



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

TRANSMITTAL MEMO

Town of Jackson

- ☐ Public Works/Engineering
- ☐ Building
- ☐ Title Company
- ☒ Town Attorney
- ☐ Police

Joint Town/County

- ☐ Parks and Recreation
- ☐ Pathways
- ☐ Joint Housing Dept

Teton County

- ☐ Planning Division

- ☐ Engineer
- ☐ Surveyor- *Nelson*
- ☐ Assessor
- ☐ Clerk and Recorder
- ☐ Road and Levee

State of Wyoming

- ☐ Teton Conservation
- ☐ WYDOT
- ☐ TC School District #1
- ☐ Game and Fish
- ☐ DEQ

Federal Agencies

- ☐ Army Corp of Engineers

Utility Providers

- ☐ Qwest
- ☐ Lower Valley Energy
- ☐ Bresnan Communications

Special Districts

- ☐ START
- ☐ Jackson Hole Fire/EMS
- ☐ Irrigation Company

<p>Date: May 5, 2022</p> <p>Item #: P22-113</p> <p>Planner: Tyler Valentine</p> <p>Phone: 733-0440 ext. 1305</p> <p>Email: tvalentine@jacksonwy.gov</p> <p>Owner Town of Jackson PO Box 1687 Jackson, WY 83001</p> <p>Applicant Jackson/Teton County Housing Dept. PO Box 714 Jackson, WY 83001</p>	<p>REQUESTS:</p> <p>The applicant is submitting a request for a Formal Interpretation of Land Development Regulations regarding Accessory Uses and Deed Restricted Housing Exemptions for the property located at 400 W Snow King Avenue, legally known as PT. SE1/4NE1/4, SEC. 33, TWP. 41, RNG. 116 MAP T-57 (FAIR GROUNDS, INCLUDES PUBLIC WORKS DEPT.) PIDN: 22-41-16-33-1-00-027</p> <p>For questions, please call Tyler Valentine at 733-0440, x1303 or email to the address shown below. Thank you.</p>
<p>Please respond by: May 27, 2022 (with Comments)</p>	

RESPONSE: For Departments not using Trak-it, please send responses via email to:
alangle@jacksonwy.gov



PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____ Date & Time Received _____
Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: _____
Physical Address: _____
Lot, Subdivision: _____ PIDN: _____

PROPERTY OWNER.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

APPLICANT/AGENT.

Name: _____ Phone: _____
Mailing Address: _____ ZIP: _____
E-mail: _____

DESIGNATED PRIMARY CONTACT.

_____ Property Owner _____ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

Use Permit

_____ Basic Use
_____ Conditional Use
_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment
_____ Variance
_____ Beneficial Use Determination
_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan
_____ Development Plan
_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat
_____ Boundary Adjustment (replat)
_____ Boundary Adjustment (no plat)
_____ Development Option Plan

Interpretations

_____ Formal Interpretation
_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment
_____ Map Amendment

Miscellaneous

_____ Other: _____
_____ Environmental Analysis

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: _____ Environmental Analysis #: _____

Original Permit #: _____ Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees. --> Town property and Town Dept. as applicant

_____ **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.

_____ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Kristi Malone
Signature of Property Owner or Authorized Applicant/Agent

Date

Name Printed

Title



Town of Jackson
150 E Pearl Avenue
PO Box 1687, Jackson, WY 83001
P: (307)733-3932 F: (307)739-0919
www.jacksonwy.gov

Date:

LETTER OF AUTHORIZATION NAMING APPLICANT AS OWNER'S AGENT

PRINT full name of property owner as listed on the deed when it is an individual OR print full name and title of President or Principal Officer when the owner listed on the deed is a corporation or an entity other than an individual : Larry Pardee, Town Manager of Town of Jackson, a municipal corporation of the State of Wyoming

Being duly sworn, deposes and says that Town of Jackson is the owner in fee of the premises located at:
Name of property owner as listed on deed

Address of Premises: 400 W SNOW KING AVENUE

Legal Description: PT. SE1/4NE1/4, SEC. 33, TWP. 41, RNG. 116 MAP T-57 (FAIR GROUNDS, INCLUDES PUBLIC WORKS DEPT.)

Please attach additional sheet for additional addresses and legal descriptions

And, that the person named as follows: Name of Applicant/agent: Jackson/Teton County Housing Dept (c/o April Norton or Kristi Malone)

Mailing address of Applicant/agent: P.O. Box 714 Jackson, WY 83001

Email address of Applicant/agent: ahnorton@tetoncountywy.gov, kristi.malone@tetoncountywy.gov

Phone Number of Applicant/agent: 732-0867

Is authorized to act as property owner's agent and be the applicant for the application(s) checked below for a permit to perform the work specified is this(these) application(s) at the premises listed above:

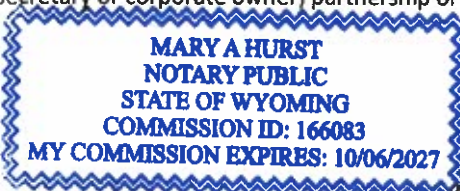
- ☒ Development/Subdivision Plat Permit Application ☒ Building Permit Application
- ☒ Public Right of Way Permit ☒ Grading and Erosion Control Permit ☐ Business License Application
- ☒ Demolition Permit ☒ Other (describe) Pre-app requests, Use Permit Apps

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

Property Owner Signature

Title if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner

STATE OF Wyoming)
) SS.
COUNTY OF Teton)



The foregoing instrument was acknowledged before me by Larry Pardee this 28th day of March, 2022. WITNESS my hand and official seal.

Notary Public

My commission expires: 10/06/2027

INTERPRETATION REQUESTED

This application requests the Town of Jackson Planning Director's interpretation of Land Development Regulations regarding Accessory Uses and Deed Restricted Housing Exemptions, as excerpted below.

Question 1: Accessory Use: Does development and use of 48 attached residential rental units within an approximately 40,000-sf building at 400 W Snow King Avenue constitute an Accessory Use to the ongoing non-residential Primary Use of the site?

6.1.2.B. Classification of Uses

3. Accessory Uses. An accessory use is a use that constitutes a minority of the use or character of the property and is secondary and subordinate to another use of the same property, but which is not an incidental use.

Question 2: Thresholds for Required Physical Development Permits: Does the exemption from thresholds for physical development permits for voluntary restricted housing apply to the 48 Affordable units proposed at 400 W. Snow King Avenue?

7.8.3. Deed Restricted Housing Exemption

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*

CIRCUMSTANCES & FINDINGS

The circumstance to which interpretation of these LDR standards are requested is the proposed construction and use of 48 permanently deed restricted Affordable housing units on the east end of the Town-owned parcel at 400 W. Snow King Avenue. This project was pursued at the direction of the Jackson Town Council, has received \$15.255 million in federal funding, and the project team has met with Planning Staff in a Pre-app Conference and with the Town's Design Review Committee for an initial review (P22-060 & P22-070). We are submitting this interpretation request to understand the most effective method of moving forward with this and similar future projects.

The following is an analysis of the regulations in question to better convey the circumstances to be evaluated in making your interpretation.

- 1. Accessory Use:** Does development and use of 48 attached residential rental units within an approximately 40,000-sf building at 400 W Snow King Avenue constitute an Accessory Use to the ongoing non-residential Primary Use of the site?

The Primary Use of the site can be classified as an Industrial Use and includes the Town of Jackson Public Works facility (with buildings still in use dating back to the 1960s) and the Teton County Parks and Recreation maintenance facility (approved in 2016 and construction completed in 2020). The Conditional Use Permit and Development Plan for the Parks and Recreation maintenance facility were approved as a Primary Industrial Use with Accessory Residential Units in an approximately 50,679 square foot building. The building and parking area for this Parks and Recreation maintenance facility are not included in the use analysis below because it was permitted as an individual Primary use and Accessory use in addition to, but not interdependent with, the existing Public Works facility on the site. This interpretation request asks for consideration of the potential for interdependence between the existing Public Works facility as a Primary Use and the proposed Accessory Residential Units.

The following table assesses components of the existing Public Works facility Primary Use and the proposed Affordable rental housing as an Accessory relationship.

	Existing Primary Use	% of site total	Proposed Accessory Use	% of site total
Use Description	An industrial use is the manufacturing, assembly, processing, or distribution of material.	--	An accessory residential unit (ARU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory residential units provide workforce housing.	--
Includes:	Machine shop, janitorial service/supply, bulk storage and distribution of fuels, pesticides,	--	48 Employee Apartments	--

	etc., maintenance/repair of and services involving heavy equipment			
Site Area	3.8 acres*	59%	1.3 acres*	20%
Site Dev	2.9 acres*	61%	0.98 acres*	21%
Floor Area	28,790 sf*	31%	39,753 sf*	43%
Structure Setbacks	8', 28', 20'*	--	28', 11', 52'*	
Site Dev Setbacks	7', 3', 3'*	--	24', 2', 4'*	
Parking	43 lined spaces + 24 garage bays + 7 covered heavy machinery + loading areas	--	60 lined spaces	

*Approximation made from 2020 aerial imagery and proposed Affordable Workforce Housing site plan (see attachments). Historical permits on existing Public Works Facility were not available in Town Building/Planning records.

Additionally, if the scope of the site is expanded to include multiple lots of record, one could contend that the Fairgrounds area north of Snow King Avenue effectively functions as part of an integrated institutional use. If this larger site is considered, the Accessory nature of the proposed attached ARUs may be even more apparent.

2. Thresholds for Required Physical Development Permits: Does the exemption from thresholds for physical development permits for voluntary restricted housing apply to the 48 Affordable units proposed at 400 W. Snow King Avenue?

The exemption standards in LDR Section 7.8.3 do not speak to applicable zones, but rather to applicable types of physical development—the floor area included in required or voluntary restricted housing. The housing units proposed at 400 W. Snow King Avenue qualify as voluntary restricted housing subject to an affordable deed restriction, acceptable to the Jackson/Teton County Housing Department, and which will be recorded with the County Clerk prior to Certificate of Occupancy on the completed building.

The text of LDR Section 7.8.3.C.2 specifically exempts applicable floor area from “Thresholds for physical development permits.” Thresholds for physical development permits are specified for each zone in Subsection B. Physical Development of the relevant zone found in Articles 2-4 of the LDRs. For Public/Semi-Public zoning, the thresholds for physical development permits are listed in LDR Section 4.2.1.B.12, as follows:

12. Required Physical Development Permits						
Physical Development	Sketch Plan (Sec. 8.3.2.)	Development Plan (Sec. 8.3.3.)	Building Permit (Sec. 8.3.4.)	DRC Review (Sec. 8.2.6.)	Sign Permit (Sec. 8.3.6.)	Grading Permit (Sec. 8.3.5.)
Dwelling Unit						
< 5 units			X			(Sec. 5.7.1.)
5 - 10 units		X	X			(Sec. 5.7.1.)
> 10 units	X	X	X			(Sec. 5.7.1.)
Nonresidential Floor Area						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

Unlike other exemptions referenced in LDR Section 7.8.3, such as maximum Floor Area Ratio, there are no zone-specific notations on applicability of the physical development permit exemption standards. For example, in a recently updated Complete Neighborhood zone such as NH-1, LDR Section 2.2.9.B.3 includes a notation on the applicability of Floor Area Ratio exemptions listed in Section 7.8.3, but no such notations are included on zone-specific tables describing thresholds for physical development permits like the one above. This implies that there is no differentiation between zones where this threshold exemption applies versus zones where it does not, or simply, that this exemption applies to all zones.

In closing, facilitation of the production and restriction of Affordable Workforce Housing is an important policy measure of the 2020 Jackson/Teton County Comprehensive Plan and is implemented through incentive tools in the LDRs. These incentives include the ability to pursue Accessory Residential Units in zones where higher-intensity primary uses are focused, and the privilege of an expedited review process for Affordable Workforce Housing projects. This interpretation request seeks to confirm application of these zoning incentives to development and use of this proposed Affordable Workforce Housing development.

Thank you for your time and attention to this matter. I look forward to your interpretation and direction on the most effective path forward.

Primary Use – Approximate Site Development



Proposed Accessory Use – Approximate Site Development



Primary Use – Approximate Floor Area



Proposed Accessory Use – Approximate Floor Area

UNIT COUNTS

24 1 BR/1 BATH UNITS
12 2 BR/1 BATH UNITS
12 3 BR/2 BATH UNITS

48 UNITS TOTAL

PARKING CALCULATION

PARKING REQUIRED
THIS PROJECT - 60

EXISTING PROJECT - 45

TOTAL REQUIRED - 105 SPACES
TOTAL PROVIDED - 110 SPACES
(INCL. 4 HC)

AREA CALCULATIONS

STRUCTURE FOOTPRINT
13,389 SF

FIRST FLOOR AREA
13,251 SF

SECOND FLOOR AREA
13,251 SF

THIRD FLOOR AREA
13,251 SF

TOTAL AREA
39,753 SF