

Special Town Council Workshop

August 10, 2020

6:00 PM

Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES.

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

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I. WEBEX LINK FOR PUBLIC PARTICIPATION

To join, click on the link or copy it to your browser:

<https://townofjacksonwy.webex.com/townofjacksonwy/onstage/g.php?MTID=e23fb941f1d0ae388c43cc9cd51319771>

If the link does not work, join at webex.com with Meeting ID **146 660 6618** Password: **toj**

II. CALL TO ORDER AND ROLL CALL

III. WORKSHOP ITEMS:

- A. Updates to Water & Sewer System Rates & Capacity
This item will be withdrawn from the agenda.
- B. Legal Review of Jackson Municipal Code Title 5 (Lea Colasuonno, 30 Minutes)
- C. Low Income Tax Credit Project Review (April Norton, 30 Minutes)

IV. UPCOMING WORKSHOP ITEMS

- 8/17 Town Council Mid-Year Check-In
- 8/17 JHMR Ski Pass Contribution for START
- 8/17 Northern South Park RFP
- 9/21 Updates to Water and Sewer System Rates & Capacity
- 9/21 Advertising on Public Property
- 9/21 Budget Check-In
- 10/12 *date pending* Town Square & Historic Preservation LDR Update
- 10/19 Review Proposed Ordinance Changes related to Rate & Capacity Study
- 10/19 Budget Check-In
- Upcoming* Continuing Legal Review of JMC
- Upcoming* Special Event Requirements (Non-Alcoholic options and Sustainability Efforts)
- Upcoming* One Percent for Art
- Upcoming* St. John's Hospital Memorandum of Understanding

V. ADJOURN

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



TOWN OF JACKSON

AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Legal

PRESENTER: Lea Colasuonno

MEETING DATE: August 10, 2020

SUBJECT: Title 5: Code Update

STATEMENT/PURPOSE

The purpose of this item is for Town Council to discuss key policy issues for the update to Title 5.

BACKGROUND/ALTERNATIVES

Title 5 of the Jackson Municipal Code covers business licenses and general business regulations. The Legal Department and an outside consultant reviewed each Chapter for constitutionality, legal issues and identified necessary changes. Subsequently, the Legal Department worked closely with the staff that work daily with Title 5 – the Police and Administration Departments – to identify updates for functionality/practicality.

KEY POLICY QUESTIONS FOR COUNCIL:

1. **Fee Updates.** The fees in Title 5 have not been reviewed in years – in most cases decades – and need to be updated.
Options for updating fees:
 - ✓ Update all by CPI since the fee was enacted.
 - ✓ Have staff review the costs – resources, staff time, etc. – to provide the service covered by the fee and adjust to that actual estimated cost.Staff Recommendation: Update all by CPI since the fee was enacted.
2. **Licensing Long-term Residential Rentals.** Currently the Town requires a license for those that lease *three or more* dwellings or apartments for *residential* purposes. Additionally, the Town does not require a business license for residential rentals that: **a)** a person owns in order to meet an employee housing requirement; or **b)** are used by a business to house its employees; or **c)** for a person that already holds a business license with the Town. Options for updating this section include:
 - ✓ Change the threshold for when a person leasing dwellings or apartments for residential purposes to a number less than or greater than three; and/or
 - ✓ Change the basis for when business licensing is excused for residential renting.Staff Recommendation: That Council discuss these options and consider if the threshold for when a person leasing dwellings or apartments for residential purposes should be a number less than or greater than three.
3. **Chapter 5.52 General Business Regulations.** This section is dated from 1972 and 2000 and regulates only beauty shops, barbershops, and radio broadcasting. The ordinances for the first two businesses concern health issues and are regulated by public health. The latter ordinance states that radio broadcasting is a privilege and its effect on interstate commerce. The Town does not actively enforce these regulations and the ordinances do not speak to business licensing requirements. Options for updating this section include:
 - ✓ Repealing the entire Chapter; or
 - ✓ Keeping the Chapter as is; or
 - ✓ Modifying the ordinances.Staff Recommendation: Repeal the Chapter.

4. **Taxi Fares.** Since 2008, the Town Code has regulated taxi fares by **a)** setting out specific to-from trips; **b)** setting a maximum fare amount; **c)** a maximum number of passengers that fare applies to; and **d)** the allowance for a five-dollar additional charge for each passenger above the maximum number. This system fails to regulate the fares for *every taxi trip except* those originating or terminating in Town and going within Town, to Teton Village, or to the Jackson Hole Airport. Moreover, since 2008, the advent of Uber and Lyft have changed the taxi fare market. Options for updating taxi fare regulation includes:

- ✓ Design a “grid system” for all taxi rides originating or terminating in Town (see attachment);
- ✓ Not set fares at all and let the market determine the value of a taxi ride;
- ✓ Require taxis have meters.
 - i. Note: this option requires staff perform research, which staff did not embark on at this time without knowing if the option interested Council.
- ✓ Keep the current system in place.

Staff Recommendation: Staff does not have a unified recommendation on taxi fares; staff notes that Chief Smith recommends regulating the fares and Town Administration recommends to not to regulate them.

SUMMARY OF PRINCIPAL NON -POLICY EFFECTUATING CHANGES TO EACH TITLE 5 CHAPTER:

5.04 Business License Tax--General Provisions

- Move generally applicable sections to this Chapter so that those apply to all businesses without the Code being repetitive. Generally applicable sections include regulations for
 - Applying for a license, renewing a license,
 - All fees for licensing,
 - The expiration of licenses,
 - That no license will be issued if the building or use is noncompliant with the Land Development Regulations,
 - License denial,
 - All revocation and suspension basis and procedure,
 - That license holders have obligation to update the Town for changes to application requirements, and
 - The prohibition of sales on public property.

5.06 Solicitors and Canvassers – Posted Residential Signs

- This Chapter is outdated and requires a wholesale update – i.e. repeal and reenactment of the entire Chapter. A new modern set of regulations will be presented to Council as a full draft for consideration in the future.

5.08 Exemptions and Adjustments

- The Constitutional Apportionment subsection will be repealed.
- Minor non-policy, corrective edits to remaining subsections are recommended and will be presented to Council as a full draft in the future.

5.12 License Required

- This Chapter will have numerous subsections moved to 5.04 – i.e. those generally applicable to all licenses. The relocation of these Chapters will not cause policy changes.
- These changes will be presented to Council as a full draft in the future.

5.16 Specific License Fees--Regulations of Particular Businesses

- This Chapter is almost exclusively a list of fees. Staff recommends moving all fees that are stated in ordinances to being stated in a resolution.

5.20 Installation Permit—Expositions and Outdoor Sales

- Non-policy, corrective edits to this Chapter are recommended and will be presented to Council as a full draft in the future. Notably, staff is recommending many changes to organization and structure of this Chapter, but we do not anticipate they will result in policy changes.

5.21 Temporary or Transient Merchant Business Licenses

- Non-policy, corrective edits to this Chapter are recommended and will be presented to Council as a full draft in the future. Notably, staff is recommending many changes to organization and structure of this Chapter, but we do not anticipate they will result in policy changes.

5.24 Business License Tax – Penalties

- Staff recommends repealing this Chapter entirely because it is unnecessary.

5.28 Liquor Licenses and Permits

- This Chapter was entirely repealed in 2007 when Liquor Licensing was relocated to its own Title in the Code (now its Title 6).
- Formatting will be changed to shorten the unnecessary repetition.

5.32 Pawnbrokers

- Minor non-policy, corrective edits to most subsections are recommended and will be presented to Council as a full draft in the future.

5.48 Bingo and Pull Tab Regulations

- Minor non-policy, corrective edits to most subsections are recommended and will be presented to Council as a full draft in the future.
- The sole exception is staff recommendation that the prohibition on playing bingo and pulltabs while intoxicated be repealed because it is not illegal to be intoxicated.

5.50 Ground Transportation

- With the exception of the issue set forth in No. 4 under the Key Policy Questions Section below, staff recommends non-policy, corrective edits to remaining subsections are recommended and will be presented to Council as a full draft in the future. Notably, staff is recommending many changes to organization and structure of this Chapter, but these changes will not cause policy changes.

5.52 General Business Regulations

- As set forth in No. 3 under the Key Policy Questions Section below, staff recommends repealing this Chapter entirely because it is unnecessary.

5.60 Residential Short-Term Rental Permits

- The Administrative Enforcement and Penalty subsections of this Chapter purport to exercise powers the Town does not possess, specifically the imposition of civil fines and dictating standards of evidence. In order to address these major issues, recommended changes will be presented to Council in the future that repeal the Administrative Enforcement and Penalty subsections.
- Minor non-policy, corrective edits to remaining subsections are recommended and will be presented to Council as a full draft in the future.

5.70 Adult Entertainment Business

- Minor non-policy, corrective edits to most subsections are recommended and will be presented to Council as a full draft in the future.

5.80 Residential Rental Property Regulations

- Minor non-policy, corrective edits to most subsections are recommended and will be presented to Council as a full draft in the future.

Council can discuss any proposed changes at the future Council meeting when presented.

COMPREHENSIVE PLAN ALIGNMENT

This item ensures responsible growth management, Common Value 2, and maintains the quality of life of residents, Common Value 3.

STAKEHOLDER ANALYSIS

The stakeholders include residents, guests, businesses and employees of the Jackson Hole community., as well as the Town organization.

FISCAL IMPACT

The notable fiscal impacts of this item are as follows:

- Positive: If Council directs staff to update the current decades-old fees in Title 5, there will be a positive fiscal impact to the degree that the fees are either a) updated for CPI or b) adjusted to an actual estimated cost of the service provided.
- Expense: Should the Town update the entirety of Title 5, statutorily dictated notice and publishing rules will require the Town expend significant funds to notice and publish the new ordinances.

STAFF IMPACT

Staff Impact of Accomplishing an Update of Title 5:

The staff impact of revamping Title 5 of the Jackson Municipal Code is significant. The largest impact is in the Legal Department, as it involves the Town Attorney reviewing, evaluating and rewriting, as needed, each subsection. Significant impact is also felt in the Police and Administration Departments, as well as the Town Clerk's Office, as these are critical partners in revamping Title 5 since each work with the Title on a daily basis and provide critical input into the functionality and practicality of current law and potential changes thereto.

Moreover, updating the entirety of Title 5 will have significant impact in the Town Clerk's Office including publishing the updated Title, updating the official Code, updating the web-version of the Code and distributing said updates.

Staff Impact Once Title 5 is Updated:

The long-term impact on staff of Title 5 updates depends on the Council decisions. Should Council reduce the business regulations set forth in Title 5, doing so would concomitantly reduce the workload in the Administrative and Police Departments. While if regulation is added, the workload in these Departments would increase.

As updates to Title 5 are presented to Council, the staff impact of the recommended changes will be provided to Council for its consideration.

LEGAL REVIEW

Ongoing.

ATTACHMENTS

- Draft taxi "grid system"

RECOMMENDATION

Staff recommendations are provided above in each Key Policy Question.

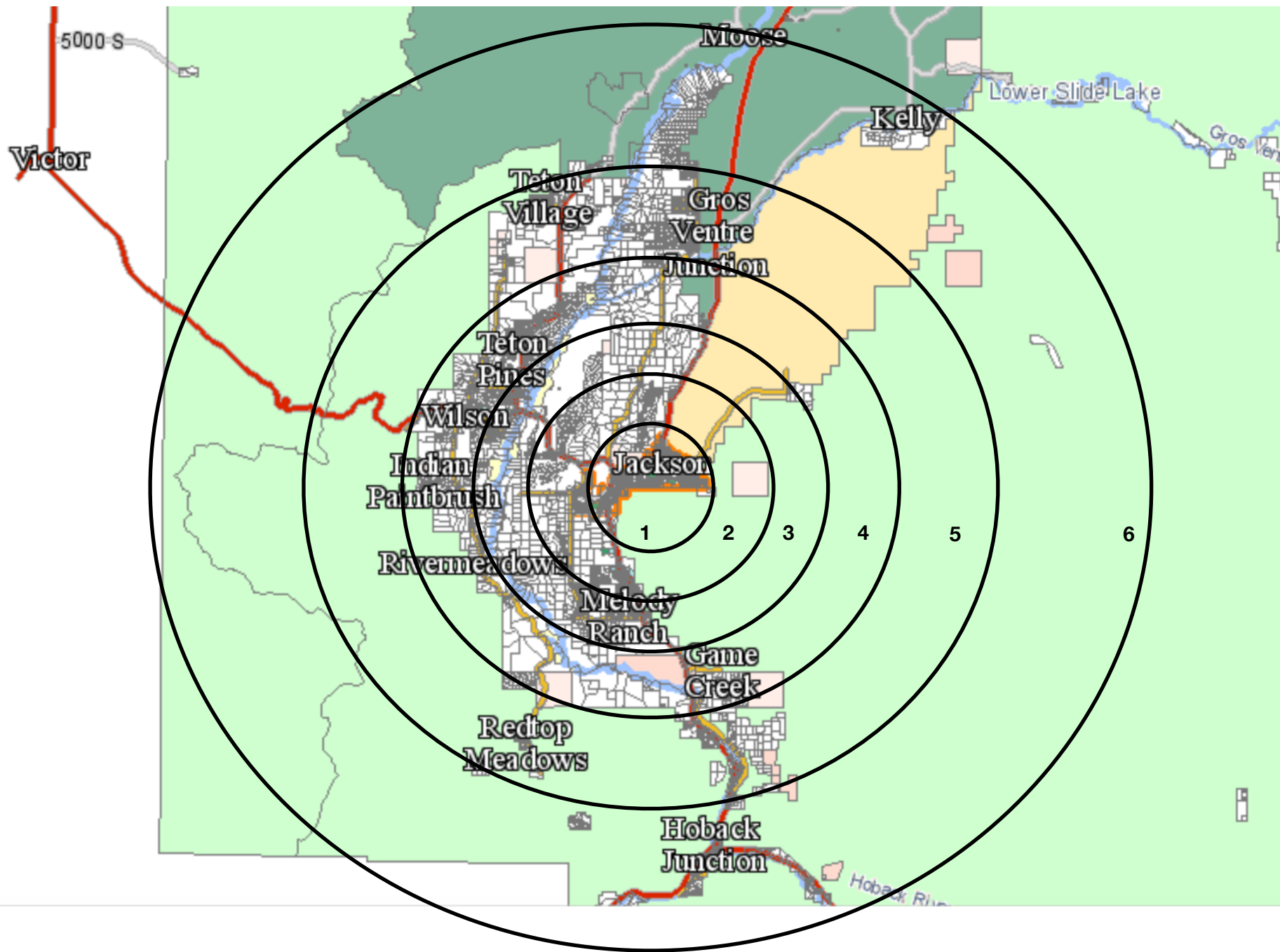
SUGGESTED MOTION

Should Council Concur with All Staff Recommendations:

- I move to direct staff to make 1) the non-policy effectuating changes to Title 5 and 2) the policy changes as recommended by staff and provided above, and bring the Title back for Council review at a future Town Council meeting.

Should Council Concur with Some and Not All Staff Recommendations:

- I move to direct staff to make 1) the non-policy effectuating changes to Title 5 and 2) the policy changes as discussed and altered by Council tonight, and bring the Title back for Council review at a future Town Council meeting.





TOWN OF JACKSON

WORKSHOP DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Housing

PRESENTER: April Norton

WORKSHOP DATE: August 10, 2020

SUBJECT: Low Income Housing Tax Credit Partnership Update

PURPOSE OF WORKSHOP ITEM

Staff is providing Council with an update on the Low Income Housing Tax Credit ("LIHTC") partnership with Summit Housing Group, LLC ("Summit").

DESIRED OUTCOME

Staff is looking for any feedback the Council may have on the site selection, schematic, etc.

BACKGROUND/ALTERNATIVES

On June 15, 2020 Council executed an agreement with Summit to apply for LIHTC funding through the Wyoming Community Development Authority ("WCDA"). The staff report and agreement can be found [online](#). Since that time, staff has worked with Summit to identify a location for the development, draft a ground lease that will be included as part of the application to WCDA, and draft an employee right of first rental agreement that will be included as part of the application. Summit has provided an initial schematic for the development and is currently reviewing the draft legal documents provided by Town.

Before moving forward with the design and application, staff wants to give Council an opportunity to weigh in on any aspects of the project they want to upgrade or change. Staff anticipates bringing the full application to the Council for their consideration during the September 8, 2020 Regular Meeting.

Staff provided Summit with a list of Town-owned properties to evaluate for the development. From that list, Summit Housing Group chose the eastern portion of 400 West Snow King Avenue, east of the Fair Auxiliary Building. On the site Summit has proposed developing three buildings for a total of 24 units and 53 bedrooms. These apartments will serve households earning <60% MFI.

Staff has met with the Town Manager, Parks & Recreation Director, and Community Development Director to discuss the location and next steps. Staff has spoken to the Teton County General Services Director regarding the current contract with the Fair Board for use of the green lawn during the week of the fair.

On Monday, August 10 (before this workshop meeting), Summit and the Housing Director will meet with planning staff for a pre-application conference. Staff will provide a summary of this discussion as part of the presentation to Council during this (8/10/20) workshop meeting.

Next steps:

- Summit has a pre-application meeting with Town Planning scheduled for August 10, 2020.
- After the pre-application meeting, Summit will make changes to the site plan as necessary. Staff will bring the updated schematic and full application to the Council for consideration September 8, 2020.
- If necessary, staff will work with Summit to make any changes directed by Council and bring the application back for consideration on September 21, 2020.
- The application is due to WCDA September 30, 2020. Awards will be announced in January 2021.
- Sometime in the fall representatives from WCDA will travel to Jackson to see the site, speak with local officials, and discuss any questions with the developer.

- Awards will be announced January 2021.
- The property must be platted and rezoned to NM-2. This can happen once credits have been allocated.
- The contract with the Fair Board for the use of the green lawn must be terminated. This can happen once credits have been allocated and a project timeline has been defined. The fair typically contracts with vendors in February, so termination should occur before then.
- Parks & Recreation will need to move out of the building on the north side of the property before development commences.

Key Questions for Council Consideration:

1. Is Council okay with the site selection?
2. Does Council support a rezone from P/SP to NM-2 to match the surrounding neighborhood zoning?
3. Are there aspects of the schematic that Council would like to change or upgrade?
4. Are there specific design considerations Council would like Summit to consider and incorporate as part of their final application?

COMPREHENSIVE PLAN ALIGNMENT

Comprehensive Plan Policy:

- House at least 65% of the workforce locally. 5.1.a
- Focus housing subsidies on full-time, year-round workers. 5.1.b
- Provide a variety of housing options. 5.2.a

Housing Action Plan Initiative:

- Provide land as a public subsidy and build development partnerships. 2B
- Seek and support grants, tax credits, loans, and other sources of funding. 4C

STAKEHOLDER ANALYSIS

Stakeholders include Town taxpayers, local working individuals and families, neighbors, and business owners.

FISCAL IMPACT

The Town currently has \$1,094,845 in the Housing Supply Fund and \$12,493 in mitigation fees. Staff anticipates using these funds to cover costs related to this RFQ. Per the contract for services, Summit has a not to exceed amount of \$58,610 if the application is unsuccessful and a not to exceed amount of \$37,110 if the application is successful.

STAFF IMPACT

This project will require extensive time from the Housing Director. The Planning Director and Community Development Director will both be involved with the project from a planning and development perspective. The Town Attorney has spent considerable time with

LEGAL ISSUES

None at this time.

ATTACHMENTS

- Parks & Rec Shop Housing Site Schematic from October 2018
- Site schematic proposed by Summit Housing Group
- Potential site schematic with fourth building option

RECOMMENDATION

No recommendation from staff. We are simply seeking feedback on the site, schematic, and anything else related to the project before finalizing the design and application, which will be presented to the Council for consideration and approval on September 8, 2020.

SUGGESTED MOTION

No motion necessary.

13. ALL PUBLIC TRAVEL WAYS SHALL BE KEPT CLEAR OF CONSTRUCTION MATERIALS AND DEBRIS.
14. SEWER MAIN LINE LOCATIONS ARE DERIVED FROM DESIGN DRAWINGS. CONTRACTOR SHALL DIG TEST PITS (POTHOLE) PRIOR TO CONSTRUCTION, TO VERIFY EXISTING PIPELINE LOCATIONS PRIOR TO THE INSTALLATION OF THE SERVICE LINES. AS-CONSTRUCTED INFORMATION FOR THE NEW SEWER MAIN IS NOT AVAILABLE. THEREFORE INVERT ELEVATIONS AT POINTS OF THE-IN ARE ASSUMED FROM DESIGN DRAWINGS. CONTRACTOR IS TO VERIFY ELEVATIONS PRIOR TO CONSTRUCTION.

SNOW STORAGE:

A MINIMUM OF 2.5% OF THE TOTAL REQUIRED OFF-STREET PARKING AND LOADING AREAS SHALL BE PROVIDED AS SNOW STORAGE AREA, PURSUANT TO SECTION 6.2.5.C.2.c. OF THE TOWN LDRS.

WEST PARKING AREA & DRIVE AISLES - 20,342 SF
EAST PARKING AREA & DRIVE AISLES - 28,862 SF
TOTAL PARKING AREA = 49,204 SF
REQUIRED SNOW STORAGE AREA = 49,204 SF X 0.025 = 1,230 SF

SNOW STORAGE PROVIDED:

AREA 1 - 1,230 SF
AREA 2 - 493 SF
AREA 3 - 933 SF
AREA 4 - 504 SF
AREA 5 - 327 SF
TOTAL SNOW STORAGE AREA PROVIDED = 3,507 SF

SNOW STORAGE MINIMUM REQUIREMENT IS EXCEEDED. ANY EXCESS SNOW THAT CANNOT BE ACCOMMODATED BY THE SNOW STORAGE SHALL BE HAULED OFF TO TOWN SNOW STORAGE SITE ON THE FAIR GROUNDS PROPERTY.

#1:	250	0.5	130
#2:	380	0.5	150
#3:	320	0.5	100
TOTAL	6213.2	320	380

CATCH BASIN STORAGE VOLUME:
VOL=DEPTH BELOW INVERT * AREA

= 3' DEPTH BELOW INVERT * pi * 1.25'^2
= 14.73 CF * 2 CATCH BASINS = 29.5 CF

AVAILABLE STORAGE: BASIN STORAGE + CATCH BASIN STORAGE
380 CF + 29.5 CF = 409.5 CF

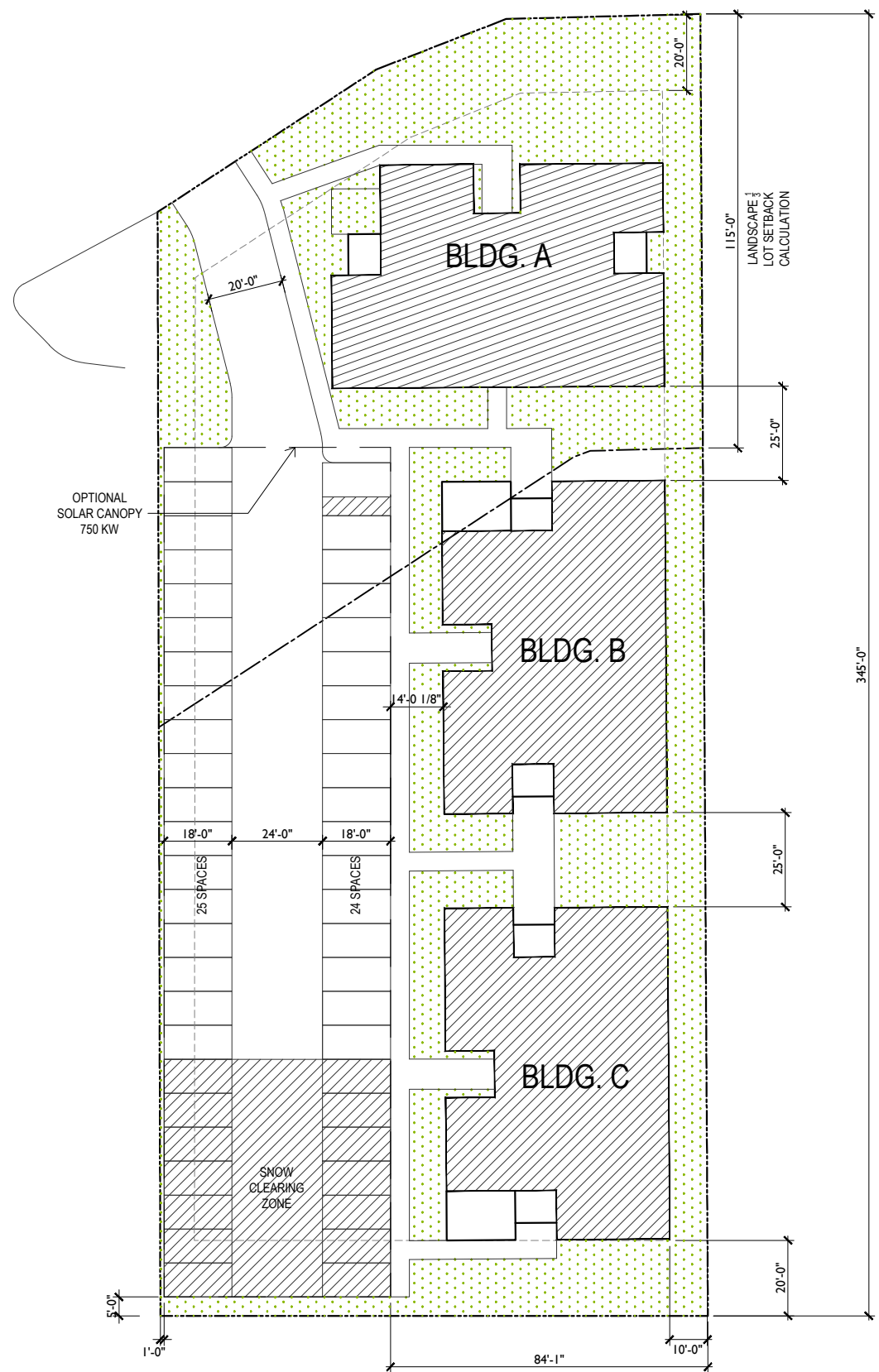
409.5 CF > REQUIRED STORAGE: 372 CF



NEIGHBORHOOD MEDIUM DENSITY - 2	REQUIRED	PROPOSED
LOT AREA : 47,592 SF (1.09 AC)		
PRIMARY BUILDING SETBACK		
PRIMARY STREET	20'-0" (MIN.)	20'-0"
SECONDARY STREET	10'-0" (MIN.)	10'-0"
SIDE INTERIOR	10'-0" (MIN.)	10'-0"
REAR	20'-0" (MIN.)	20'-0"
LANDSCAPING : APARTMENTS	.21 X LOT AREA = 9,994 SF 70% W/IN FRONT 1/3 OF SITE = 6,995 SF	17,698 SF (.37) 8,814 SF (88%)
PARKING SETBACKS		
PRIMARY STREET	20'-0" (MIN.)	51'-2"
SECONDARY STREET	20'-0" (MIN.)	80'-0"
SIDE INTERIOR	1'-0" (MIN.)	1'-0"
REAR	5'-0" (MIN.)	5'-0"
SCALE OF DEVELOPMENT: WORKFORCE HOUSING AREA BONUS (7.8.4)	MAX FAR: 40% = 19,037 SF 100% WFH - 2:1 = 38,074 SF	28,668 SF

ALLOWED USE: APARTMENT	UNIT SIZE	UNIT COUNT
1 BR	712 GSF	4 UNIT
2 BR	950 GSF	8 UNITS
3 BR	1,103 GSF	11 UNITS
3 BR ACCESSIBLE	1,103 GSF	1 UNIT
TOTAL UNIT COUNT		24 UNITS
PARKING REQUIREMENT	$0.000017 * sf + (Exp(-14.17 + 1.59 * Ln(sf))) / 2.176$	49 SPACES

2



SITE PLAN

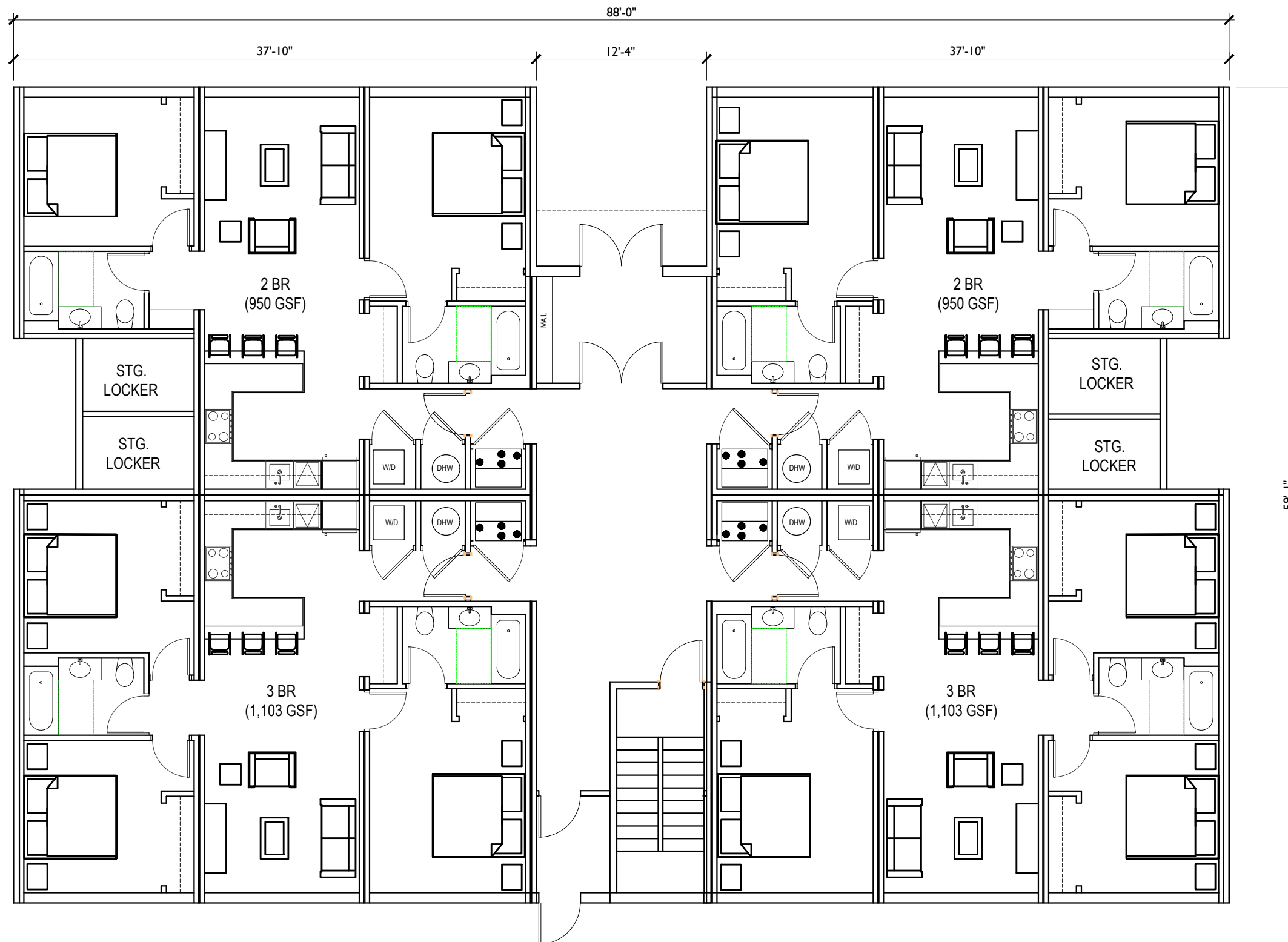
SCALE: 1" = 40'-0"

ONION
FLATS

ARCHITECTURE

SP-3

DATE: 7.14.20



FIRST FLOOR PLAN

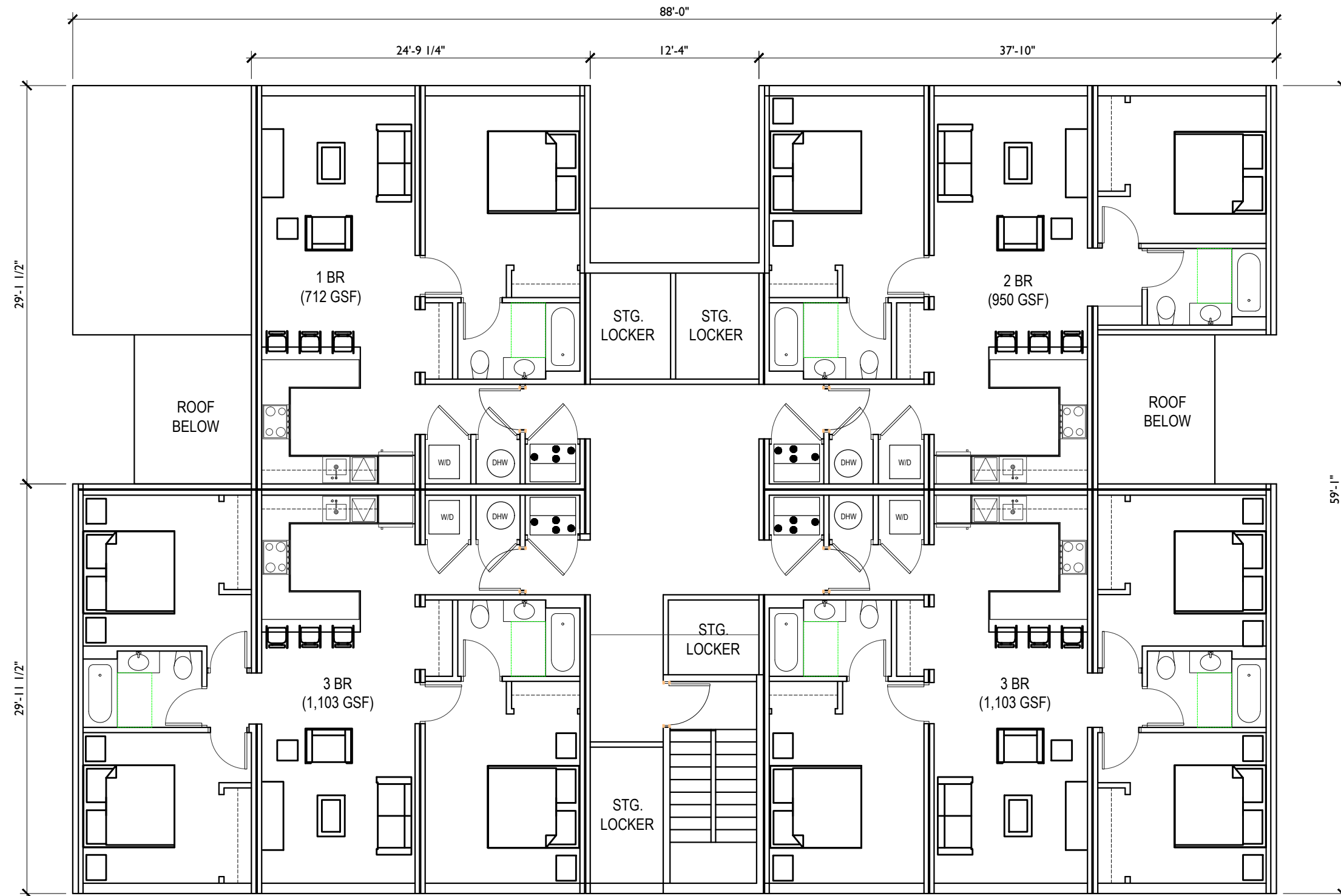
SCALE: 1/8" = 1'-0"



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FLATS
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FP-1

DATE: 7.15.20



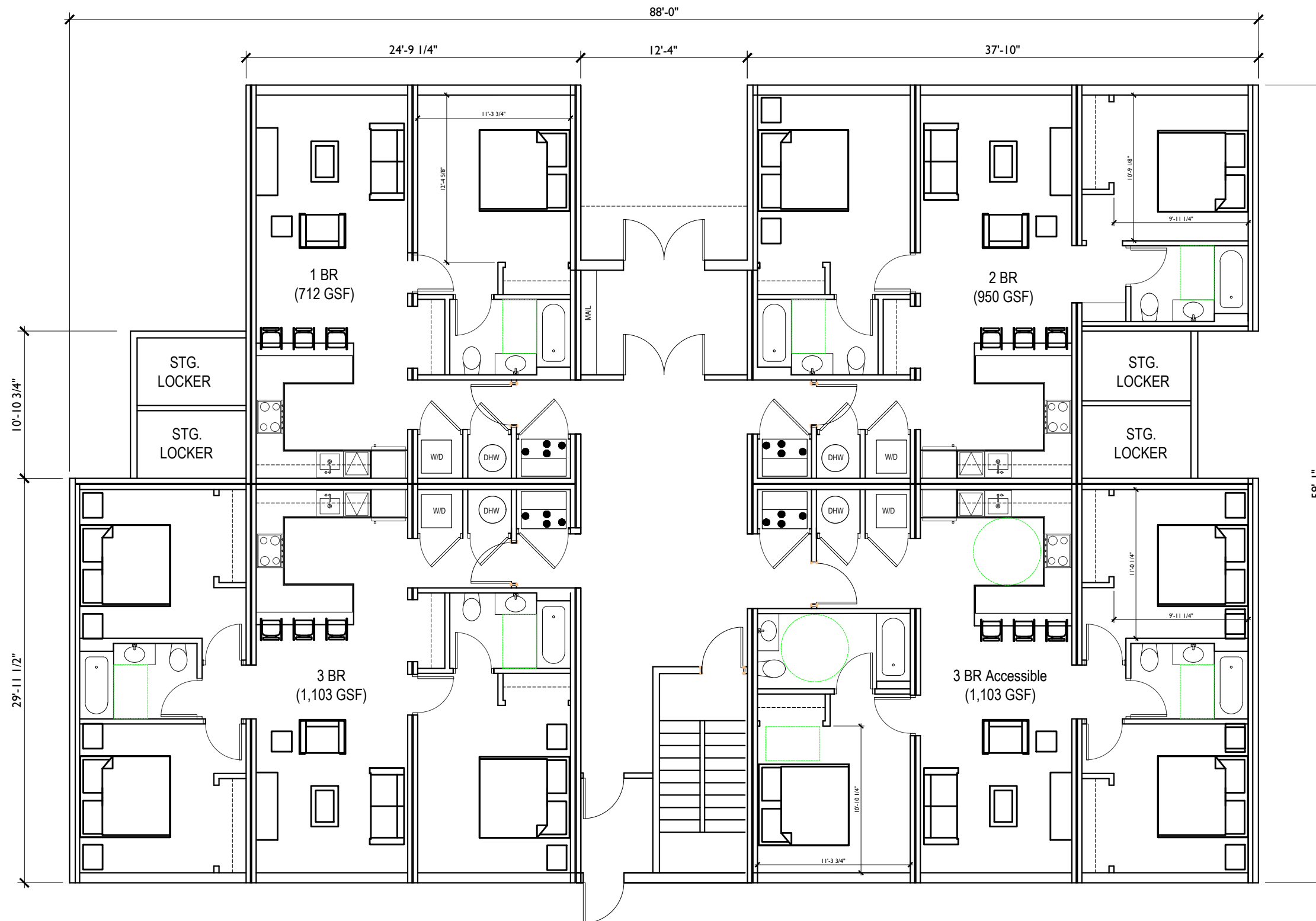
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



FP-2

DATE: 7.15.20



FIRST FLOOR PLAN (BLDG. A)

SCALE: 1/8" = 1'-0"



FP-3

DATE: 7.15.20

