housingrequirements](http://www.egage2017.jacksontetonplan.com/housingrequirements).

**PLANNING COMMISSION ANALYSIS**

The Town and County Planning Commissions reviewed the draft housing requirements at a joint hearing on May 21, which was continued to May 22. The Planning Commissions followed the same meeting format suggested above. The Planning Commissions’ analysis and recommendation on each of the proposed modifications to the draft is attached.

With the exception of 13 modifications (or groups of modifications), the Planning Commissions agreed with the staff recommendations. Where the Planning Commissions and staff disagree, the Planning Commissions’ recommendation is generally consistent with a policy recommendation they made in October, while staff’s recommendation is consistent with contrary policy direction that Council and the Board provided in November. All Planning Commission recommendations were jointly made by the Town and County Planning Commissions.
ATTACHMENTS

- Proposed Modifications, Staff, & PC Recommendation: Housing Mitigation LDRs Update, 5/31/18
- Policy Direction: Housing Mitigation LDRs Update, 11/13/17
- Public comment received since April 19, 2018 (prior public comment has been previously provided, contact staff for additional copies.)
- Division 6.3. Affordable Workforce Housing Standards: Public Review Draft, 3/16/18
- Ordinance L

FISCAL IMPACT

The contract and contract amendment with Clarion Associates to provide technical support in updating the housing mitigation requirements total $97,963. The County has acted as the fiscal agent for the contract, with the Town reimbursing the County for half of the cost. The fiscal impact has been spread across FY17 and FY18.

STAFF IMPACT

The update to the housing mitigation requirements will have had a staff impact of about 1,000 hours by the time the updates are complete. Those hours have been predominately from the Long-Range Planners and Planning Director, spread across FY17 and FY18.

LEGAL REVIEW

Weisman/Cohen-Davis.

RECOMMENDATIONS

The Planning Director recommends approval of AMD2017-0004/P17-052, dated March 16, 2018, subject to the Staff Recommendation on the proposed modifications dated May 31, 2018, being able to make the findings of Section 8.7.1 as recommended by the Planning Director.

Both the Town and County Planning Commissions recommend approval of AMD2017-0004/P17-052, dated March 16, 2018, subject to the PC Recommendation on the proposed modifications dated May 31, 2018, being able to make the findings of Section 8.7.1 as recommended by the Planning Director.

Planning Director Recommended Findings

Pursuant to Section 8.7.1.C of the Land Development Regulations, The advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council/Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council/Board of County Commissioners shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;

   Can Be Made. The purpose of the LDRs is to implement the Comprehensive Plan in a predictable and coordinated manner. The proposed amendment improves predictability and coordination by creating a single set of housing requirements where the current Town and County LDRs have four different housing requirements between them (a residential affordable housing requirement and nonresidential employee housing requirement each). Predictability is also improved by the proposed amendment through a clear independent calculation formula to use when a development is not represented by the general requirement, a specific allocation for the type of units required, and a clear hierarchy of allowed
methods for provision of required housing with findings for moving through the hierarchy and a prohibition of alternate methods. The proposed amendment is consistent with the organization of the LDRs because the proposed requirement varies by use and should therefore be located in Article 6 as proposed.

2. **Improves the consistency of the LDRs with other provisions of the LDRs; Can Be Made.** The proposed amendment requires that affordable workforce housing be provided by a developer at the time the developer generates demand for that housing by generating employees. By requiring the housing supply to occur concurrently with the housing demand, the proposed amendment will improve the balance of residential and nonresidential development in the community, which will improve the consistency and coordination of the residential and nonresidential development allowances in the LDRs over time.

3. **Provides flexibility for landowners within standards that clearly define desired character; Can Be Made.** The proposed amendment clearly and predictably establishes the amount and type of affordable workforce housing needed to achieve the desired community character when a certain type of development is undertaken. The proposed amendment also clearly establishes preferred methods for providing the required housing. Within those clearly defined expectations, landowners have the flexibility to choose an allowed development option that balances the affordable workforce housing requirement with their development goals. The proposed amendment also includes relief mechanisms for a landowner to demonstrate how the impact from a specific development is unique from the requirement.

4. **Is necessary to address changing conditions, public necessity, and/or state or federal legislation; Can Be Made.** The proposed amendment is necessary to address the public necessity of a local workforce, as established in the Comprehensive Plan, in the face of decreasing housing affordability and job growth that has outpaced housing growth since at least 2000. The details of the public necessity and changing conditions are proposed to be adopted as part of the updated housing requirements as Section 6.3.1.B. By adopting the proposed amendment this finding is made as stated in Section 6.3.1.B.

5. **Improves implementation of the Comprehensive Plan; and Can Be Made.** The community set a goal in the Comprehensive Plan to, “ensure a variety of housing opportunities exist so that at least 65% of those employed locally also lives locally.” (pg. CV-3-2) In support of that goal are Principle 5.3 and more specifically Policy 5.3.a, each quoted below.

**Principle 5.3—Reduce the shortage of housing that is affordable to the workforce.** A shortage of housing that is affordable to the workforce is a result of many factors. In order to meet our primary housing goal, the community will regularly monitor the affordability and occupancy of our housing stock to understand and adapt to the forces contributing to such shortages. We will mitigate impacts from new development, preserve existing workforce housing, and create new restricted housing opportunities to avoid and reduce shortages of housing opportunities that are affordable to the local workforce.

**Policy 5.3.a: Mitigate the impacts of growth on housing.** Developers of new residential, commercial, and other non-residential projects will continue to be required to mitigate their impact on the availability of housing that is affordable to the local workforce. As a result of the gap between property values and wages, many of the local workers generated by new residential and non-residential developments cannot afford housing within the community. The number of employees generated by new development projects will vary by development. Each development will be required to mitigate its housing impact on a sliding scale that considers both the size and type of development. This will ensure that each developer’s mitigation responsibility is proportional to the development’s impact on the availability of housing that is affordable to the local workforce.
Housing mitigation requirements are only one of the sources of housing supply discussed in Principle 5.3, and can only address one source of housing demand – demand from new employees generated by development. Because housing demand from other sources, such as retirement of the existing workforce that has housing and existing shortages of affordable workforce housing, is so high, Policy 5.3.a calls for housing mitigation requirements that ensure housing supply provided with development is proportional to the housing demand generated by the development. The proposed amendment improves implementation of the Comprehensive Plan by updating the housing mitigation requirements to implement Policy 5.3.a. The other housing supply methods identified in Principle 5.3 – preservation of existing workforce housing and creation of new housing through incentives and public funding – have not and will not be able to keep up with housing demand to meet the community’s housing goal if Policy 5.3.a is not implemented.

6. **Is consistent with other adopted Town Ordinances/County Resolutions.**
   Can Be Made. The proposed amendment does not conflict with any other Town Ordinances or County Resolutions.

**SUGGESTED MOTION**

**Town Motion**

I move to approve Item P17-052, the housing mitigation requirements update dated March 16, 2018, finding as recommended by the Planning Director that pursuant to Section 8.7.1 of the Town of Jackson Land Development Regulations Item P17-052 is 1) consistent with purposes of LDRs, 2) Improves consistency with other LDRs, 3) Provides flexibility with standards that clearly define desired character, 4) Necessary to meet changes or public necessity, 5) Improves implementation of Comprehensive Plan, and 6) Consistent with other Town Ordinances; and move to approve Ordinance L on first reading subject to the Town Council directed modifications.

**County Motion**

I move to continue AMD2017-0004 to a Special JIM on June 25 at 3:00 pm, and direct staff to make the Board of County Commissioners directed modifications for consideration at that meeting.
Dear County and Town Elected Officials,

I was pleased at the outcome of last week’s Joint Planning Commission Meeting, and I would like to support their suggestions. I fully believe the following should be adopted in the housing mitigation plan for our community:

- Reduce housing mitigation rate; the current proposed 73% is a no-growth policy
- Leave single-family home exception at 2500 square feet
- Rely more on zoning and density - businesses want to build housing
- Eliminate a requirement that residences cannot be older than 15 years to be deed restricted and qualify as workforce housing
- Reduce parking requirements
- Bring back the 4th-floor option for the PRD tool

Thank you for consideration,
Anna

Anna Cole
Communications Director
Jackson Hole Mountain Resort
307-739-2704
Anna.cole@jacksonhole.com
Dear Members of the Town Council and Teton County Board of County Commissioners,

I am very pleased with the direction taken by the Joint Planning Commission on housing mitigation and encourage you to support the recommendations. The potential to deal with the challenges of development, as well as redevelopment of substandard properties, would best be served by:
- Reduction of housing mitigation rates
- Exemption of housing fees to remain at the 2500 s.f. threshold, and not be reduced
- Provide incentives with zoning, density and reduced parking requirement
- Reinstate creative tools (such as the PMUD) and consider 3 and 4 story structures in appropriate locations
- Provide more flexibility in the regulations, not less (such as the 15-year maximum age on structures to count towards workforce and deed restricted housing)

Our community character defined by the people who live and work here is deserving of vibrancy, diversity and opportunities toward which these steps can help lead. Please support the recommendations coming before you in these next critical steps.

Thank you,

Peggy Gilday
Principal

gydearchitects.com
In addition to the comments I provided earlier on Housing Mitigation, I would like you to further consider the following:

General   Consider the free market contribution to workforce housing as currently it is housing a significant portion of the locally housed workforce. Some factor should be considered in setting the requirement for developers which is not being done at all.

6.3.2.B.6 leave exempt mitigation at <2,000 sqft to encourage smaller homes – smaller homes leave room for ARUs and raise the requirement for over 2,000 sqft

6.3.2.B.13 leave the Alta exemption as being in Teton Valley, it is not part of the problem and therefore there is no reason to discuss it

6.3.3.A raise mitigation for jobs that don’t require significant on-site presence – guides (raft, mountain, fishing, hiking, tours, housekeeping, etc)

6.3.3.A reduce the requirement for on-site mitigation – use as an incentive tool as land is our greatest issue – say 10% or the like

6.3.3.A.5 get mitigation at the time of plat if the development requires sketch plan approval (consistent with the LDRs), not construction, make the developer mitigate and charge that cost through to the buyer up front – lot splits or small developments should be handled or have the option to handle at building permit

6.3.3.A.6 exempt basements, they are storage, you may find an example of that not being the case but should be able to address that with a use permit or the like

6.3.3.A.6.c exempt outdoor seating – in our climate, only one or the other are used as a restaurant cannot gamble seating both and having it rain or get cold

6.3.3.A.8 all ARUs should only have a local occupancy exemption as it states currently, do not add burden to this or you will disincentivize construction from the free market

6.3.5.D.4 make the conversion requirement the same as the AH resale requirement as the same standard should apply. The 15 year rule was put in place with the first AH rules when all AH was brand new. There are now existing AH units more than 15 years old so the same rules should apply.

Thank you

Matt Faupel
Jackson Hole Real Estate Associates
Owner/Associate Broker
307-690-0204

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FAUPEL
& ASSOCIATES

JACKSON HOLE
REAL ESTATE
ASSOCIATES

CHRISTIE'S
INTERNATIONAL REAL ESTATE
Alex Norton

Subject: FW: public comment re: Housing Mitigation

From: April Norton [mailto:ahnorton@tetoncountywy.gov]
Sent: Tuesday, June 5, 2018 2:28 PM
To: Sandy Birdyshaw <sbirdyshaw@jacksonwy.gov>
Subject: public comment re: Housing Mitigation

Sandy,

The Housing Supply Board met today and unanimously voted to provide the following comments re: Housing Mitigation. (As an FYI, in January at the Housing Supply Board retreat, Tyler Sinclair encouraged the board to comment on the Engage projects.)

The Jackson Affordable Housing Supply Board, as requested, has reviewed the proposed housing mitigation proposal in the context of the impact on developing a supply of affordable housing. We believe that the extent of proposed mitigation will make commercial development and renovation so expensive as to limit construction and flow of capital into these types of projects. The consequence will be little or no creation of affordable housing.

Our considerations included:

-Commercial development will only occur when a project provides a reasonable risk/reward return to the developer and adequate return to the source of the developer’s capital. Such an extreme mitigation substantially reduces or eliminates both.

-The mitigation can be divided between a marginal or negative return on the affordable housing portion and positive potential return on the market portion of the return. A mitigation as proposed (subject to use, type of development and other factors) appears to raise the underlying cost of the marketable portion to a range over $700 per foot, pricing the units out of the market.

-The sources of capital, which the King Street project have demonstrated are varied and national, require a “cap rate” form of return in a 5-7% range. The proposed mitigation would likely drive that rate of return significantly below that range eliminating any availability of capital for such projects.

-We would suggest that any mitigation be applied carefully and marginally over time. A gradual change allows the community to see the marginal impact and realize any “tipping point”. If development remains strong, mitigation can be further increased. Lower levels of development should be met by flat or lowered mitigation.

-Observers of economic activity would always prefer to avoid large sudden changes. Such actions take a significant risk of unintended consequences, including the erosion of an underlying tax base. They also create a reputation in capital markets of a community which is opposed to traditional economic returns. Such a reputation takes a long time to change.

-The affordable housing challenges took many years to develop and will take many years, and many approaches, to resolve. Precipitous, unprecedented and untested short term actions are unlikely to provide a long term solution.

-Lastly, we would point out that affordable housing is a benefit to the entire community through a diversity in community. Success in developing affordable housing will rely on multiple resources directed to the
challenge. Charging the entire burden to a narrow range of participants in our community forces too much demand on too few. We will need a diversified base of support for affordable housing to withstand the vagaries of changing economic circumstances.

April Norton
Director | Jackson/Teton County Affordable Housing Department
320 S. King Street
(o) 307-732-0867 (m) 307-690-7442
www.jhaffordablehousing.org
Find us on Facebook and Twitter
#jhaffordablehousing #communityfirstresortsecond #jhEngage2017
“Stabilizing our community by providing healthy housing solutions.”
<image002.png>

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STATEMENT/PURPOSE
At the Joint Town Council and County Commission retreat held earlier this year, the Council and Commission asked staff to present a process for proceeding with a SPET election for their consideration.

BACKGROUND/ALTERNATIVES
Town and County staff met to discuss a recommended process for proceeding with a SPET election. However, prior to the process being initiated, the Town Council and County Commission would need to provide some initial direction to the committee. Specifically the Council and Commission would need to determine:

A. **Target Collection Period/Amount.** If the Council and Commission want to initiate a SPET process that would place items on the ballot that, if successful, would be satisfied in a specified period of time, they would need to indicate a target amount. A 1% SPET at current collection rates brings in approximately $15 Million each year. So for example if the target collection period was 3 years or $45 Million, one of the outcomes from the committee would be a recommendation for projects that would be satisfied in 3 years. *Please note that should the economy slow down, collections would take longer for the projects to be satisfied.*

B. **Project Type.** The Council and Commission will need to provide direction to the committee on whether they are only going to consider Town and County infrastructure projects or whether they are going to consider community projects as well such as those related to the schools, hospital, culture, higher education, or other.

C. **Election Date.** The Council and Commission will need to consider when they would like to propose SPET projects to the voters. Pursuant to Wyoming Statute, revenue generating elections can only occur in May, August or November. The Council and Commission may also wish to be sensitive to other items that may be on the ballot at the same time as proposed SPET initiatives. New regulations from the Wyoming legislature have changed the requirements to get a ballot resolution to the County Clerk and it is now a standard 110 days. The table below details upcoming windows of opportunity. *However please understand that these deadlines could change with any legislative changes.*
Upcoming SPET Election Dates and Ballot Resolution Deadlines

<table>
<thead>
<tr>
<th>Election Date</th>
<th>Election Type</th>
<th>110 Day Deadline to Provide Ballot Resolution to County Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, November 06, 2018</td>
<td>General</td>
<td>Wednesday, July 18, 2018</td>
</tr>
<tr>
<td>Tuesday, May 07, 2019</td>
<td>Special</td>
<td>Wednesday, January 16, 2019</td>
</tr>
<tr>
<td>Tuesday, August 20, 2019</td>
<td>Special</td>
<td>Wednesday, May 01, 2019</td>
</tr>
<tr>
<td>Tuesday, November 05, 2019</td>
<td>Special</td>
<td>Wednesday, July 17, 2019</td>
</tr>
<tr>
<td>Tuesday, May 05, 2020</td>
<td>Special</td>
<td>Wednesday, January 15, 2020</td>
</tr>
<tr>
<td>Tuesday, August 18, 2020</td>
<td>Primary</td>
<td>Wednesday, April 29, 2020</td>
</tr>
<tr>
<td>Tuesday, November 03, 2020</td>
<td>General</td>
<td>Wednesday, July 15, 2020</td>
</tr>
</tbody>
</table>

Once these initial discussions have occurred, the committee process would then begin. The steps identified by staff that would be part of the committee process are listed below.

1. **Committee Makeup.** The Committee would include the County Commissioner’s Administrator, the Town Manager, the County Clerk, the County Treasurer, and the Town Finance Director. There would not be elected officials on the committee that would also be final decision makers for the ballot initiatives selected.

2. **Committee Role.** The role of the Committee will be to vet the applications and make recommendations to the Town Council and County Commission.

3. **Timeline Identified.** Based on the direction provided by the Council and Commission, the committee would create a timeline for the Council and Commission that sets forth the application period, the review period, the target date for a recommendation to the Council and Commission, and a sufficient time period for the Council and Commission to consider, deliberate, decide on ballot initiatives, and allow time for legal staff to work with the Commissioner’s Administrator and Town Manager to craft ballot language prior to the ballot resolution deadline.

4. **Application.** An application will be finalized that will be a required submittal by the application deadline in order to be considered by the Town Council and County Commission. The application would be very similar to the one utilized in 2010 with some additional questions and a draft is attached to this staff report. It includes information about project costs, location, inflationary factors, other revenue sources, time frames for the project, cash flow, operating and maintenance budget and funding, community benefit, alignment with the comp plan, etc.

5. **Criteria Review.** The Committee will meet with a project representative for each application to understand the project being requested for consideration. The Committee will review each application and as a group will score the projects based on pre-established criteria that includes areas such as critical service, budget and funding sources, project readiness, fiscal and staff impacts on Town and/or County operations, economic impacts, meeting identified needs, statutory compliance, alignment with comprehensive plan goals, etc.

6. **Committee Outcomes.** As noted above, the Committee will make a recommendation to the Council and Commission. Based on the initial direction provided, the Committee will recommend whether projects should be considered or not considered and for those recommended for consideration, the committee will provide a prioritized list with recommended amounts. If the Council and Commission gave direction to consider both Town and County infrastructure projects as well as community projects, the Committee would prioritize these separately within each group but would also include a final list with amounts.

As noted in the draft application, the Town Council and County Commission can take the recommendation from the committee or make a different determination.

Staff recommends the Town Council and County Commission consider the recommendation from staff and adopt the process as outlined in the staff report.
The Town Council and County Commission have options available to them including:

1. Adopt the SPET process as outlined in the staff report.
2. Discuss the proposed SPET process and delay action on approving the process until such time that the Council and Commission want to pursue placing SPET initiatives on the ballot.
3. Make changes to the process and adopt as amended.
4. Take no action.
5. Other.

**ATTACHMENTS**
Draft Application.

**FISCAL IMPACT**
There is no fiscal impact of adopting a process for SPET initiatives that provides for vetting of the project submittals prior to the Town Council and County Commission being asked to deliberate and vote on the initiatives. There is a significant fiscal impact of conducting a special election for SPET initiatives. There is also a significant capital and operating fiscal impact of passage of projects that improve, replace, or add Town or County infrastructure or facilities.

**STAFF IMPACT**
Staff impact of approving this process is significant in that it would require a significant amount of time from the executive level personnel in both organizations including two elected officials. It would also require notable staff time from support staff personnel for records retention purposes for the documents submitted. However, it is staff’s opinion that it is more reasonable to expect staff and the elected Clerk and Treasurer to spend necessary staff time vetting projects rather than having the Town Council and County Commission directly review and analyze projects submitted. Even though a significant amount of staff time would be expended on this process, staff’s position is that these duties are integral to each position and would not create an undue burden to perform. The following table is an estimate of the staff impact of initiating a SPET application process utilizing the process proposed. Please note the following table does not address the staff impact of conducting a special or general election – that would need to be addressed at such time that the Council and Commission decide to move forward with conducting an election.

<table>
<thead>
<tr>
<th>Item</th>
<th>Responsible</th>
<th>Time Needed Per Person (in Hours)</th>
<th>Total Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare Timeline</td>
<td>Asst Town Mgr</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Finalize Application</td>
<td>Asst Town Mgr</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Finalize Criteria Scoring</td>
<td>Asst Town Mgr</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Compile Full Set of Applications</td>
<td>Administrative Assistant</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Coordinate Committee Meetings</td>
<td>Administrative Assistant</td>
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<td>1</td>
</tr>
<tr>
<td>Schedule Meeting Time for Committee with Each Applicant</td>
<td>Administrative Assistant</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Committee Reading and Review of Applications Submitted and Scoring</td>
<td>Committee</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Committee Meeting with Applicant Representatives</td>
<td>Committee</td>
<td>20</td>
<td>100</td>
</tr>
<tr>
<td>Committee Deliberation and Recommendation Prep</td>
<td>Committee</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Staff Report Preparation for JIM for recommendation and for SPET Ballot Item</td>
<td>Asst Town Mgr</td>
<td>4</td>
<td>4</td>
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<tr>
<td>Legal Assistance with Ballot Language and Resolution Prep</td>
<td>Town and County Attorneys</td>
<td>5</td>
<td>10</td>
</tr>
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<td><strong>Total</strong></td>
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<td><strong>223</strong></td>
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STAKEHOLDER ANALYSIS
There are multiple stakeholders involved including the Town and County, Town and County staff and elected officials, residents and guests of Teton County and the Town of Jackson that would enjoy the benefits of improved, expanded, or new Town and County infrastructure and/or facilities, residents and guests that would enjoy the benefits of community projects, and residents and guests that would pay SPET taxes.

LEGAL REVIEW
Complete.

RECOMMENDATION
Staff recommends the Town Council and County Commission adopt the SPET process as outlined in the staff report.

SUGGESTED MOTION
Should the Town Council and County Commission be ready to take action on this item, one possible motion would be:

I move to adopt the SPET process as outlined in the staff report.

Synopsis for PowerPoint (120 words max):

Purpose:
At the Joint Town Council and County Commission retreat held earlier this year, the Council and Commission asked staff to present a process for proceeding with a SPET election for their consideration.
TETON COUNTY AND TOWN OF JACKSON

SPECIFIC PURPOSE TAX

PROJECT APPLICATION INSTRUCTIONS

Pursuant to Wyoming Statutes, the Teton County Commissioners and the Jackson Town Council are authorized to approve tax initiatives to be placed on the ballot for voter consideration. Completed applications must be submitted by the deadline and will be reviewed by a committee appointed by the County Commission and Town Council. The governing bodies may choose one, several, all or none of the proposals they deem to be appropriate to be placed on the ballot.

Criteria: Applications will be reviewed, scored and prioritized based in part on the following criteria and by the information provided in the application.

1. All applicants must be a local government entity or sponsored by a local government. If the applicant is seeking local government sponsorship from the Town of Jackson or Teton County, contact the government entity prior to XDate. Consideration of sponsorship of must be approved in a regular Town Council or Teton County Board of County Commission public meeting prior to the application deadline of XDate.

2. Projects that will benefit the residents of the community through critical service provision or that support or promote the health, safety, and welfare of the community will be most favorably considered. Projects should clearly demonstrate the needs, desires, and benefit to the public. Projects will also be scored on relationship to current infrastructure, funding, project readiness, fiscal and staff impact on TOJ or TC operations, ability for timely completion, economic impact, meeting identified needs, compliance with applicable regulations and laws, previous community support identified, and alignment with the adopted comprehensive plan.

3. Applications should include all project costs, have well documented future costs (operations and maintenance costs, and reserve funds for replacement of equipment and major components). The cost sections should include time schedules for the project and draw down schedules for funding. Applications should be complete and accurate.

4. Applications shall include proposed SPET Ballot language describing the amount of revenue to be collected and the purpose or purposes for which it is proposed to be used.

Process: The following committee vetting process has been adopted by the Town Council and County Commission to make a recommendation to the Town Council and County Commission.

1. Committee Makeup. The Committee includes the County Commissioner’s Administrator, the Town Manager, the County Clerk, the County Treasurer, and the Town Finance Director.

2. Committee Role. The role of the Committee will be to vet the applications and make recommendations to the Town Council and County Commission.

3. Timeline.
The Review Committee may select one, several, all, or none of the applications for submission to the Town Council and County Commission for approval.

The Town Council and County Commission may select one, several, all, or none of the applications for submission to the voters at the election on Xdate.

**All applicants must be a local government entity or sponsored by a local government.**

If the applicant is seeking local government sponsorship from the Town of Jackson or Teton County, contact the government Administration Office prior to Xdate. Consideration of sponsorship of must be approved in a regular Town Council or Teton County Board of County Commission public meeting prior to the application deadline of Xdate.

Town of Jackson Administration 733-3932
Office of the County Commission 733-8094

**Application Instructions:** Please submit six (6) hard copies of the application in the prescribed format. Applicant must also submit a .pdf version of the application that contains all of the application materials. Applications not fully completed will not be considered.

Additional information about the project may be submitted as an addendum to the application.

**Application Deadline:** Application must be received no later than noon on Xdate at the Office of the County Commissioners, 200 S. Willow both in hard copy and .pdf electronic format on a flash drive (hard copy applications may be mailed to: P.O. Box 3594, Jackson, WY 83001).

**Application Questions:** Please complete every question in a short concise manner. If a response to a question is not necessary, please indicate with “N/A”.

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<th>SPET Timeline</th>
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<td>Applications Period</td>
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<td>Application Deadline</td>
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<td>Recommendation to Council &amp; Commission</td>
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<td>Election</td>
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SPECIFIC PURPOSE TAX

PROJECT APPLICATION

1. Project Name

2. Name of applicant (and name of sponsoring government entity if applicable)

3. Name, address, and phone number of contact person for the applicant

4. Is the applicant a
   a) governmental entity _________________________
   b) government sponsored entity _________________________
      (Please attach resolution of sponsorship)

5. Provide a brief description of the project (100 words or fewer).

6. Location of the proposed project.

7. If there is land required for the project, please indicate whether the land is owned, under contract, etc., and indicate the zoning of the property.

8. Project costs (please include all costs).
   a) land acquisition _________________________
   b) all design costs _________________________
   c) construction costs _________________________
   d) furnishings, fixtures & equipment _________________________
   e) contingency _________________________
   f) Operation & Maintenance Escrow _________________________
   g) other (please explain) _________________________

   TOTAL _________________________

For each category listed in number eight (8), please provide a concise description of how costs are derived, how firm they are, and any contributions, such as land ownership, to the project.

9. Have any inflationary factors been included for time value for construction costs? If so, please explain how they are calculated and how they affect the project costs.

10. What alternative sources of revenue are available to the applicant and what sources have been explored for this project? (for example, property taxes, dues, etc.)

11. What dollar amount is being requested from Specific Purpose tax proceeds for this project?

12. Please list time frames for each phase of the proposed project.

13. Prepare and list as an addendum to this question, a preliminary cash flow showing disbursements and dates to match the schedule in Number 12.
14. Will any bond financing be necessary for this project?

15. Please provide as an addendum, a proposed operating and maintenance budget (pro forma income statement) for the first five (5) years following completion of the project.

16. What is the proposed method of providing future ongoing operating and maintenance costs? Describe the impact of this project on Town and/or County operating budgets in terms of fiscal impact and staff impact, be specific.

17. How will reserve funds be accumulated for replacement or repair of major equipment or components and what is the source of the funds?

18. What annual amount is projected for this reserve fund?

19. How many residents will benefit from this project?

20. What, if any, economic benefit will accrue to the community as a result of this project?

21. Are there any social or cultural benefits to the community?

22. Describe how your project is connected to current infrastructure.

23. Describe the level of project readiness, design, construction documents, etc.

24. If the project meets an identified community need, describe how that need is evident or has been documented or how it has been identified.

25. If SPET funds are needed to complete a previously approved/authorized project due to a shortfall, describe in detail.

26. Describe how your project provides a critical service related to health, safety, and welfare of the community.

27. Describe how the project will impact transportation (vehicle, bus, bike, highway, intersection, pathway), traffic, or congestion in the community either positively or negatively.

28. Describe the impact the project will have on employee and/or affordable housing in the community either positively or negatively and how the impact will be mitigated.

29. Describe how your project is in alignment with the comprehensive plan.

30. Provide as an addendum, an affidavit in agreement to participate in the public Planning & Review process for development and construction of the project.

31. Additional comments

Date ___________________________  Applicant ___________________________