

Special Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

October 5, 2020

1:30 PM

County Chambers

Chair: Natalia Macker

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. ZOOM LINK FOR PUBLIC PARTICIPATION

DIAL **1.669.900.6833** WEBINAR ID: **879 6131 8183** or click
link <https://us02web.zoom.us/j/87961318183>

II. CALL TO ORDER AND ROLL CALL

III. PUBLIC COMMENT

IV. CONSENT CALENDAR

A. Minutes

1. September 14, 2020 JIM

V. DISCUSSION/ACTION ITEMS

A. Federal CARES Act Funding for START (Darren Brugmann, 30 Minutes)

B. START Winter Service Levels (Darren Brugmann, 30 minutes)

C. County Only Action: Teton County Adoption of Jackson/Teton County Housing Department Rules & Regulations (Stacy Stoker, 10 minutes)

D. Town Only Action: Housing Rules & Regulations Ordinances at 3rd Reading

1. Ordinance A: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.200 Housing Mitigation and Livability Standards (Presented for 3rd Reading and designated ordinance 1259)

2. Ordinance B: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.300 Qualification and Eligibility, Disability Standards (Presented for 3rd Reading and designated ordinance 1260)

3. Ordinance C: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.400 Weighted Drawing, Town and County Options for Right of First Purchase or Rental (Presented for 3rd Reading and designated ordinance 1261)

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.

4. Ordinance D: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.500 Purchase and Sale Standards and Procedures, and Repealing Section 16.10.500(B) Tenancy and Rental Standards and Procedures (Presented for 3rd Reading and designated ordinance 1262)

5. Ordinance E: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.600 Rental Standards and Procedures (Presented for 3rd Reading and designated ordinance 1263)

6. Ordinance F: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.700 Compliance and Exception, Appeal, and Grievance Standards and Procedures, Process for Default Contested Case Hearings (Presented for 3rd Reading and designated ordinance 1264)

7. Ordinance G: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.800 Occupancy and Use Standards (Presented for 3rd Reading and designated ordinance 1265)

8. Ordinance H: An Ordinance Amending and Reenacting Jackson Municipal Code Housing Rules and Regulations Section 16.10.900 Definitions (Presented for 3rd Reading and designated ordinance 1266)

E. Consideration of Updates to the 2012 Comprehensive Plan (Tyler Sinclair, 120 minutes)

VI. MATTERS FROM COUNCIL, COMMISSIONERS, AND STAFF

VII. PROPOSED AGENDA ITEMS FOR UPCOMING JIMs

- A. 10/13 9am Housing Mitigation
- B. 10/13 1:30 Comprehensive Plan Updates
- C. 11/2 Integrated Transportation Plan
- D. *tbd* Childcare Baseline Inventory Next Steps
- E. *tbd* Human Services Plan and Implementation Plan

VIII. ADJOURN

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.

**JOINT INFORMATION PROCEEDINGS
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

SEPTEMBER 14, 2020

JACKSON, WYOMING

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 3:06 P.M. Upon roll call the following were present:

COUNTY COMMISSIONERS: *In-person* none. *via Zoom*: Chair Natalia Macker, Vice-Chair Greg Epstein, Mark Barron, Mark Newcomb and Luther Propst.

TOWN COUNCIL: *In-person*: none. *via Zoom*: Mayor Pete Muldoon, Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, Jim Stanford, and Jonathan Schechter.

STAFF: Alyssa Watkins, Larry Pardee, Keith Gingery, Darren Brugmann, Roxanne Robinson, Tyler Sinclair, Maureen Murphy, April Norton, Chris Neubecker, Kristen Waters, Sara King, Rian Rooney, Hamilton Smith, Matt Carr, Shelley Fairbanks, and Chalice Weichman

Public Comment. Public comment was made by Horton Spitzer regarding supporting law enforcement and his opposition to defunding law enforcement.

Consent Calendar. On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the consent calendar for today's joint information meeting that includes the minutes for August 3, 2020 Regular JIM and the Grant Agreement for Reconstruction of Runway Phase 1. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Jorgensen to approve the consent calendar for today's joint information meeting that includes the minutes for August 3, 2020 Regular JIM, and the Grant Agreement for Reconstruction of Runway Phase 1. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

A. Meeting Minutes. To approve the minutes for the August 3, 2020 Regular JIM as presented.

B. Grant Agreement for Reconstruction of Runway Phase 1. To authorize the Chairwoman and the Mayor to sign the Grant Agreement for Reconstruction of Runway Phase 1 once the final document has been received.

A. Housing Mitigation Update Process. Tyler Sinclair, Community Development Director – TOJ, addressed the Commission and Council regarding the FY2021 Work Plan which includes a task to revisit the current structure and rates for affordable workforce housing mitigation required by the Land Development Regulations. The purpose of this meeting is to describe the process for considering amendments to the current housing mitigation rates.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to direct staff to proceed with a review and update of the County Affordable Workforce Housing Standards as discussed at this meeting and further moved to schedule a special JIM meeting in October to review.

Chair Macker called for a vote. The vote showed all in favor and the motion carried for the County

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Jorgensen to direct staff to proceed with a review and update of the Town Affordable Workforce Housing Standards as discussed at this meeting and further moved to schedule an October Special JIM meeting to review.

Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

B. Northern South Park RPF. Chris Neubecker, Planning and Development – TC, and Tyler Sinclair, Community Development Director – TOJ, addressed the Commission and Council regarding the consideration of approval of a Request for Proposals (RFP), and the desired future development and timing of development in Northern South Park through the update process for the 2012 Jackson/Teton County Comprehensive Plan (“Comp Plan”). Updates to the Comp Plan as directed by the Town and County elected officials are currently being reviewed by the public and joint Planning Commissions prior to final presentation at the October 5, 2020, Joint Information Meeting.

The meeting recessed at 4:34 P.M. and reconvened at 4:37 P.M.

Public comment was made by Bill Schwartz.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to direct staff to complete a Request for Proposals for a Neighborhood Plan for Northern South Park as presented subject to the review and approval of the Teton County Attorney’s office, including the following seven changes:

1. Include two representatives from the landowners on the seven-person steering committee
2. Initiate the steering commission election process upon release of the RFP
3. Conduct the process over an eight to ten-month period
4. Ensure that the Land Development Regulations are drafted concurrently by the consultant and staff
5. Hold two to three public workshops
6. Ensure sustainability elements and open-space conservation incentives including an analysis of vehicle miles traveled (VMT) and measures to reduce VMT.
7. Analyze a No-Action alternative or an analysis to build out under current zoning

...and to release the Request for Proposals by September 21, 2020 with responses due by 4:00 pm on October 19, 2020.

The meeting recessed at 5:31 P.M. so that the motion could be put in writing. The meeting reconvened at 5:39 P.M.

The changes to the motion were written as follows:

1. Revise the scope of work to include 2 representatives on Steering Committee
2. Initiate Steering committee application and selection process upon release of the RFP
3. Include in the contract an 8-10 month period to complete the planning process
4. Revise the scope of work to include 2-3 public workshops
5. Revise the scope of work to include 2-3 public workshops
6. Revise the scope of work to ensure sustainability elements and open space conservation including Vehicle Miles Traveled analysis and measures to reduce vehicle miles traveled (VMT)
7. Revise the scope of work to include a No Action alternative based upon existing zoning, in addition to 3 alternatives for the neighborhood plan

Changes to the motion were agreed to by Commissioner Propst and Commissioner Epstein, the as the motion maker and second to the motion.

Chair Macker called for a vote noting the seven changes and that the motion calls to release the RFP. The vote showed 4:1 with Commissioner Newcomb opposed and the motion carried for the County.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Jorgensen to direct staff to complete a Request for Proposals for a Neighborhood Plan for Northern South Park as presented including the following changes:

1. Revise the scope of work to include 2 representatives on Steering Committee
2. Initiate Steering committee application and selection process upon release of the RFP
3. Include in the contract an 8-10 month period to complete the planning process
4. Revise the scope of work to include 2-3 public workshops

5. Revise the scope of work to include 2-3 public workshops
6. Revise the scope of work to ensure sustainability elements and open space conservation including Vehicle Miles Traveled analysis and measures to reduce vehicle miles traveled (VMT)
7. Revise the scope of work to include a No Action alternative based upon existing zoning, in addition to 3 alternatives for the neighborhood plan

...and to release the Request for Proposals by September 21, 2020 with responses due by 4:00 pm on October 19, 2020. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

PROPOSED AGENDA ITEMS FOR UPCOMING JIMs

- A. 10/5 2012 Comprehensive Plan Updates
- B. 10/5 Integrated Transportation Plan (Tyler Sinclair, 45 minutes)
- C. 10/5 Housing Rules & Regulations Annual Update - County Adoption, Town Ordinances (10minutes)
- D. TBD START Winter Level of Service (Darren Brugmann, 30 minutes)
- E. TBD Childcare Baseline Inventory Next Steps (Tyler Sinclair, 30 minutes)
- F. TBD Human Services Plan Implementation (Workshop)

Adjourn.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Schecter to adjourn. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting adjourned at 6:05 P.M.

minutes:csw

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk



BOARD OF COUNTY
COMMISSIONERS



TOWN
COUNCIL

JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: START

PRESENTER: Darren Brugmann

MEETING DATE: October 5, 2020

SUBJECT: START CARES Act Funding

STATEMENT/PURPOSE

The purpose of this item is to consider amending the START FY21 Budget to reflect the increased allocation of funding from the CARES Act. The approximate value of anticipated CARES Act funding is \$1.04 M. We seek direction from the Elected Officials on a key policy question and a few key options for your consideration.

Policy Question: How should START appropriate CARES Act Funding to FY21 Adopted Budget:

Option 1 – Continuance: Continue local share contributions of Town (\$300K), County (\$436K), TVA/JHMR (\$301K) and Public Fares (\$300K) and appropriate that funding into START Reserves for future considerations;

Option 2 – Suspension: Suspend local share collection of Town (\$300K), County (\$436K), TVA/JHMR (\$301K) and fare collection (\$283K) and amend budget accordingly.

Option 3 – Blending: Elected Officials could consider any combination(s) of continuance and/or suspension. Transit Director and staff recommendation combines both Option 1 & 2 and is noted in the recommendation section below.

BACKGROUND

On Friday, March 27, 2020, President Trump signed the [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) into law. The CARES Act provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic and provide emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic.

With specific regards to Public Transportation, the Federal Transit Administration (FTA) has allocated \$25 billion to recipients of urbanized area and rural area formula funds, with \$22.7 billion to large and small urban areas and \$2.2 billion to rural areas (START falls under this category). Funding will be provided at a **100-percent federal share, with no local match required**, and will be available to support eligible operating and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19. As direct recipients of FTA funding, the CARES Act allocation is first allocated to State DOT's.

WYDOT and Idaho Department of Transportation (ITD) distribute rural area formula funds for START.

What is eligible as an operating expense?

A: Funds available under the CARES Act are available for all operating activities (**net fare revenues**) that occur on or after January 20, 2020 are eligible. In general, operating expenses are those costs necessary to

operate, maintain, and manage a public transportation system. Operating expenses usually include such costs as driver salaries, fuel, and items having a useful life of less than one year, including personal protective equipment and cleaning supplies.

Will FTA waive the local match requirement of the Formula Grants for Rural Areas (Section 5311 for START) funds under the flexibilities of FTA's Emergency Relief program to be consistent with the CARES Act?

A: Yes, FTA has waived the remaining local share requirement for the Section 5311 programs used under the provisions of FTA's Emergency Relief program to respond to the COVID-19 public health emergency. Each respective STATE DOT would have the right to distribute the amount awarded.

Can a transit provider temporarily suspend charging fares?

A: Yes. If a recipient operates fixed route service that is now fare-free, complementary ADA paratransit service also must be fare-free.

If a transit system waives fares for riders, can the transit system use CARES Act funding for operations that those fares would have covered?

A: Funding under the CARES Act can be used to reimburse operating costs associated with providing fare-free service. FTA funds net operating costs, or those costs that cannot reasonably be financed by fare revenues (as defined in 49 U.S.C. 5302(12)). In the case of fare-free service, FTA would fund the total operating costs, as there are no fare revenues to deduct to get to net operating cost.

ALTERNATIVES

Acknowledging FTA will be reimbursing START its Local Share requirements for FY21 eligible operating expenses through CARES Act, staff have identified the following 3 alternatives for consideration:

1. Continue collection of Local Share Contributions and Fares as budgeted

Both boards may elect to continue to receive local share contributions and fare collections as currently budgeted the CARES Act reimbursement would enable START to build START reserves with the local funding for future use in both Capital and Operating expenditures.

This is especially important with the economic uncertainty of when sales/lodging tax collections will reach the Pre-COVID levels in the future. Some possible significant future Capital and Operating needs are: BUILD Grant Award matching funds – including Stilson Transit Center pre-award commitment costs (concept design, permits, environmental review, signal study/warrant), Route Plan Implementation (including one-time implementation costs and Town Transfer point location), recurring Bus Replacements and Winter Season 2020/21 expanded level of service.

Any future use of START reserves for either Capital and/or Operating expenditures would need to be approved by both Boards with recommendation from START Board. This could be done during the FY22 Operations Plan and Budget Process or through budget amendments.

There would not be any FY21 Budget amendment needed to represent this decision. Town and County, TVA and JHMR would provide their budget contributions as approved in the FY21 budget.

2. Suspend Local Share and Fare collection as budgeted

If both boards elect to suspend receipt of local share contributions and fare collection, a budget amendment would be needed to represent the suspension of contribution from the Town, County, TVA and JHMR and fare collections.

Each organization could then decide how to appropriate these funds no longer needed for the START budget as they see fit.

Under this option, all fares for Village and Commuter services would be suspended for an agreed upon time frame. Some time frame options could be: Winter Season only (November 28 – April 8, 2021) or beginning November 1 through the end of the FY21 (November 1 – June 30, 2021). The following are some pros/cons to suspending fare collection:

Pros:

- Increased ridership
- Decreased traffic congestion
- Reduced Vehicle Miles Traveled (VMT)
- Elimination of any passenger interaction with Driver (Safety during pandemic)
- Immediate financial relief for riding public

Cons:

- Overcapacity concerns
- Reduced Revenue
- Suspension of recent Employer Pass Option Implementation
- Resumption of fare collection at future time
- Suspension of passenger fare tracking (I.e., TVA/JHMR employee pass, ski pass). Total boarding counts would still be recorded.

In addition to the Pros listed above, the benefits of zero-fare operations for START and customers are numerous:

- **Increased access.** Not paying fares makes it easier to use transit service and removes barriers for riders, especially casual riders. It also supports equity and affordability goals, making the system more accessible to low-income populations.
- **Faster service.** Transitioning to zero-fare service significantly reduces dwell time, and faster service that is more competitive with automobile travel attracts all types of transit customers.
- **Elimination of farebox conflicts.** Zero-fare system operators note the lack of conflicts that occur with fare-free boarding.
- **Partnership opportunities.** Zero-fare operation offers opportunities to encourage and leverage partnerships, especially if authorities, major employers, and other local stakeholders can champion the value and benefits that zero-fare service brings to the community, as well as contribute financially to support the program.
- **Cost savings.** Especially for START with low farebox recovery, the amount of fare revenue collected is already minimal—and less so when considering the annual costs for agencies to administer, sell, count, collect, and securely transport fares, as well as the hardware and maintenance required for farebox equipment and software.

3. Combination to Suspend and/or Continue Local Share and Fare collection as budgeted

Under this option Elected Officials could elect to continue collection for all 4 entities (Town/County and TVA/JHMR) etc. and Suspend Fare collections or other combinations. Elected Officials could also elect to continue collection for Town and County and Suspend for TVA/JHMR.

Transit Director recommends continued collection of contributions for all 4 entities and suspend fare collection for reasons stated above.

COMPREHENSIVE PLAN ALIGNMENT

Multimodal transportation is a key component in the Comprehensive Plan Section 7. The requirements for Local Partners and the public to contribute to funding mass transit is part of implementing the Integrated Transportation Plan and Policy 7.1.b specifically speaks to implementing the transportation demand management program. Policy 7.1.g speaks to establishing a permanent funding source for an alternative transportation system and maintaining cooperative partners in funding the system is critically important for its future. The requirement for funding directly aligns with Policy 7.3.c, to require development to implement and fund alternative transportation.

Principle 2.3 of the Comprehensive Plan also speaks to reducing energy consumption through mass transportation. Principle 1.2, under Ecosystem Stewardship, also applies as bus service positively contributes to preserving air quality by removing single occupancy vehicles from the roads and reducing vehicle miles traveled.

STAKEHOLDER ANALYSIS

START Board Finance Committee and START Board has been briefed on the CARES Act funding. No formal recommendation has been given.

TVA and JHMR have not provided input at this time.

Riding public would be significantly impacted should the decision to suspend fare collection be considered.

FISCAL IMPACT

The financial impact of options is as follows:

1. Continue collection of Local Share Contributions and Fares as budgeted

No Change. The change to the FY21 budget would be an increase in START reserves of approximately \$1.04 M due to CARES Act reimbursement.

2. Suspend collection of Local Share Contributions and Fare collections

A budget amendment would be needed to represent the reduction of contributions and fares as follows: Town (\$300K), County (\$436K), TVA/JHMR (\$301K) and fare collection estimation (\$300K) from the FY21 budget

3. Suspend collection of Local Share Contributions and Fare collections

A budget amendment would be needed, depending on final decision, as represented in Option 2 above.

STAFF IMPACT

Impact on staff will be administrative in general if the Boards so chose to implement suspending fares.

LEGAL REVIEW

None currently.

ATTACHMENTS

None

RECOMMENDATION

Transit Director recommends Option 3: Continue collection of Local Share contributions as budgeted from all entities and suspension of fare collection.

Transit Director also recommends Suspension of Fares be implemented for the period of November 1, 2020 through end of FY21 Budget Year. As well as the several pros listed above for providing “zero-fare”, implementing immediately provides additional safety for the Drivers during this pandemic as well as encouraging additional passengers to utilize alternative transportation. Continuance of a “zero-fare” system would then be considered by the START Board in plans for FY22 Operations Plan and budget process.

The START Board Finance Committee and Full START Board have not made a formal recommendation on this item at this time. However, the START Board did previously unanimously recommend suspending fare collection at their April 9 Board meeting at the onset of the pandemic with a primary focus on Driver safety. The recommendation was not considered further during the budget process due to the uncertainty of available revenue sources and possible additional resources sources at that time (i.e., CARES Act).

SUGGESTED MOTION

I move to direct staff to continue the collection of Local Share contributions from Town, County and TVA/JHMR for FY21 and to suspend fare collections on the Village and Commuter services from November 1, 2020 through June 30, 2021.



BOARD OF COUNTY
COMMISSIONERS



TOWN
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JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: START

PRESENTER: Darren Brugmann

MEETING DATE: October 5, 2020

SUBJECT: START Winter Season Service Levels

STATEMENT/PURPOSE

The purpose of this item is for Elected Officials to consider increasing the level of service for Winter Season 2020/21 (November 28 – April 8, 2021) while also looking to partially implement the START Route Plan.

The following policy question needs to be addressed regarding the START Service levels for Winter Season 2020/21:

Should the START FY21 Adopted Budget and Operation Plan be amended to increase the level of Winter Season Service (11/28/20 – 4/8/2021) as recommended by START Board at their September 10th Board Meeting?

The options before the Elected Officials is:

A. No Change to Adopted FY21 START Operations Plan and Budget:

- Service for START Winter Season would revert back to a level of service provided 10 years ago during Winter Season 2010/11

Or

B. Amend Operation Plan and Budget by \$151K to increase level of service:

- Amended budget would provide increased frequency and capacity as well as beginning implementation of START Route Plan routing strategies and objectives.

BACKGROUND/ALTERNATIVES

Soon after the START FY21 Budget and Operation Plan were adopted in June, concern regarding START's level of service for the Summer and Winter Season were expressed by a number in the community. It is important to recall that at the time the Budget and Operation Plan were adopted our community was quickly adjusting to the effects of the COVID-19 pandemic and significant decisions were being made with the best of intentions at that time.

One of the entities expressing concern about the START service levels was the Teton Village Association (TVA) representing the employers at Teton Village, including the Jackson Hole Mountain Resort (JHMR). The START Board listened to these concerns and proceeded to direct Staff to make scheduling changes to Summer Service within the approved Budget and Operation Plan. On July 20 changes were made to the summer season that responded to the concerns expressed by TVA.

The START Board and staff then focused on addressing reductions in Winter Season level of service to Teton Village, finding that the concerns over Winter Service level reductions were warranted. The following factors were considered:

1. Public Safety Order #2: Because of COVID-19, Current Statewide Public Safety Order #2 will limit no more than 50 persons on any bus regardless of the bus seating capacity. Typically, buses average a seating capacity of 39 but with standing room passengers – on peak days/hours – the total passenger count on a bus can be well above 50.

Unless current Health Order #2 is rescinded or changed, START will need to limit capacity on respective buses to no more than 50 to comply with the current State Health Order. This will potentially increase wait times for buses above previous season's experience with peak times and (powder) days causing the public to wait in winter conditions or find alternative options.

2. Ridership: Nearly half of START's Annual ridership (1 Million +) is accounted for by passengers being transported to/from Teton Village during the 136 Days of Winter Service. Reduction of any service levels could cause the public to find other limited alternatives to/from the Village thus adding to traffic congestion and additional carbon emissions in direct conflict with the goals of the Comprehensive Plan and Integrated Transportation Plan (ITP).
3. Peak Days & Times: At full-service levels, past Winter Seasons have seen peak hours and "powder days" experiencing over capacity of seated passengers on buses and persons left behind to wait for the next bus. This would be exacerbated with any reduced level of service.

Based upon these factors the START Board and staff have concern that a decreased winter service level to Teton Village may lead to significant increased traffic congestion on Highways 22 and 390 and associated parking problems if START is not able to provide enough service and continue the ridership levels seen in recent years.

START FY21 Operating Plan Budget **START Reduced Winter Service Levels**

Responding to COVID-19 effects, START's FY21 Adopted Budget includes winter service cuts of approximately 25-35%. The adopted START FY21 Budget and Operations plan currently include a reduced level of service for START's core services as follows:

- ADA: No Change
- Commuter: For both the Star Valley and Teton Valley runs the 4th Run has been suspended, with only 3 daily weekday round trip runs where there was previously 4.
- Town Shuttle: Hourly Service has been reduced to 2 buses in lieu of 4 reducing the frequency of service from 30 minutes to 1 hour
- Village: Reduction of 98 daily round trips to approximately 76.

This reduction in Winter Season service to Teton Village effectively means the elimination of the Yellow Route and a return to service as was provided 10 years ago in the Winter Season of 2010/11 as follows:

- Green Line- 9 rt. Route was similar to our current winter Green Line configuration with the addition of one mid-day Green Line
- Red Line- 34 rt. Route encompassed Snow King Resort, East Jackson, Pearl Street, Stilson, Calico and the Village

- Blue Line- 33 rt. Route covered the Town Square area, SK Avenue stops, Albertsons and Hampton, TSS, the Aspens and the Village

START Route Plan 2020-2025

The new START Route Plan accepted by the Town and County on July 6, 2020, outlines recommended changes to all START Services to improve efficiency and effectiveness. Due to COVID-19 reductions, as explained above, none of these recommendations were included in the adopted FY21 START Budget and Operations Plan. However, after Route Plan acceptance, the START Board and Staff engaged LSC to see if any partial implementation could be applied to the Winter Season 2020/21 with specific focus on 3 areas of the plan:

1. Implement simplified service to Teton Village in the winter with higher frequency express routing;
2. Streamline the Town Shuttle Route with direct increased frequency;
3. Establish a Town Transfer location.

It is important to note, Commuter and ADA service levels remain unchanged as adopted in the START FY21 Budget and Operations Plan. As discussed above service level reductions were focused on the Town Shuttle and Teton Village service areas.

Based on input from START staff and the START Board Operations Committee, LSC (consultants for the Route Plan Study) conducted an analysis and provided 4 possible implementation scenarios. Those scenarios were presented to the START Board on September 10, 2020 General Board meeting.

Key considerations for Scenario selection focused on the following:

- Number of Buses Required for service
- Cost Implications
- Peak Seating Capacity
- Long-term implementation Goals of the 2020-2025 Routing Plan Study
- Ease of scheduling driver layovers/breaks and/or need for a relief driver
- Number of Drivers needed

Included as Attachment A to this report – Service Planning Memo/Report is the information outlining the 4 scenarios considered by the START Board. Attachment B to this report – Service Scenario Summary START Board Presentation - is a PowerPoint presentation that provides a summary of the work done during the summer to arrive at the 4 scenarios. Each scenario is described in detail.

START Board Recommendation

The Board ultimately unanimously recommended Scenario 3 on September 10, 2020 for consideration by the Town and County.

Scenario 3:

- a. Requires an additional 2,100 total paid hours on top of approved FY21 Budget and Ops Plan
- b. Additional approximate cost of \$151,000
- c. Implements Town Shuttle Routing Plan Recommendation
- d. Implements Teton Village Service Routing Plan Recommendation
- e. Requires an East Jackson/Snow King Circulator in lieu of Microtransit
- f. Requires a Town Transfer Location

Attachment C to this report provides a Proposed Route Map and Time Table (schedule) for each of the proposed routes as follows:

- Town Shuttle
- Circulator
- Teton Village Express
- Teton Village Local
- Teton Village South Jackson

COMPREHENSIVE PLAN ALIGNMENT

Principle 7.1 and Policy 7.1.c explicitly speaks to the need of providing alternative modes of travel versus single occupancy vehicle (SOV) usage. Increasing level of service meets this objective straight on.

Principle 7.1—Meet future transportation demand using alternative modes. Our transportation goal is to increase the use of alternative modes of transportation within the community to meet our future transportation demand. To achieve this goal, a shift away from the single occupancy motor vehicle by increasing frequency will be required within financial constraints.

Policy 7.1.c: Increase the capacity for use of alternative transportation modes. Every day, residents and visitors in the valley consciously decide on their mode of travel. By increasing the level of service provided, the Town and County will make alternative modes of travel more convenient and efficient for residents and visitors by prioritizing capacity for alternate modes with the goal of increasing the share of trips made by alternative transportation modes rather than single occupancy vehicles. Additional capacity that is created for single occupancy motor vehicles always fills up with more single occupancy motor vehicles. Conversely, if increased capacity for alternative modes is provided there will be increased usage of alternative modes. Through increased use of alternative modes automobile capacity will be freed up on our existing roadway system.

Principle 1.2 and Policy 1.2.d explicitly speaks to the need of improving our air quality. By persons choosing to utilize alternative modes of transportation will be able to systematically attack the amount of emissions into our environment.

Principle 1.2—Preserve and enhance water and air quality. Clean water and air are the most basic requirements of a healthy ecosystem and community.

Policy 1.2.d: Improve air quality. Critical for ecosystem protection and public health is air quality. Air quality in Teton County is currently well within the levels mandated by the Environmental Protection Agency. However, our location in a high mountain valley exacerbates the effects of wood smoke, dust, vehicle exhaust and other emissions on air quality, so there is still an opportunity to improve our air quality. Efforts to improve air quality include reducing vehicle miles traveled through a shift to alternate modes of travel...

STAKEHOLDER ANALYSIS

START Board Operations Committee has worked closely with LSC on this recommendation. Work began in early July with several meetings throughout the summer. The Operation Committee presented their recommendation to full START Board on September 10th which has resulted in the formal recommendation presented today.

The September 10th START Board meeting included public comment from TVA and the JHMR representatives. Besides specific consideration of an additional late-night trip from the Village, the consensus expressed was

appreciation and support for the START Board considering an increased level of service above the current Adopted FY21 Budget.

Based on direction today, a public workshop and hearing would be scheduled before October 22 START Board Retreat for the public to assess and provide input on the routing and timetables for Winter Season 2020/21. The START Board would finalize Winter Season 2020/21 public timetables and routing at their October 22nd Board Retreat.

FISCAL IMPACT

Operational Expense impacts on the current FY21 Budget and Operations Plan are as follows:

Scenario 3: \$151,000 budget amendment required

The \$151,000.00 in additional expense will be eligible for reimbursement by the Federal CARES Act. Typically, all START funding is split 45/55 between the Town and County. TVA/JHMR also contributes their required portion based on the Contribution Rate calculation approved by the Elected Officials in September 2019.

STAFF IMPACT

Considerable. Regardless of which service level scenario is directed, including implementing the Adopted reduced level of Service FY21 Budget and Operations Plan, the following essential tasks need completion based on direction today for Winter Season service to be provided:

1. Published Timetables and Maps
2. Implement new run cuts (Driver Work Schedules)
3. Implement a Run Bid for Drivers
4. Driver Training for new route structures
5. Establishing a Town Transfer Location
6. Implement internal RouteMatch and GIS Tables
7. Public Communication of New Route Structure

LEGAL REVIEW

None.

ATTACHMENTS

Attachment A: Service Planning Memo/Report (Narrative)

Attachment B: Service Scenario Summary Board Presentation (PowerPoint)

Attachment C: Scenario 3 - Proposed Route Maps and Timetables

RECOMMENDATION

START Board unanimously recommends amending FY21 Operations Plan and budget to implement Scenario 3 as the preferred option as decided at their September 10, 2020 START Board meeting.

Staff concurs.

Proposed Route Maps and Route Tables for Scenario 3 included as Attachment C

SUGGESTED MOTION

I move to direct staff to implement Scenario 3 for START Winter Season 2020/21 beginning on Saturday, November 28th and ending on Sunday, April 8, 2021 and amend the FY21 Adopted Budget and Operations Plan in the amount of \$151,000 to fund this change.

Winter 2020-2021 Service Planning Memo

FY 21 SERVICE REDUCTION

As a result of the impact of COVID-19, START's overall FY21 operating budget was revised and reduced. The reduction included an approximately 25 percent decrease in total paid hours compared to FY 20, from 65,155 to 48,846.

Figure 1: START Bus FY21 Revised Operating Plan

START - FY21 Projected Annual Hours and Miles								
HOURS							REVISED VS.	
	FY20 Adopted	% of Total	FY21 Original	% of Total	FY21 Revised	% of Total	Original	FY20
Town	24,895	38%	14,016	22%	18,359	38%	4,343	(6,536)
Village	28,857	44%	38,022	60%	22,095	45%	(15,927)	(6,762)
Commuter	7,753	12%	7,516	12%	4,742	10%	(2,774)	(3,011)
ADA	3,650	6%	4,000	6%	3,650	7%	(350)	0
TOTAL	65,155		63,554		48,846		(14,708)	(16,309)
-25%								

-25%

Assuming that fall, spring, and summer service in FY21 remains the same as current operations, Table 1 illustrates the number of daily and seasonal total paid hours that can be provided while staying within the FY21 budget.

Table 1: FY21 HOURS (Total Paid Hours)					
	Fall	Winter	Spring	Summer	TOTAL
Op Days - daily	60	136	47	122	
Op Days - commuter	44	96	35	85	
Town - Daily Hours	36.51	69.43	36.51	36.51	
Village - Daily Hours	26.57	113.64	26.57	26.57	
Commuter - Daily Hours	22.51	22.51	22.51	22.51	
Town - Seasonal Hours	2,191	9,443	1,716	4,454	17,804
Village - Seasonal Hours	1,594	15,455	1,249	3,242	21,540
Commuter - Seasonal Hours	990	2,161	788	1,913	5,853
ADA - Seasonal Hours	913	913	913	913	3,650
Total Annual Paid Hours:					48,846

WINTER 2019-2020 SERVICE (FY20)

For comparison sake, as shown in Table 2, START Bus service during the winter 2019-2020 season included:

Town Shuttle:

- Two Town Shuttle routes, TS1 and TS2, and both routes operated daily from approximately 6:00 a.m. to 10:00 p.m. on a 60-minute frequency. TS1 operated 33 daily trips and TS2 operated 32 daily trips.

Teton Village:

- Green Route: operated 10 daily trips with two early morning and eight evening trips.
- Yellow: operated 29 daily trips from approximately 6:04 a.m. to 7:53 p.m.
- Red: operated 30 daily trips from approximately 6:20 a.m. to 7:42 p.m.
- Blue: operate 29 daily trips from approximately 6:20 a.m. to 7:43 p.m.
- In total, during winter 2019-2020, START provided 98 roundtrips between Jackson and the Village.

Commuter Routes:

- Star Valley: operated three roundtrips per weekday.
- Teton Valley: operated three roundtrips per weekday.

Table 2: Winter 2019-2020 Service							
Service	Route	Operating Days	Daily Round Trips	Daily Rev. Hr.	Daily Non-Rev. Hr.	Daily Total Hours	Seasonal Total Hours
Town Shuttle	TS1	136	33	23.4	10.4	33.9	4,608
	TS2	136	32	25.0	9.1	34.2	4,648
	<i>Subtotal</i>	<i>136</i>	<i>65</i>	<i>48.5</i>	<i>19.6</i>	<i>68.1</i>	<i>9,256</i>
Village	Green	136	10	14.1	5.9	20.0	2,717
	Yellow	136	29	32.9	18.1	51.0	6,933
	Red	136	30	28.0	20.6	48.6	6,608
	Blue	136	29	30.9	17.1	48.0	6,533
	<i>Subtotal</i>	<i>136</i>	<i>98</i>	<i>106.0</i>	<i>61.6</i>	<i>167.6</i>	<i>22,792</i>
Commuter	SV +TV	96	6	14.4	8.1	22.5	2,161

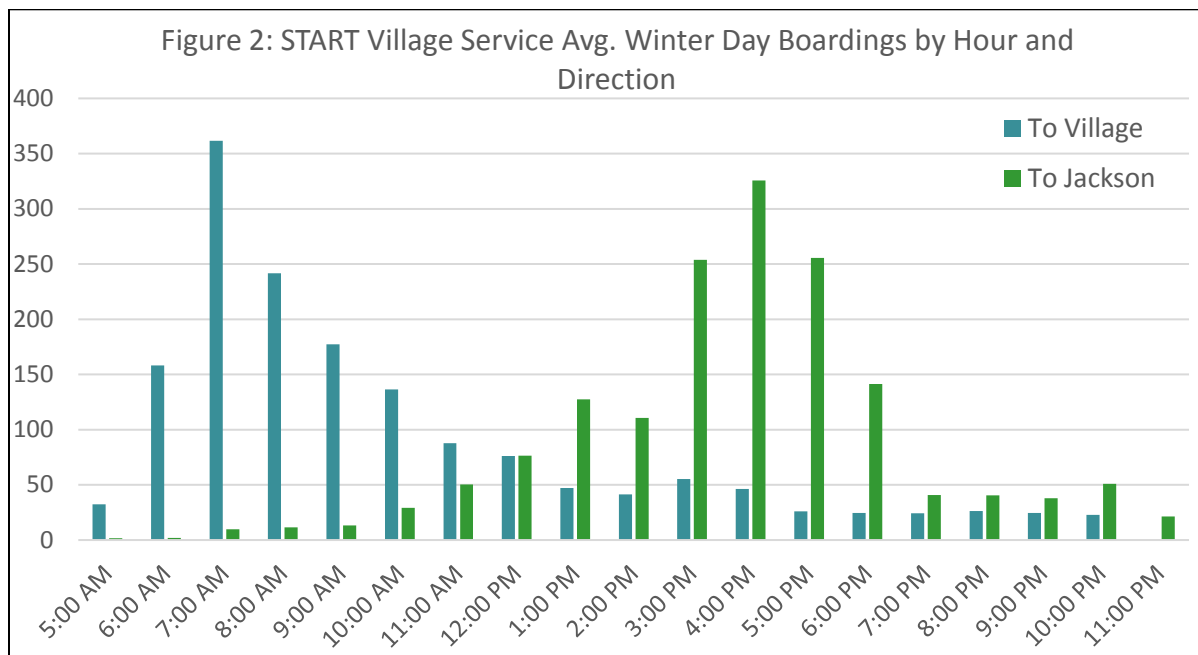
Table 3 provides a focused analysis of the winter service between Jackson and the Village between FY20 and FY21. During FY20, START provided 168 daily total hours of service, equating to approximately 22,800 seasonal total hours. With the FY21 budget reduction, the number of daily total hours is reduced by 32% to 114, which is approximately 7,300 fewer seasonal total hours.

Table 3: Focused Analysis of Winter Village Service									
	Operating Days	Daily Round Trips	Daily Total Hours	Seasonal Total Hours	Peak # Buses in Operation	Peak-Hour Peak		Peak-Hour Seating Capacity Serving Jackson	Daily Seats Available
						# of Bus Departures	Seating Capacity		
2019-2020 Winter Season Service									
Green	136	10	20	2,717	3	2	80	80	800
Yellow	136	30	51	6,933	4	3	120	120	2,400
Red	136	29	49	6,608	4	3	120	120	2,320
Blue	136	29	48	6,533	4	3	120	120	2,320
TOTAL	136	98	168	22,792	15	11	440	440	7,840
2020-2021 Winter Season Service -- Existing Budget									
TOTAL			114	15,455					
Change -- 2019/20 Service Plan to 2020/21 Existing Budget Plan									
#			-53.95	-7,337					
%			-32%	-32%					

PASSENGER BOARDING DATA

Figure 2 presents boarding data from the winter 2017-2018 season illustrate the peak travel patterns for passengers:

- ➔ From Jackson to the Village: 7:00 – 9:00 a.m.
- ➔ From the Village to Jackson: 3:00 – 6:00 p.m.



Using total boarding data for the winter 2017-2018 season, we were able to analyze passenger origin and destination data. As shown in Table 4, approximately 31% of riders rode between West Jackson and the Village and 29% of riders rode between East Jackson and the Village, which illustrates a need for the Teton Village Express Route to make a stop at Albertson's/K-Mart before leaving Jackson in the morning, and when returning to Jackson in the afternoon. For the purpose of this analysis, Jackson was split in half at Virginian Lane. West Jackson is considered to be everything west of Virginian Lane and East Jackson is considered to be everything east of Virginian Lane.

Between	And	% All Trips	Daily Total 1-Way Passenger-Trips
Village	Downtown/East Jackson	29%	929
Village	West Jackson	31%	1015
Village	Stilson	19%	629
Village	Other 390 Corridor	13%	424
390 Corridor	All Jackson	4%	118
Internal Jackson		4%	132

Using total boarding data for the town shuttle for FY2017, we were able to analyze passenger boarding data. As shown in Table 5, approximately 35% of riders boarded the Town Shuttle in Downtown Jackson, 31% boarded in West Jackson, and 24% boarded in South Jackson. Only 7% of Town Shuttle riders boarded the bus in East Jackson.

Table 5: START Town Shuttle Average Daily Passenger Boardings		
Location	% All Trips	Avg. Daily Total Boardings
East Jackson	7%	106
Downtown	35%	425
West Jackson	31%	402
South Jackson	24%	319

WINTER 2020-2021 SERVICE SCENARIOS

With an understanding of the implications of the budget reduction, the LSC team has pulled together a couple of scenarios to most efficiently provide service this winter.

Scenario 1

Scenario 1 is shown in Figure 3 and presented in Table 6. Scenario 1 fits with START's reduced budget for FY 21 and does not require any additional funding.

Scenario 1 maintains the existing Town Shuttle routes, with Town Shuttle 1 and Town Shuttle 2 both being operated by one bus on a 60-minute frequency. Scenario 1 also includes a new East Jackson circulator route with one bus providing all day service and one bus being added to help accommodate the demand during peak periods (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.).

The Village services under Scenario 1 include implementation of some of the routes from the Route Plan, including the Teton Village Local route (operated by one bus on a 90-minute frequency), the South Jackson-Teton Village route (operated by two buses on a 45-minute frequency), and the Teton Village Express route (operated by two buses providing all day service on a 30-minute frequency and four additional buses during the peak periods which increases the frequency to every 10 minutes).

Figure 3: Scenario 1

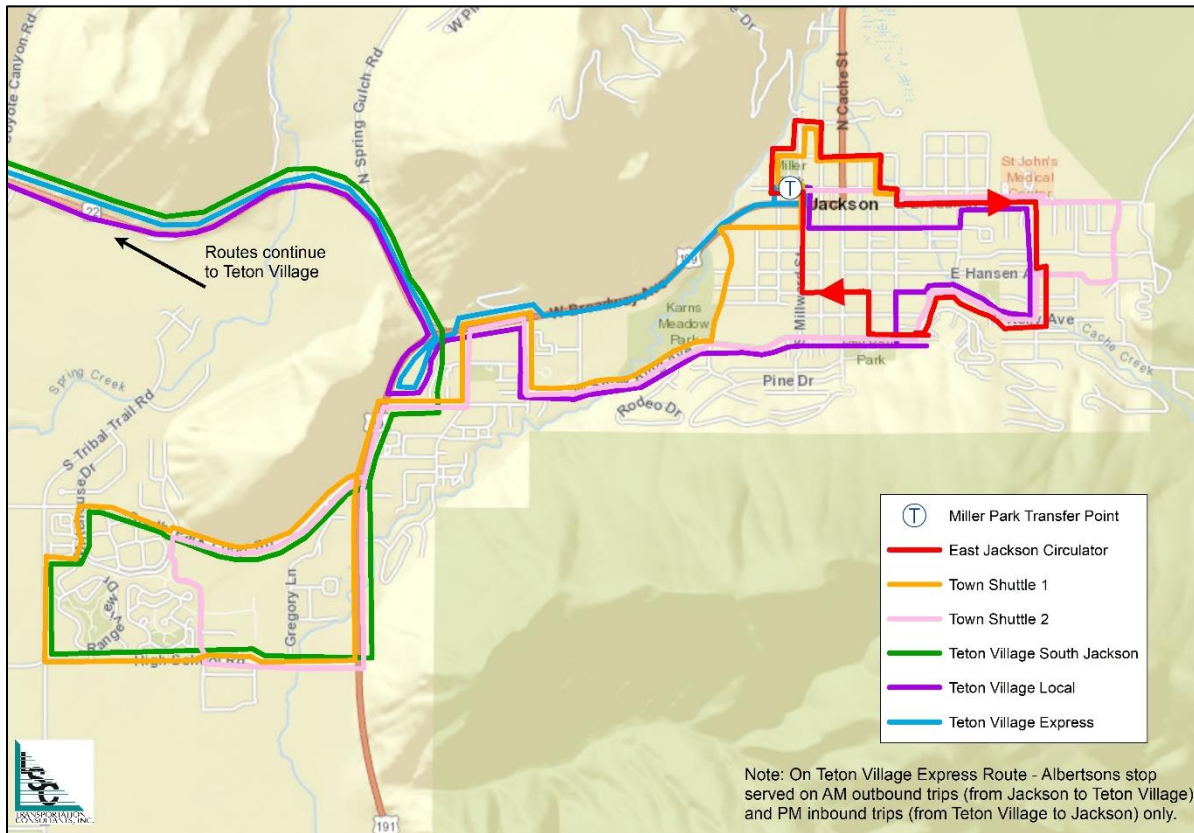
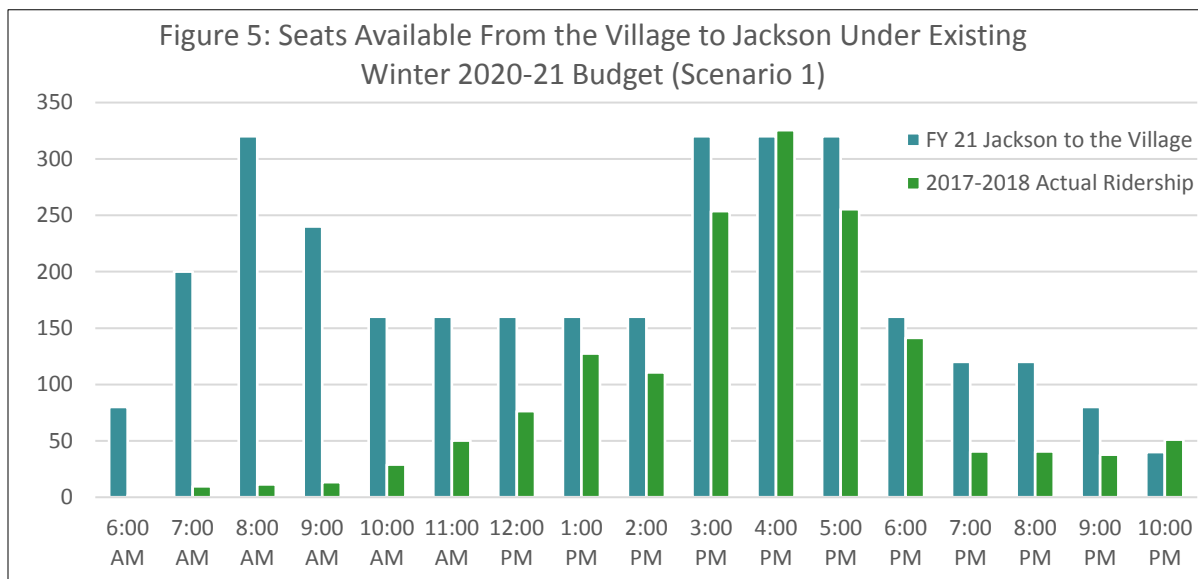
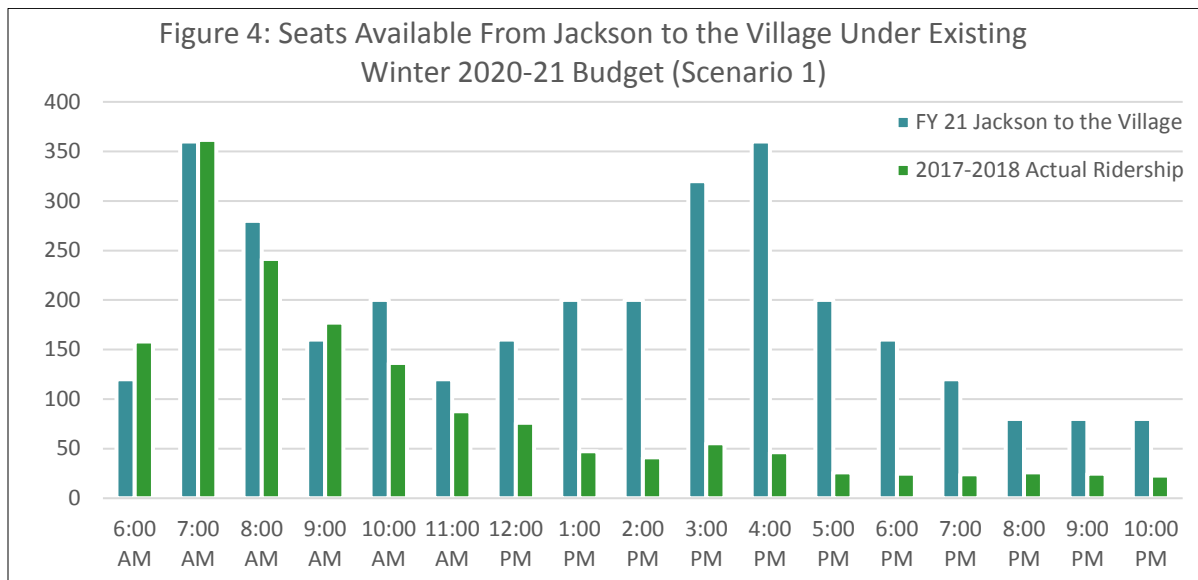


Table 6: Winter Service Plan - Scenario 1, Constrained Within Existing Hours & Using Existing Town Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	Seating Capacity
Town Shuttle	Town Shuttle 1 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	Town Shuttle 2 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	Subtotal	136	103	56	11	67	9,112	4	8	240
	<i>Comparison to FY21 Ops Plan Budget</i>					69.43	9,443			
	<i>%</i>					-4%	-4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 7:30pm)	136	10	15	3	18	2,448	1	0.67	27
	Express - 30 min. freq. (first run @ 6am, last run @ 9:30pm)	136	32	32	9	41	5,576	2	2	80
	Express Peak Service (7-9am, 3-6pm)	136	20	20	8	28	3,808	4	4	160
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	Subtotal	136	78	91	24	115	15,640	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget</i>					113.64	15,455			
	<i>%</i>					1%	1%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			187	162	43	205	26,913	19		
<i>Comparison to FY21 Ops Plan Budget</i>						205.58	27,059			
#						-1.07	-145			
<i>%</i>						-1%	-1%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Figures 4 and 5 compare the available seats between Jackson and the Village under Scenario 1 with actual ridership from winter 2017-2018. No one can predict how Covid-19 will affect ridership this winter, but using previous ridership numbers as a guide, Scenario 1 should be able to meet peak a.m. and p.m. ridership demand, even with the reduced budget.



Scenario 2

Scenario 2 is presented in Table 7 and has the same map as Scenario 1 (shown in Figure 3). Scenario 2 does not fit within START's reduced budget for FY 21 and requires an additional approximately 2,100 hours of service.

Like Scenario 1, Scenario 2 maintains the existing Town Shuttle routes, with Town Shuttle 1 and Town Shuttle 2 both being operated by one bus on a 60-minute frequency. Scenario 2 also includes a new East Jackson circulator route with one bus providing all day service and one bus being added to help accommodate the demand during peak periods (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.).

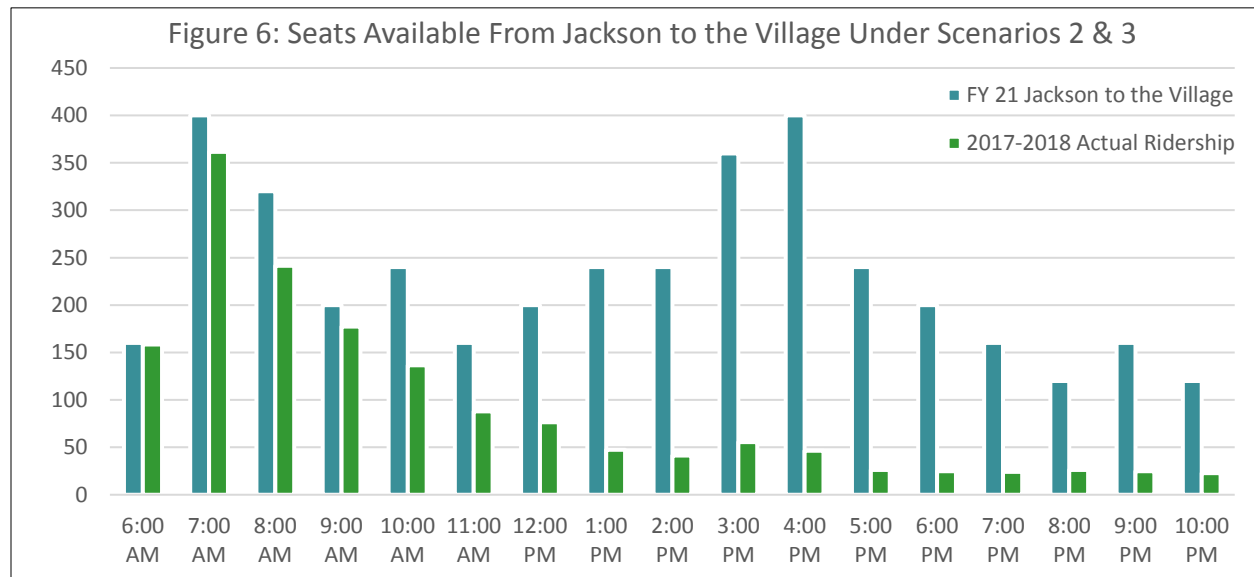
Compared to Scenario 1, the Village services under Scenario 2 provide longer hours of service on the Teton Village Local and Teton Village Express routes, as well as more frequent service on the Teton Village Express route. Under Scenario 2, the Teton Village Local route will be operated by one bus on a 90-minute frequency (one additional evening run compared to Scenario 1), the South Jackson-Teton Village route will be operated by two buses on a 45-minute frequency (no change from Scenario 1), and the Teton Village Express route operated by three buses providing all day service on a 20-minute

frequency and three additional buses during the peak periods which increases the frequency to every 10 minutes.

Table 7: Winter Service Plan - Secenario 2, Existing Town Shuttles										
Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle 1 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	Town Shuttle 2 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	<i>Subtotal</i>	136	103	56	11	67	9,112	4	8	240
	<i>Comparison to FY21 Ops Plan Budget %</i>					69.43 -4%	9,443 -4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 9pm)	136	11	17	3	20	2,652	1	0.67	27
	Express - 20 min. freq. (first run @ 6am, last run @ 10:40pm)	136	51	51	9	60	8,160	3	3	120
	Express Peak Service (6-9am, 3-6pm)	136	18	18	6	24	3,264	3	3	120
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	<i>Subtotal</i>	136	96	110	22	132	17,884	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget %</i>					113.64 16%	15,455 16%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			205	180	41	221	29,157	19		
<i>Comparison to FY21 Ops Plan Budget #</i>						205.58 15.43	27,059 2,099			
<i>%</i>						8%	8%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Figures 6 and 7 compare the available seats between Jackson and the Village under Scenario 2 and 3 (both scenarios have the same level of service to/from the Village) with actual ridership from winter 2017-2018. Using previous ridership numbers as a guide, Scenarios 2 and 3 should be able to more than meet peak a.m. and p.m. ridership demand.





Scenario 3

Scenario 3 is shown in Figure 8 and presented in Table 8. Like Scenario 2, Scenario 3 does not fit within START's reduced budget for FY 21 and requires an additional approximately 2,100 hours of service.

Scenario 3 implements the Town Shuttle route from the Route Plan. The Route will be operated by two buses on a 20-minute frequency. Scenario 3 also includes a new East Jackson circulator route with one bus providing all day service and one bus being added to help accommodate the demand during peak periods (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.).

Scenario 3 provides the same Village services as Scenario 2, including: the Teton Village Local route being operated by one bus on a 90-minute frequency (one additional evening run compared to Scenario 1), the South Jackson-Teton Village route being operated by two buses on a 45-minute frequency (no change from Scenario 1), and the Teton Village Express route being operated by three buses providing all day service on a 20-minute frequency and three additional buses during the peak periods which increases the frequency to every 10 minutes.

Figure 8: Scenario 3

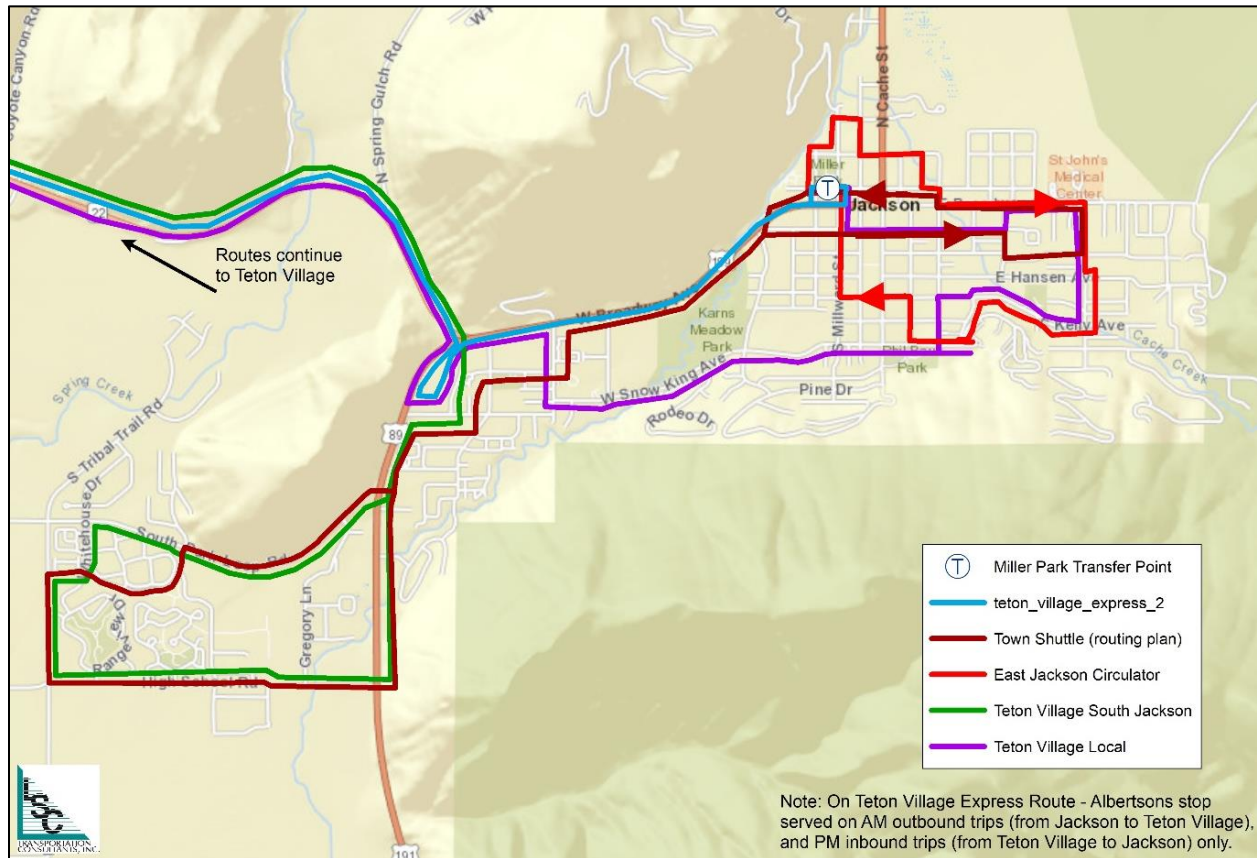


Table 8: Winter Service Plan - Secenario 3, Routing Plan Town Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service # of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle from Routing Plan (first run @ 6am, last run @ 10:40pm)	136	51	34	6	40	5,440	2	3	90
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	Subtotal	136	120	56	11	67	9,112	4	9	270
	<i>Comparison to FY21 Ops Plan Budget</i>					69.43	9,443			
	%					-4%	-4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 9pm)	136	11	17	3	20	2,652	1	0.67	27
	Express - 20 min. freq. (first run @ 6am, last run @ 10:40pm)	136	51	51	9	60	8,160	3	3	120
	Express Peak Service (6-9am, 3-6pm)	136	18	18	6	24	3,264	3	3	120
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	Subtotal	136	96	110	22	132	17,884	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget</i>					113.64	15,455			
	%					16%	16%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			222	180	41	221	29,157	19		
	<i>Comparison to FY21 Ops Plan Budget</i>					205.58	27,059			
	#					15.43	2,099			
	%					8%	8%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Scenario 3B

A Scenario 3B could modify Scenario 3 to fit within the existing Operations Plan budget by reducing service to/from the Village to match Scenario 1, as shown in Table 9. This means the Teton Village Local route would be operated by one bus on a 90-minute frequency, the South Jackson-Teton Village route would be operated by two buses on a 45-minute frequency, and the Teton Village Express route would be operated by two buses providing all day service on a 30-minute frequency and four additional buses during the peak periods which increases the frequency to every 10 minutes.

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle from Routing Plan (first run @ 6am, last run @ 10:40pm)	136	51	34	6	40	5,440	2	3	90
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	Subtotal	136	120	56	11	67	9,112	4	9	270
	<i>Comparison to FY21 Ops Plan Budget</i>					69.43	9,443			
	%					-4%	-4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 7:30pm)	136	10	15	3	18	2,448	1	0.67	27
	Express - 30 min. freq. (first run @ 6am, last run @ 9:30pm)	136	32	32	9	41	5,576	2	2	80
	Express Peak Service (7-9am, 3-6pm)	136	20	20	8	28	3,808	4	4	160
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	Subtotal	136	78	91	24	115	15,640	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget</i>					113.64	15,455			
	%					1%	1%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			204	162	43	205	26,913	19		
	<i>Comparison to FY21 Ops Plan Budget</i>					205.58	27,059			
	#					-1.07	-145			
	%					-1%	-1%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Scenario 4

Scenario 4 presents a new vision for service this winter with different routes compared to Scenarios 1 through 3. Scenario 4 is shown in Figure 9 and presented in Table 10. Scenario 4 does not fit within START's reduced budget for FY 21 and requires an additional approximately 1,000 hours of service.

Scenario 4 includes three town shuttle routes: Town Shuttle East, Town Shuttle North, and Town Shuttle West, each of which are operated by one bus providing all day service on a 30-minute frequency. Scenario 4 also includes a new East Jackson circulator route operated by one bus on a 15-minute frequency.

Service to the Village under Scenario 4 is operated by two routes. Village Route 1 provides service between Alberton's and the Village, with stops along 390. Village Route 2 provides direct service between the Village and downtown Jackson, with no stops along 390. Both routes are operated by one bus providing all day service on a 30-minute frequency and one bus being added to help accommodate the demand during peak periods (6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m.), which increases the frequency to every 15 minutes.

Figure 9: Scenario 4

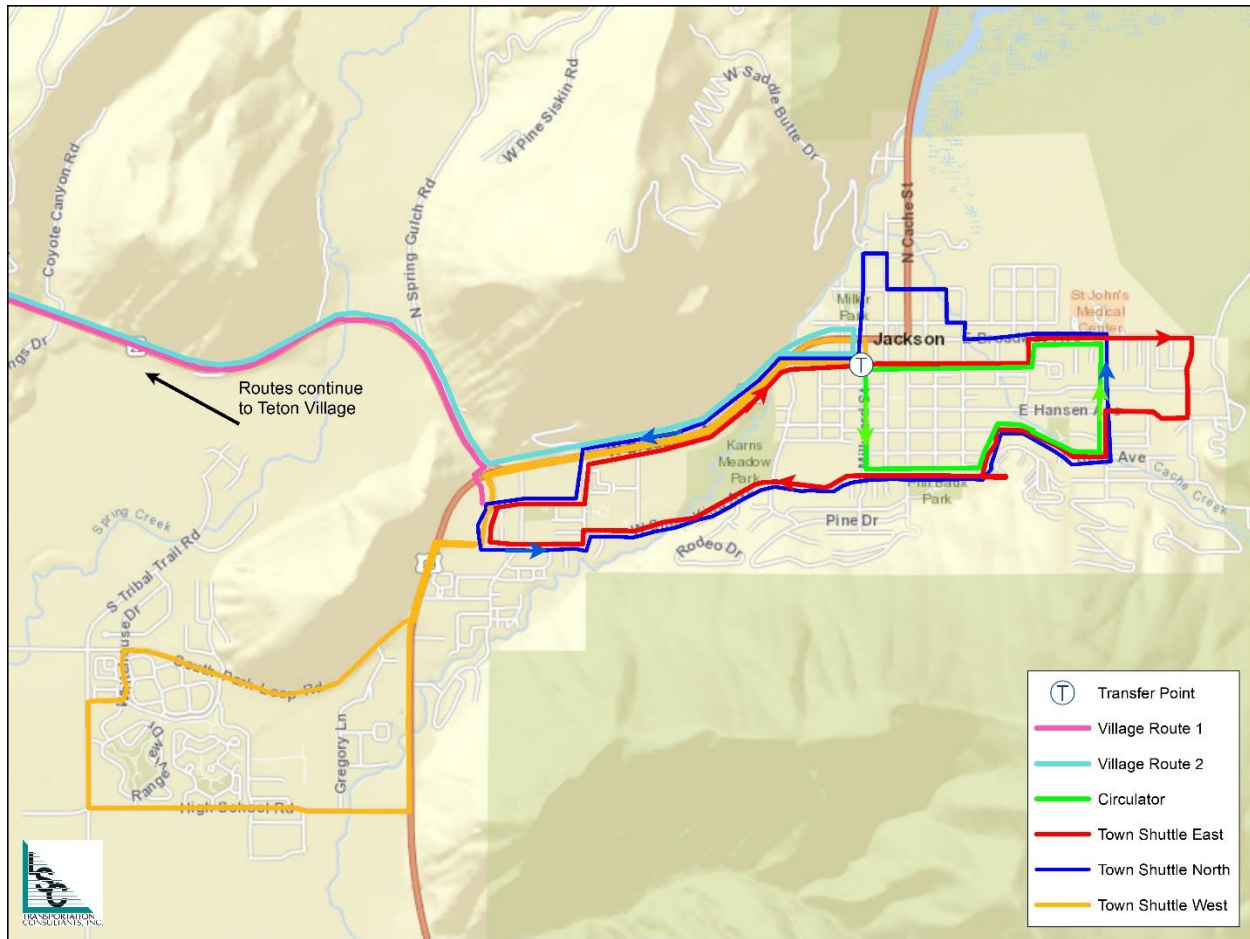


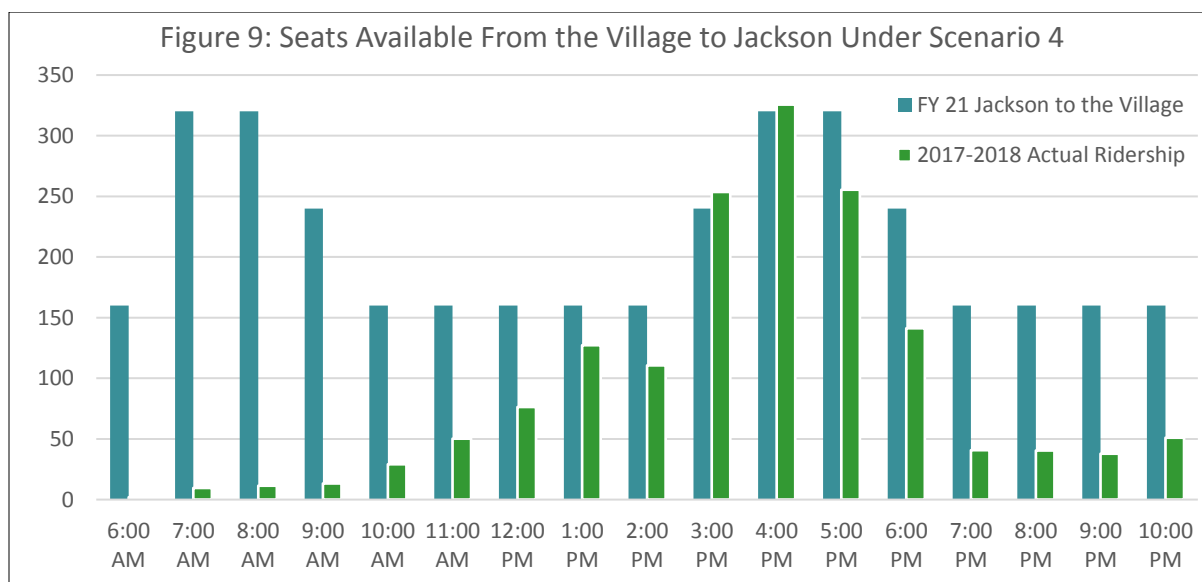
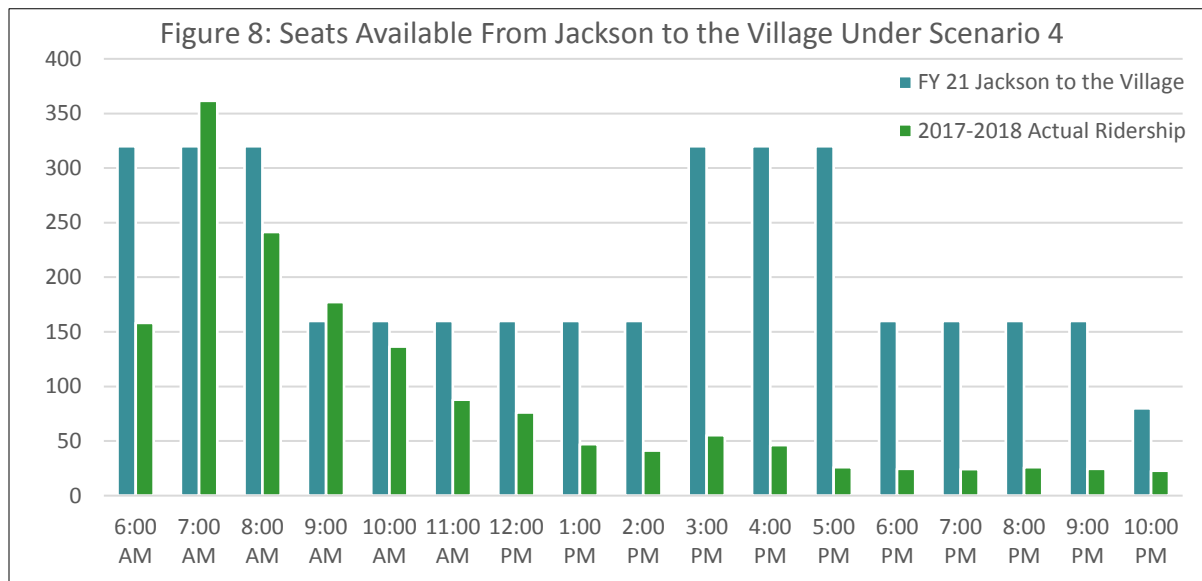
Table 10: Winter Service Plan - Secenario 4, Wes' Routing

Service	Route	Frequency	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
										# of Bus Departures	Seating Capacity
Town	Town Shuttle East	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	Town Shuttle North	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	Town Shuttle West	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	East Jackson Circulator	All day, 15-min. freq., first run @ 6am, last run @ 10:45pm	136	68	17	3	20	2,720	1	4	120
	Subtotal		136	170	68	12	80	10,880	4	10	300
Comparison to FY21 Ops Plan Budget							69.43	9,443			
							15%	15%			
Village	Village Route 1 - Village to Albertsons' with stops on 390.	All day, 30-min. freq., first run @ 6am, last run @ 10pm	136	33	33	6	39	5,304	2	2	80
	Village Route 2 - Village to Downtown Transfer Point, no stops on 390.	Peak, 15-min. freq., 6-9 am and 3-6pm	136	12	12	4	16	2,176	2	2	80
	Village Route 2 - Village to Downtown Transfer Point, no stops on 390.	All day, 30-min. freq., first run @ 6am, last run @ 10pm	136	33	33	6	39	5,304	2	2	80
	Village Route 2 - Village to Downtown Transfer Point, no stops on 390.	Peak, 15-min. freq., 6-9 am and 3-6pm	136	12	12	4	16	2,176	2	2	80
	Subtotal		136	90	90	20	110	14,960	8	8	320
Comparison to FY21 Ops Plan Budget							113.64	15,455			
							-3%	-3%			
Commuter	SV + TV - 3 trips per route per weekday		96	6	15	8	22.51	2,161	6	--	--
	Comparison to FY21 Ops Plan Budget						22.51	2,161			
TOTAL				266	173	40	213	28,001	18		
Comparison to FY21 Ops Plan Budget							205.58	27,059			
#							6.93	943			
%							3%	3%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Figures 8 and 9 compare the available seats between Jackson and the Village under Scenario 4 with actual ridership from winter 2017-2018. There are a couple of peak periods of time where the 2017-2018 actual ridership data are higher than the seating availability to/from Jackson and the Village under

Scenario 4, but for the most part, Scenario 4 should be able to meet peak a.m. and p.m. ridership demand.



SCENARIO COSTS

Using the START Bus FY21 line item budget, a simple cost allocation model can be created and used to determine the additional costs for each of the scenarios. As shown in Table 11, the cost model results in a direct variable operating cost per vehicle-hour of \$58.57. In addition to the budgeted approximately \$4.46 million for START administration and operating costs, additional overhead costs for FY21 equate to approximately \$655,000.

Table 11: FY21 Cost Model					
	Annual Costs			Annual Total Vehicle Hours	Direct Variable Operating Cost Per Vehicle-Hour
	Fixed	Variable	Total		
FY21 START Bus Budget	\$1,379,599	\$2,861,105	\$4,240,704	48,846	\$58.57
O/H Cost			\$655,209		

Using the cost model and accounting for the additional required overhead costs, Table 12 presents the costs for each of the scenarios presented in this report.

Table 12: Scenario Costs				
Scenario	Additional Hours	Additional Operating Cost	Additional O/H Cost	Additional Total Cost
Scenario 1	0	\$0	\$0	\$0
Scenario 2	2,100	\$123,005	\$28,169	\$151,174
Scenario 3	2,100	\$123,005	\$28,169	\$151,174
Scenario 3B	0	\$0	\$0	\$0
Scenario 4	1,000	\$58,574	\$13,414	\$71,988

COMPARISON OF SERVICE UNDER THE SCENARIOS

Table 13 presents a comparison of the scenarios by origin and destination zone. For the purpose of this analysis, since Scenarios 1 and 2 both have the same level of service in Jackson, we have combined them into a single column. This analysis also assumes splitting Jackson into four zones – East Jackson, Downtown, West Jackson, and South Jackson.

Using the following formula allows us to calculate the perceived average travel time for each scenario between each origin and destination pair:

$$\text{Perceived Avg. Travel Time} = \text{Travel Time} + \text{Half of Peak Frequency} + 10 \text{ Minute Transfer "Penalty"}$$

The best scenario for each origin and destination pair is highlighted in yellow. The end results illustrate that for the most part, all of the scenarios perform relatively similarly. Scenario 4 performs slightly better in the low and moderate ridership origin/destination zones, while Scenarios 1 and 3 perform slightly better in the moderate and high ridership origin/destination zones.

Table 13: START Peak Winter Service Scenario Comparison by Origin/Destination Zone						
Perceived Avg. Travel Time = Travel Time + Half of Peak Frequency + 10 Minute Transfer "Penalty"						
Best Scenario for Origin/Destination Pair Shown in Yellow						
Between	And	Relative Ridership	Service Parameter	Scenarios 1 and 2	Scenario 3	Scenario 4
Downtown	South Jackson	Moderate	Peak Frequency (Min)	30	20	15
			Travel Time (Min)	20	15	15
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	35	25	22.5
Downtown	West Jackson	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	5	5	5
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	10	10	12.5
Downtown	East Jackson	Moderate	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	5	5	5
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	10	10	12.5
West Jackson	South Jackson	Moderate	Peak Frequency (Min)	30	20	15
			Travel Time (Min)	10	10	10
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	25	20	17.5
West Jackson	East Jackson	Moderate	Peak Frequency (Min)	60	20	15
			Travel Time (Min)	20	20	20
			Need to Transfer (Y/N)	N	Y	Y
			Perceived Avg. Travel Time (Min)	50	40	37.5
East Jackson	South Jackson	Low	Peak Frequency (Min)	60	20	15
			Travel Time (Min)	20	25	25
			Need to Transfer (Y/N)	N	Y	Y
			Perceived Avg. Travel Time (Min)	50	45	42.5
Village	Downtown	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	30	30	30
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	35	35	37.5
Village	West Jackson	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	25	25	30
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	30	30	37.5
Village	South Jackson	Moderate	Peak Frequency (Min)	45	45	15
			Travel Time (Min)	35	35	40
			Need to Transfer (Y/N)	N	N	Y
			Perceived Avg. Travel Time (Min)	57.5	57.5	57.5
Village	East Jackson	Moderate	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	65	65	65
			Need to Transfer (Y/N)	Y	Y	Y
			Perceived Avg. Travel Time (Min)	80	80	82.5

KEY CONSIDERATIONS FOR SELECTING A SCENARIO

While evaluating and working to determine which scenario will best fit START's needs this winter, it will be important for the START Board and Operations Committee to address the following important questions:

- Number of Buses – How many buses can START feasibly operate while ensure enough spare vehicles, as well as accommodate the new electric vehicles?
 - Scenario 1 = 19 buses
 - Scenario 2 = 19 buses
 - Scenario 3 = 19 buses
 - Scenario 4 = 18 buses
- Cost Implications – Will START be able to use additional funding in order to provide increased service this winter?
 - Scenario 1 = fits within Ops. Plan budget
 - Scenario 2 = 2,100 hours over budget, approximately \$151,000
 - Scenario 3 = 2,100 hours over budget, approximately \$151,000
 - Scenario 3B = fits within Ops. Plan budget
 - Scenario 4 = 1,000 hours over budget, approximately \$72,000
- Jackson To/From the Village Peak Seating Capacity – Which Scenario will allow START to best accommodate passengers between Jackson and the Village?
 - Scenario 1 = Able to accommodate almost all of the average peak demand based on 2017-2018 data (Slightly low during a.m. and p.m. peak periods).
 - Scenario 2 = Able to accommodate all average peak demand based on 2017-2018 data
 - Scenario 3 = Able to accommodate all average peak demand based on 2017-2018 data
 - Scenario 4 = Able to accommodate almost all of the average peak demand based on 2017-2018 data (Slightly low during a.m. and p.m. peak periods).
- Downtown Transfer Location – Which location works best for this winter?
 - Scenario 1 = Currently designed to work with the Downtown Transfer Point at Miller Park, but could be reworked to accommodate any of the transfer sites.
 - Scenario 2 = Currently designed to work with the Downtown Transfer Point at Miller Park, but could be reworked to accommodate any of the transfer sites.
 - Scenario 3 = The Town Shuttle Route in the Route Plan works best with a site south of Broadway, but the route has been modified in this scenario to work with a Downtown Transfer Point at Miller Park.
 - Scenario 4 = This scenario works best with the Pearl/Millward Downtown Transfer Point location. It would not work with the Miller Park location.

- Long-term goals – How does service this winter fit in with the vision of the Routing Plan and future microtransit in East Jackson?
 - Scenario 1 = Implements the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Would require altering the Town Shuttles when implementing microtransit.
 - Scenario 2 = Implements the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Would require altering the Town Shuttles when implementing microtransit.
 - Scenario 3 = Implements the Town Shuttle, as well as the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Easy to substitute microtransit in place of the East Jackson Circulator.
 - Scenario 4 = Does not implement any of the Routing Plan routes and would require route changes when implementing microtransit.

- Other considerations:
 - Ease of scheduling driver layovers/breaks and/or need for a relief driver
 - Number of drivers required



START Bus Winter 2020-2021 Service Planning

**START Board Meeting
September 10, 2020**

FY21 Revised Operations Plan & Budget

START - FY21 Projected Annual Hours and Miles

HOURS							REVISED VS.	
	FY20 Adopted	% of Total	FY21 Original	% of Total	FY21 Revised	% of Total	Original	FY20
Town	24,895	38%	14,016	22%	18,359	38%	4,343	(6,536)
Village	28,857	44%	38,022	60%	22,095	45%	(15,927)	(6,762)
Commuter	7,753	12%	7,516	12%	4,742	10%	(2,774)	(3,011)
ADA	3,650	6%	4,000	6%	3,650	7%	(350)	0
TOTAL	65,155		63,554		48,846		(14,708)	(16,309)

-25%

FY21 Total Paid Hours by Season

FY21 HOURS (Total Paid Hours)					
	<u>Fall</u>	<u>Winter</u>	<u>Spring</u>	<u>Summer</u>	<u>TOTAL</u>
Op Days - daily	60	136	47	122	
Op Days - commuter	44	96	35	85	
Town - Daily Hours	36.51	69.43	36.51	36.51	
Village - Daily Hours	26.57	113.64	26.57	26.57	
Commuter - Daily Hours	22.51	22.51	22.51	22.51	
Town - Seasonal Hours	2,191	9,443	1,716	4,454	17,804
Village - Seasonal Hours	1,594	15,455	1,249	3,242	21,540
Commuter - Seasonal Hours	990	2,161	788	1,913	5,853
ADA - Seasonal Hours	913	913	913	913	3,650
Total Annual Paid Hours:					48,846

Amount of daily service under the existing budget

Same as Ops Plan

FY20 vs. FY21 Focused Analysis of Winter Village Service

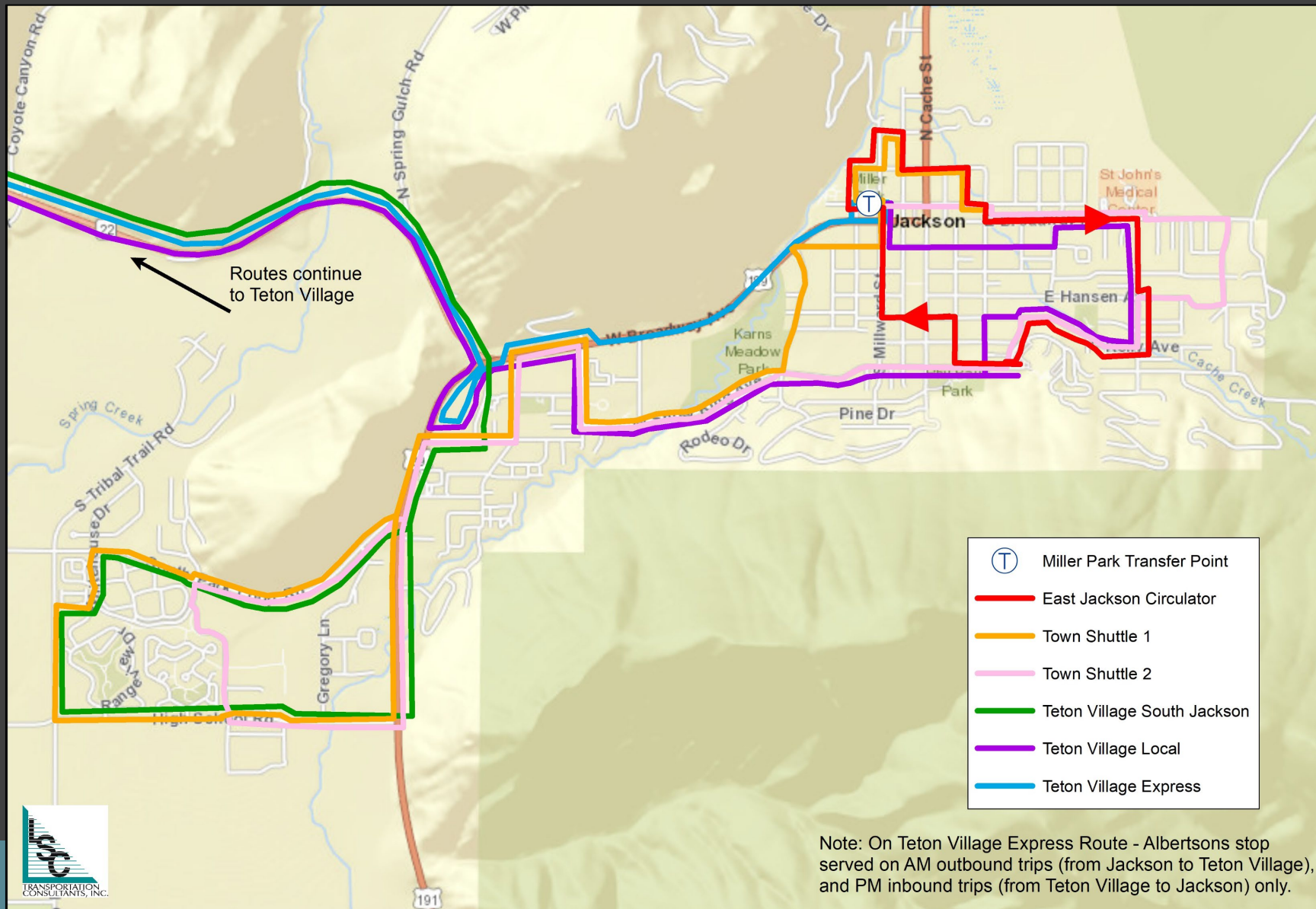
- FY20: 168 daily hours of service
- FY21: 114 daily hours of service (32% decrease)

Table 3: Focused Analysis of Winter Village Service									
	Operating Days	Daily Round Trips	Daily Total Hours	Seasonal Total Hours	Peak # Buses in Operation	Peak-Hour Peak		Peak-Hour Seating Capacity Serving Jackson	Daily Seats Available
						# of Bus Departures	Seating Capacity		
2019-2020 Winter Season Service									
Green	136	10	20	2,717	3	2	80	80	800
Yellow	136	30	51	6,933	4	3	120	120	2,400
Red	136	29	49	6,608	4	3	120	120	2,320
Blue	136	29	48	6,533	4	3	120	120	2,320
TOTAL	136	98	168	22,792	15	11	440	440	7,840
2020-2021 Winter Season Service -- Existing Budget									
TOTAL			114	15,455					
Change -- 2019/20 Service Plan to 2020/21 Existing Budget Plan									
#			-53.95	-7,337					
%			-32%	-32%					

Scenarios

- **Scenario 1:**
 - Town Shuttle 1 & 2
 - Fits within Ops. Plan budget
- **Scenario 2:**
 - Requires an additional 2,100 total paid hours on top of Ops. Plan budget
 - Town Shuttle 1 & 2
- **Scenario 3:**
 - Requires an additional 2,100 total paid hours on top of Ops. Plan budget
 - Town Shuttle (Routing Plan)
 - **Scenario 3B** – Uses Routing Plan Town Shuttle but fits within Ops Budget
- **Scenario 4:**
 - Requires an additional 1,000 total paid hours on top of Ops. Plan budget

Scenario 1



Scenario 1

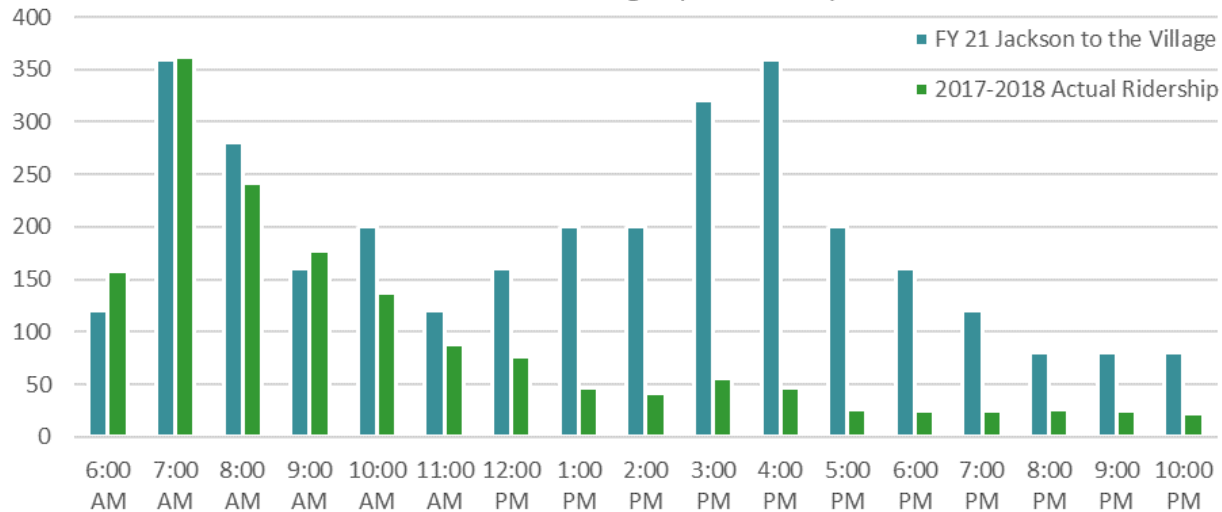
Table 1: Winter Service Plan - Secenario 1, Constrained Within Existing Hours & Using Existing Town Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle 1 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	Town Shuttle 2 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	<i>Subtotal</i>	<i>136</i>	<i>103</i>	<i>56</i>	<i>11</i>	<i>67</i>	<i>9,112</i>	<i>4</i>	<i>8</i>	<i>240</i>
	<i>Comparison to FY21 Ops Plan Budget %</i>					<i>69.43</i> -4%	<i>9,443</i> -4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 7:30pm)	136	10	15	3	18	2,448	1	0.67	27
	Express - 30 min. freq. (first run @ 6am, last run @ 9:30pm)	136	32	32	9	41	5,576	2	2	80
	Express Peak Service (7-9am, 3-6pm)	136	20	20	8	28	3,808	4	4	160
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	<i>Subtotal</i>	<i>136</i>	<i>78</i>	<i>91</i>	<i>24</i>	<i>115</i>	<i>15,640</i>	<i>9</i>	<i>8.00</i>	<i>320</i>
	<i>Comparison to FY21 Ops Plan Budget %</i>					<i>113.64</i> 1%	<i>15,455</i> 1%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					<i>22.51</i>	<i>2,161</i>			
TOTAL			187	162	43	205	26,913	19		
<i>Comparison to FY21 Ops Plan Budget</i>						<i>205.58</i> -1.07 -1%	<i>27,059</i> -145 -1%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

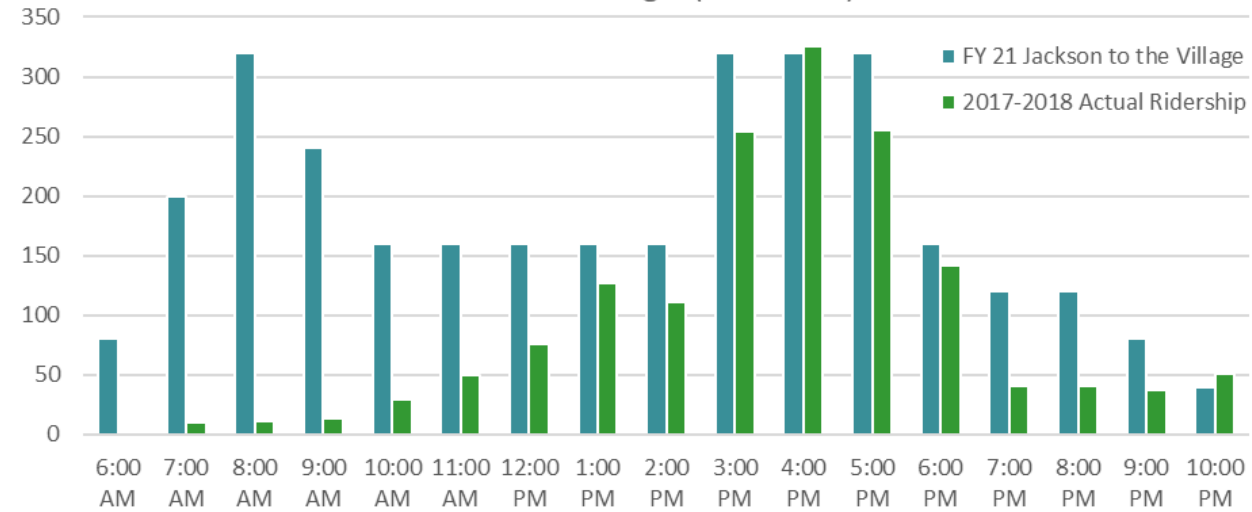
Scenario 1

Figure 4: Seats Available From Jackson to the Village Under Existing Winter 2020-21 Budget (Scenario 1)



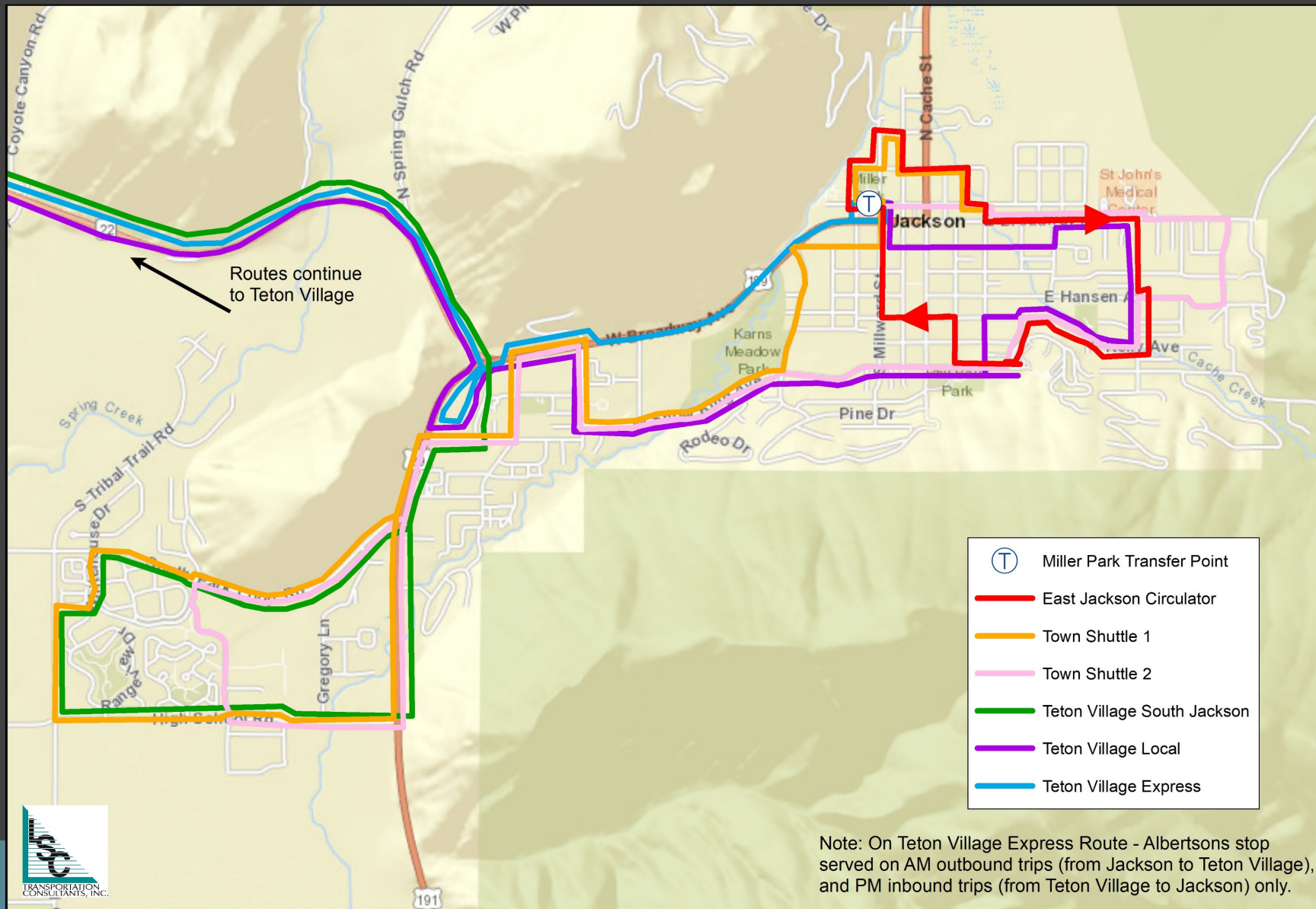
A.M. Peak

Figure 5: Seats Available From the Village to Jackson Under Existing Winter 2020-21 Budget (Scenario 1)



P.M. Peak

Scenario 2



Scenario 2

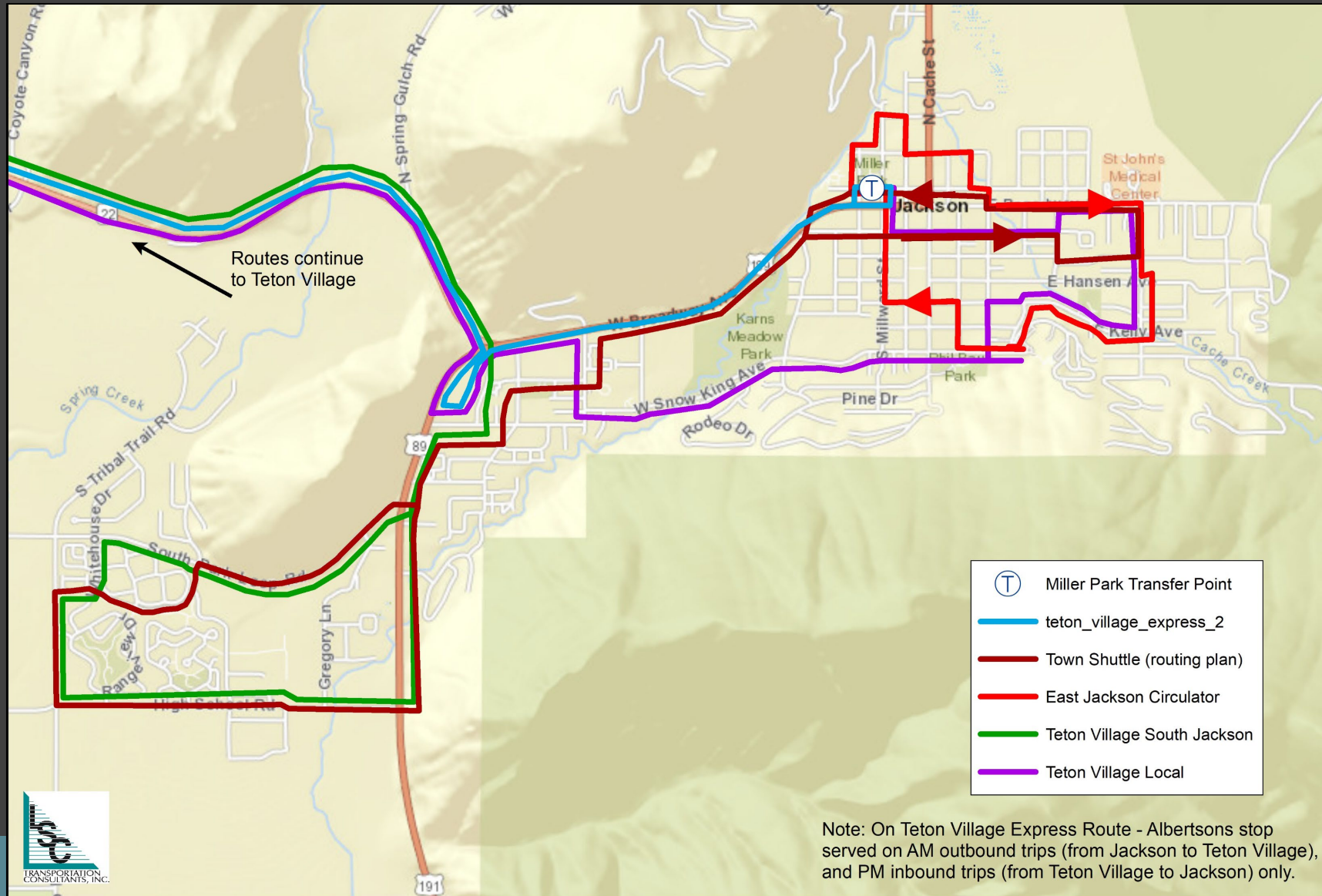
Table 2: Winter Service Plan - Secenario 2, Existing Town Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle 1 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	Town Shuttle 2 (first run @ 6am, last run @ 10pm)	136	17	17	3	20	2,720	1	1	30
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	<i>Subtotal</i>	136	103	56	11	67	9,112	4	8	240
	<i>Comparison to FY21 Ops Plan Budget %</i>					69.43 -4%	9,443 -4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 9pm)	136	11	17	3	20	2,652	1	0.67	27
	Express - 20 min. freq. (first run @ 6am, last run @ 10:40pm)	136	51	51	9	60	8,160	3	3	120
	Express Peak Service (6-9am, 3-6pm)	136	18	18	6	24	3,264	3	3	120
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	<i>Subtotal</i>	136	96	110	22	132	17,884	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget %</i>					113.64 16%	15,455 16%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			205	180	41	221	29,157	19		
<i>Comparison to FY21 Ops Plan Budget #</i>						205.58	27,059			
<i>%</i>						15.43 8%	2,099 8%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Approximately
\$151,000

Scenario 3



Scenario 3

Table 3: Winter Service Plan - Secenario 3, Routing Plan Town Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle from Routing Plan (first run @ 6am, last run @ 10:40pm)	136	51	34	6	40	5,440	2	3	90
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	<i>Subtotal</i>	136	120	56	11	67	9,112	4	9	270
	<i>Comparison to FY21 Ops Plan Budget</i> %					69.43 -4%	9,443 -4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 9pm)	136	11	17	3	20	2,652	1	0.67	27
	Express - 20 min. freq. (first run @ 6am, last run @ 10:40pm)	136	51	51	9	60	8,160	3	3	120
	Express Peak Service (6-9am, 3-6pm)	136	18	18	6	24	3,264	3	3	120
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	<i>Subtotal</i>	136	96	110	22	132	17,884	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget</i> %					113.64 16%	15,455 16%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			222	180	41	221	29,157	19		
<i>Comparison to FY21 Ops Plan Budget</i> #						205.58	27,059			
						15.43	2,099			
						8%	8%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Approximately
\$151,000

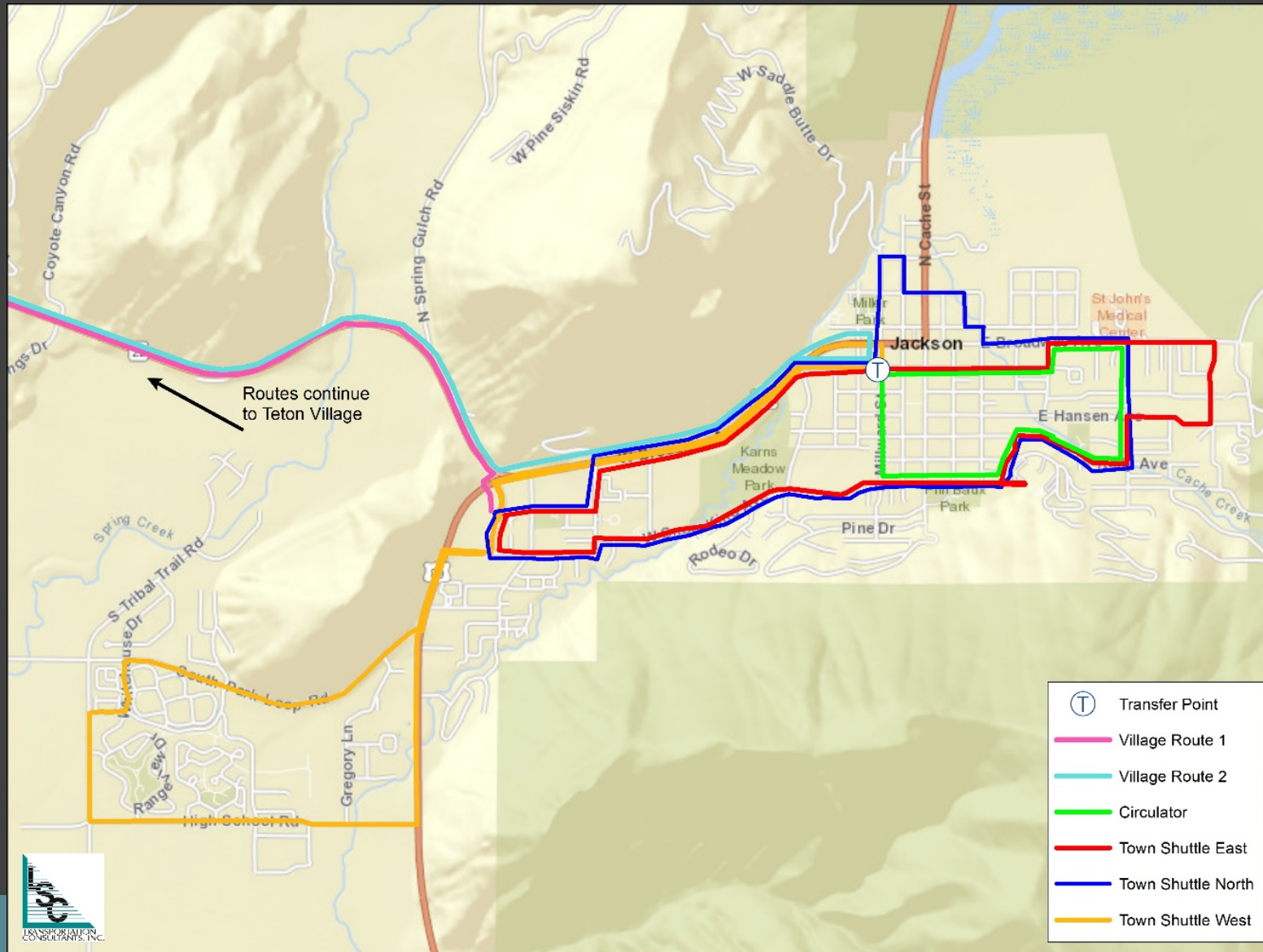
Scenario 3b *(slight modification to fit within existing budget)*

Table 8: Winter Service Plan - Secenario 3B, Constrained Within Existing Hours & Using Routing Plan Shuttles

Service	Route	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
									# of Bus Departures	Seating Capacity
Town Shuttle	Town Shuttle from Routing Plan (first run @ 6am, last run @ 10:40pm)	136	51	34	6	40	5,440	2	3	90
	East Jackson Circulator (first run @ 6am, last run @ 10:40pm)	136	51	16	3	19	2,584	1	3	90
	East Jackson Peak Circulator (6-9am, 3-6pm)	136	18	6	2	8	1,088	1	3	90
	<i>Subtotal</i>	136	120	56	11	67	9,112	4	9	270
	<i>Comparison to FY21 Ops Plan Budget %</i>					69.43 -4%	9,443 -4%			
Village	Local - 90 min freq. (first run @ 6am, last run @ 7:30pm)	136	10	15	3	18	2,448	1	0.67	27
	Express - 30 min. freq. (first run @ 6am, last run @ 9:30pm)	136	32	32	9	41	5,576	2	2	80
	Express Peak Service (7-9am, 3-6pm)	136	20	20	8	28	3,808	4	4	160
	South Jackson - 45-min. freq. (first run @ 7am, last run @ 6:15pm)	136	16	24	4	28	3,808	2	1.33	53
	<i>Subtotal</i>	136	78	91	24	115	15,640	9	8.00	320
	<i>Comparison to FY21 Ops Plan Budget %</i>					113.64 1%	15,455 1%			
Commuter	SV + TV - 3 trips per route per weekday	96	6	15	8	22.51	2,161	6	--	--
	<i>Comparison to FY21 Ops Plan Budget</i>					22.51	2,161			
TOTAL			204	162	43	205	26,913	19		
<i>Comparison to FY21 Ops Plan Budget #</i>						205.58 -1.07	27,059 -145			
<i>%</i>						-1%	-1%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Scenario 4



Scenario 4

Table 9: Winter Service Plan - Secenario 4, Wes' Routing

Table 9: Winter Service Plan - Scenario 4, Wes' Routing											
Service	Route	Frequency	Operating Days	Daily Round Trips	Daily Revenue Hours	Daily Non-Revenue Hours	Daily Total Paid Hours	Seasonal Total Paid Hours	Vehicles Required	Peak-Hour Peak Direction Service	
										# of Bus Departures	Seating Capacity
Town	Town Shuttle East	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	Town Shuttle North	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	Town Shuttle West	All day, 30-min. freq., first run @ 6am, last run @ 10:30pm	136	34	17	3	20	2,720	1	2	60
	East Jackson Circulator	All day, 15-min. freq., first run @ 6am, last run @ 10:45pm	136	68	17	3	20	2,720	1	4	120
	Subtotal		136	170	68	12	80	10,880	4	10	300
	Comparison to FY21 Ops Plan Budget %						69.43 15%	9,443 15%			
Village	Village Route 1 - Village to Albertsons' with stops on 390.	All day, 30-min. freq., first run @ 6am, last run @ 10pm	136	33	33	6	39	5,304	2	2	80
		Peak, 15-min. freq. , 6-9 am and 3-6pm	136	12	12	4	16	2,176	2	2	80
	Village Route 2 - Village to Downtown Transfer Point, no stops on 390.	All day, 30-min. freq., first run @ 6am, last run @ 10pm	136	33	33	6	39	5,304	2	2	80
		Peak, 15-min. freq. , 6-9 am and 3-6pm	136	12	12	4	16	2,176	2	2	80
	Subtotal		136	90	90	20	110	14,960	8	8	320
	Comparison to FY21 Ops Plan Budget %						113.64 -3%	15,455 -3%			
Commuter	SV + TV - 3 trips per route per weekday		96	6	15	8	22.51	2,161	6	--	--
	Comparison to FY21 Ops Plan Budget						22.51	2,161			
TOTAL				266	173	40	213	28,001	18		
Comparison to FY21 Ops Plan Budget #							205.58	27,059			
							6.93	943			
							3%	3%			

* Assumes 30 seats for 30' bus, 40 seats for 40' bus, and 57 seats for commuter routes.

Approximately
\$72,000

Scenario Comparison by Origin/Destination Zone

- 4 Zones:
 - East Jackson, Downtown, West Jackson, South Jackson
- Formula:
 - Perceived Avg. Travel Time = Travel Time + Half of Peak Frequency + 10 Minute Transfer "Penalty"
- Best scenario for each O/D pair is highlighted in yellow

Perceived Avg. Travel Time = Travel Time + Half of Peak Frequency + 10 Minute Transfer "Penalty"						
Best Scenario for Origin/Destination Pair Shown in Yellow						
Between	And	Relative Ridership	Service Parameter	Scenarios 1 and 2	Scenario 3	Scenario 4
Downtown	South Jackson	Moderate	Peak Frequency (Min)	30	20	15
			Travel Time (Min)	20	15	15
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	35	25	22.5
Downtown	West Jackson	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	5	5	5
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	10	10	12.5
Downtown	East Jackson	Moderate	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	5	5	5
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	10	10	12.5
West Jackson	South Jackson	Moderate	Peak Frequency (Min)	30	20	15
			Travel Time (Min)	10	10	10
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	25	20	17.5
West Jackson	East Jackson	Moderate	Peak Frequency (Min)	60	20	15
			Travel Time (Min)	20	20	20
			Need to Transfer (Y/N)	N	Y	Y
			Perceived Avg. Travel Time (Min)	50	40	37.5
East Jackson	South Jackson	Low	Peak Frequency (Min)	60	20	15
			Travel Time (Min)	20	25	25
			Need to Transfer (Y/N)	N	Y	Y
			Perceived Avg. Travel Time (Min)	50	45	42.5
Village	Downtown	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	30	30	30
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	35	35	37.5
Village	West Jackson	High	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	25	25	30
			Need to Transfer (Y/N)	N	N	N
			Perceived Avg. Travel Time (Min)	30	30	37.5
Village	South Jackson	Moderate	Peak Frequency (Min)	45	45	15
			Travel Time (Min)	35	35	40
			Need to Transfer (Y/N)	N	N	Y
			Perceived Avg. Travel Time (Min)	57.5	57.5	57.5
Village	East Jackson	Moderate	Peak Frequency (Min)	10	10	15
			Travel Time (Min)	65	65	65
			Need to Transfer (Y/N)	Y	Y	Y
			Perceived Avg. Travel Time (Min)	80	80	82.5

Key Considerations for Scenario Selection

- **Number of Buses** – *How many buses can START feasibly operate while ensuring enough spare vehicles, as well as accommodate the new electric vehicles?*
 - Scenario 1 = 19 buses
 - Scenario 2 = 19 buses
 - Scenario 3 = 19 buses
 - Scenario 4 = 18 buses
- **Cost Implications** – *Will START be able to use additional funding in order to provide increased service this winter?*
 - Scenario 1 = fits within Ops. Plan budget
 - Scenario 2 = 2,100 hours over budget, or approximately \$151,000
 - Scenario 3 = 2,100 hours over budget, or approximately \$151,000
 - Scenario 3B = fits within Ops. Plan budget
 - Scenario 4 = 1,000 hours over budget, or approximately \$72,000

Key Considerations for Scenario Selection

- **Jackson To/From the Village Peak Seating Capacity** – *Which Scenario will allow START to best accommodate passengers between Jackson and the Village?*
 - Scenario 1 = Able to accommodate almost all of the average peak demand based on 2017-2018 data
 - Scenario 2 = Able to accommodate all average peak demand based on 2017-2018 data
 - Scenario 3 = Able to accommodate all average peak demand based on 2017-2018 data
 - Scenario 4 = Able to accommodate almost all of the average peak demand based on 2017-2018 data
- **Downtown Transfer Location** – *Which location works best for this winter?*
 - Scenario 1 = Currently designed to work with the Downtown Transfer Point at Miller Park, but could be reworked to accommodate any of the transfer sites.
 - Scenario 2 = Currently designed to work with the Downtown Transfer Point at Miller Park, but could be reworked to accommodate any of the transfer sites.
 - Scenario 3 = The Town Shuttle Route in the Route Plan works best with a site south of Broadway, but the route has been modified in this scenario to work with a Downtown Transfer Point at Miller Park.
 - Scenario 4 = This scenario works best with the Pearl/Millward Downtown Transfer Point location. It would not work with the Miller Park location.

Key Considerations for Scenario Selection

- **Long-term goals** – *How does service this winter fit in with the vision of the Routing Plan and future microtransit in East Jackson?*
 - Scenario 1 = Implements the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Would require altering the Town Shuttles when implementing microtransit.
 - Scenario 2 = Implements the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Would require altering the Town Shuttles when implementing microtransit.
 - Scenario 3 = Implements the Town Shuttle, as well as the Village Local, Village Express, and South Jackson-Village Routes from the Route Plan. Easy to substitute microtransit in place of the East Jackson Circulator.
 - Scenario 4 = Does not implement any of the Routing Plan routes and would require route changes when implementing microtransit.
- **Other Considerations:**
 - Ease of scheduling driver layovers/breaks and/or need for a relief driver
 - Number of drivers required
 - Service for the remainder of the year (Spring/Summer 2021)

Downtown Transfer Point Analysis

- **Locations:**

- Miller Park
- Vertical Harvest (Parking Garage)
- Pearl St. & Jackson
- Pearl St. & Millward

- **Site Requirements:**

- Number of buses:
 - Express: Space for 2 buses is recommended
 - Circulator: Space for 1 bus is recommended
 - Town Shuttle: Space for 1 bus is recommended
- Space for Waiting Passengers
 - Standard of 8-10 sq. ft. for standing and queuing (total of 640 sq. ft.)
 - Covid-19 social distancing of 6 feet between people indicates a minimum of 36 sq. ft. of space per person (total of 2,880 sq. ft.)

Downtown Transfer Point Analysis

Siting Considerations:

- Provides efficient transit operations
- Minimize impacts on incompatible uses
- Convenient pedestrian access to lodging and to destinations
- Maximize impact on parking conditions
- Public availability
- Availability of restrooms
- Implementation feasibility

TABLE A: Total Lodging Units within Walking Distance of Sites

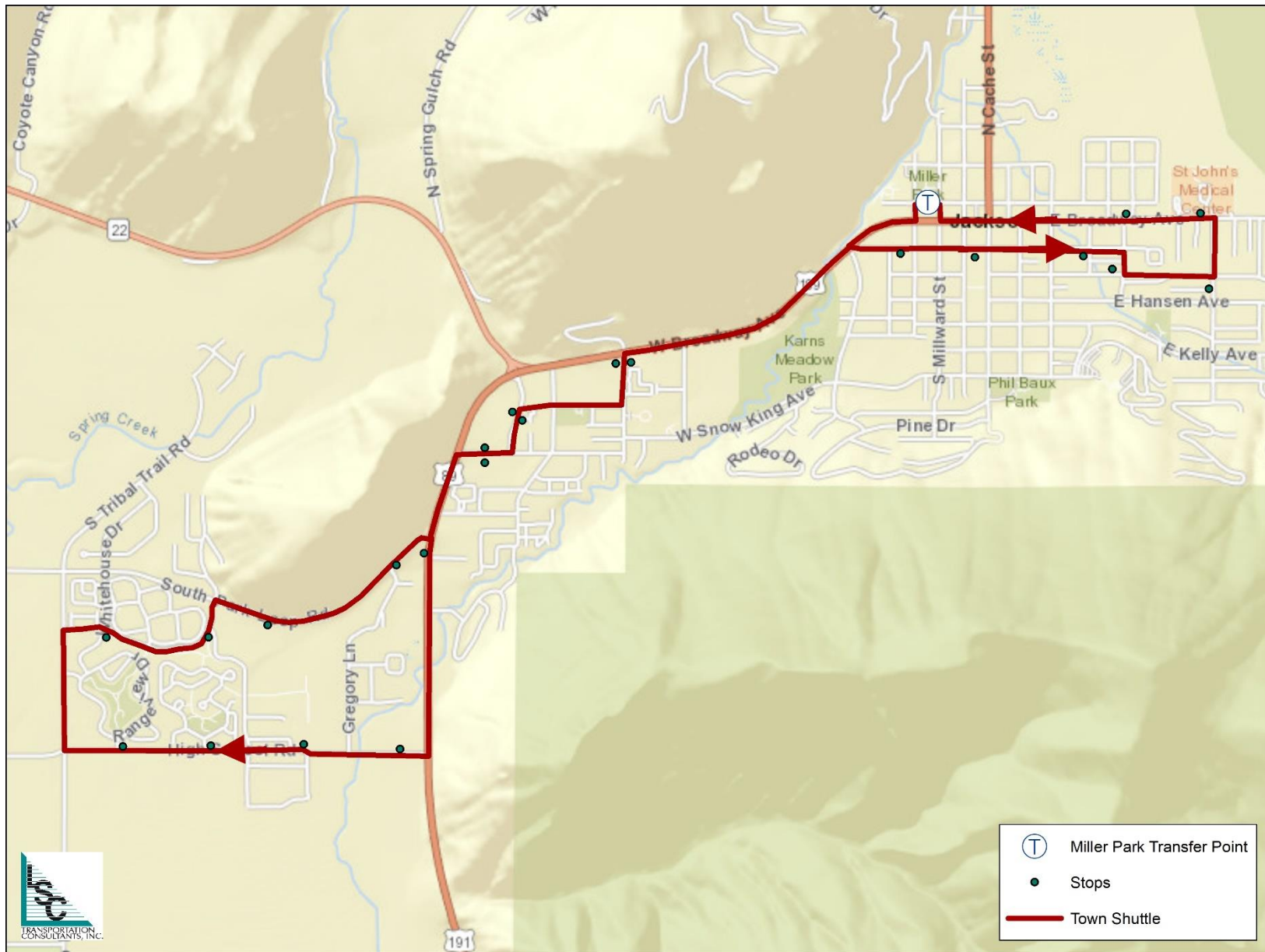
	# of Lodging Units	Site (X = Within 900 Feet Walk Distance)			
		Miller Park	Pearl & Jackson	Vertical Harvest	Pearl & Millward
Kudar Log Cabin	100	X			
The Alpine House	22	X			
Anvil Hotel	50	X			
Miller Park Lodge	16	X			
The Parkway Inn	43	X	X		X
Hotel Jackson	55	X			X
Jackson Hole Town Center Resort	45	X	X		X
The Wort Hotel	55	X		X	X
The White Buffalo Club	30	X			
Mountain Modern Motel	135	X	X	X	X
Multi Resorts at Jackson Pines	12	X	X	X	X
49'er Inn	40	X	X	X	X
Jackson Hole Lodge	59	X	X		X
SpringHill Suites by Marriott	121		X	X	X
Elk Country Inn	100		X	X	X
Cowboy Village	88		X	X	
The Antler Inn	110			X	X
Ranch Inn Motel	20			X	X
Totals	1,101	662	643	681	795

Downtown Transfer Point Analysis

- Miller Park – 30 points
- Vertical Harvest (Parking Structure) – 24 points
- Pearl St. & Millward – 24 points
- Pearl St. & Jackson – 15 points

Table B: Potential Transfer Site Options				
	Value (5 Best, 1 Worst)			
Factor	Miller Park	Pearl Street	Vertical Harvest	Pearl & Millward
Provide Efficient Transit Operations	5	2	3	5
Impact on Incompatible Uses	4	1	1	1
Pedestrian Access to Trip Generators	4	3	3	5
Impact on Parking	3	3	5	4
Public Availability	5	2	5	2
Availability of Restrooms	5	1	5	5
Ease of Implementation	4	3	2	2
Totals	30	15	24	24

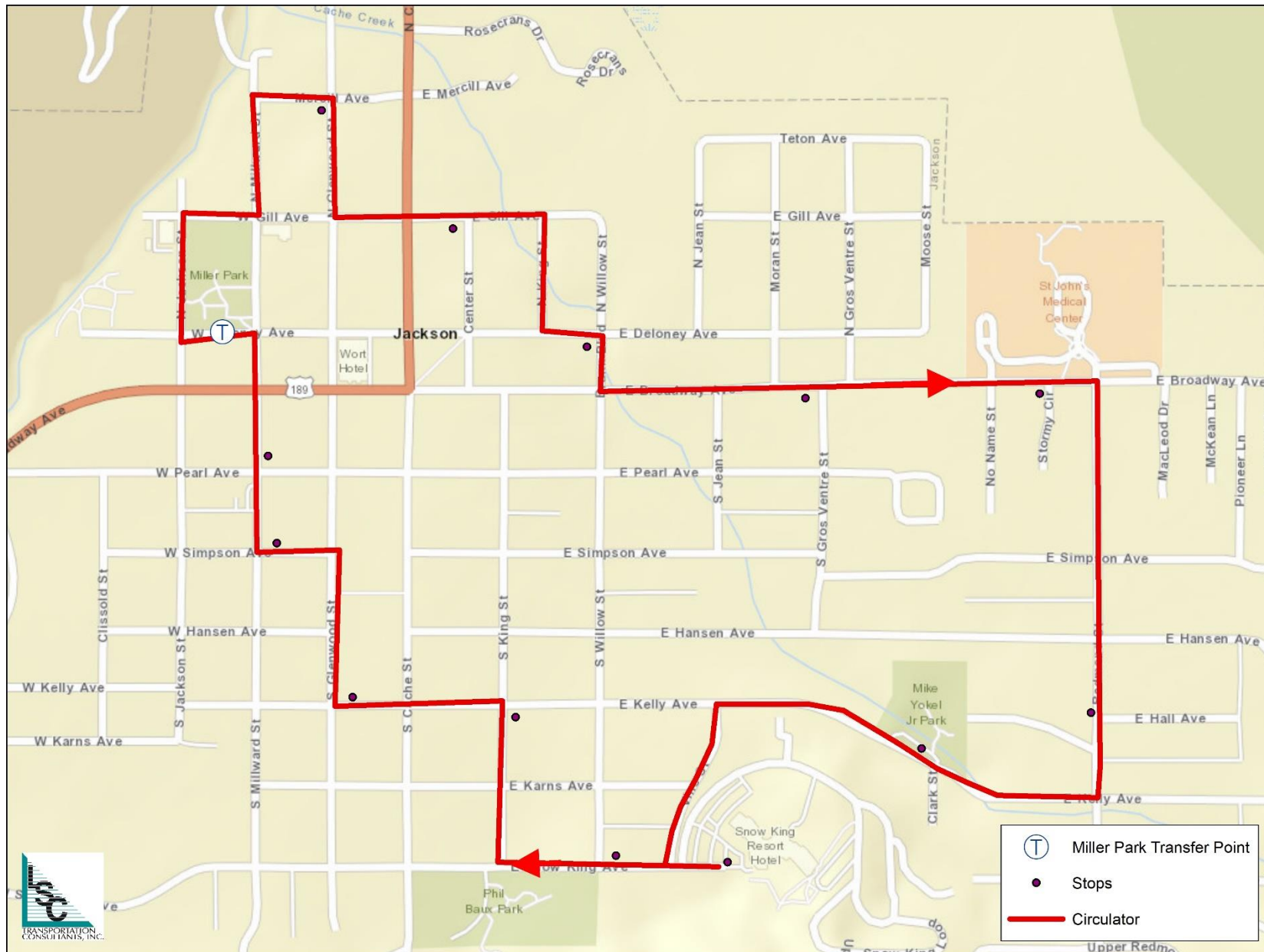
Proposed Town Shuttle Schedule



Proposed Town Shuttle Schedule

Table 1: Schedule for Town Shuttle Route						
Bus Stop		First Bus Departs	Departures All Day			Last Bus Departs
<i>New</i>	Downtown Transfer Point	6:00 AM	:00	:20	:40	10:40 PM
50	Scott & Broadway	6:03 AM	:03	:23	:43	10:43 PM
53	Albertsons	6:05 AM	:05	:25	:45	10:45 PM
55	Hampton Inn	6:06 AM	:06	:26	:46	10:46 PM
57	Maverick	6:07 AM	:07	:27	:47	10:47 PM
60	Smiths	6:09 AM	:09	:29	:49	10:49 PM
61	High School	6:10 AM	:10	:30	:50	10:50 PM
62	High School Rd. & Corner Creek	6:11 AM	:11	:31	:51	10:51 PM
63	High School Rd. & Rangeview	6:11 AM	:11	:31	:51	10:51 PM
64	Blair & South Park	6:12 AM	:12	:32	:52	10:52 PM
65	Blair & Middle School Rd.	6:14 AM	:14	:34	:54	10:54 PM
68	South Park @Middle School	6:15 AM	:15	:35	:55	10:55 PM
69	South Park & Gregory	6:16 AM	:16	:36	:56	10:56 PM
56	Kmart	6:18 AM	:18	:38	:58	10:58 PM
54	Buffalo Way & Alpine	6:19 AM	:19	:39	:59	10:59 PM
49	Lodge	6:21 AM	:21	:41	:01	11:01 PM
36	49'er	6:25 AM	:25	:45	:05	11:05 PM
20	Antler Inn	6:26 AM	:26	:46	:06	11:06 PM
18	Pearl & Jean	6:29 AM	:29	:49	:09	11:09 PM
<i>New</i>	Gros Ventre & Simpson	6:30 AM	:30	:50	:10	11:10 PM
<i>New</i>	Simpson & Redmond	6:32 AM	:32	:52	:12	11:12 PM
11	St. John's Hospital	6:34 AM	:34	:54	:14	11:14 PM
15	Broadway & Gros Ventre	6:35 AM	:35	:55	:15	11:15 PM
<i>New</i>	Downtown Transfer Point	6:38 AM	:38	:58	:18	11:18 PM

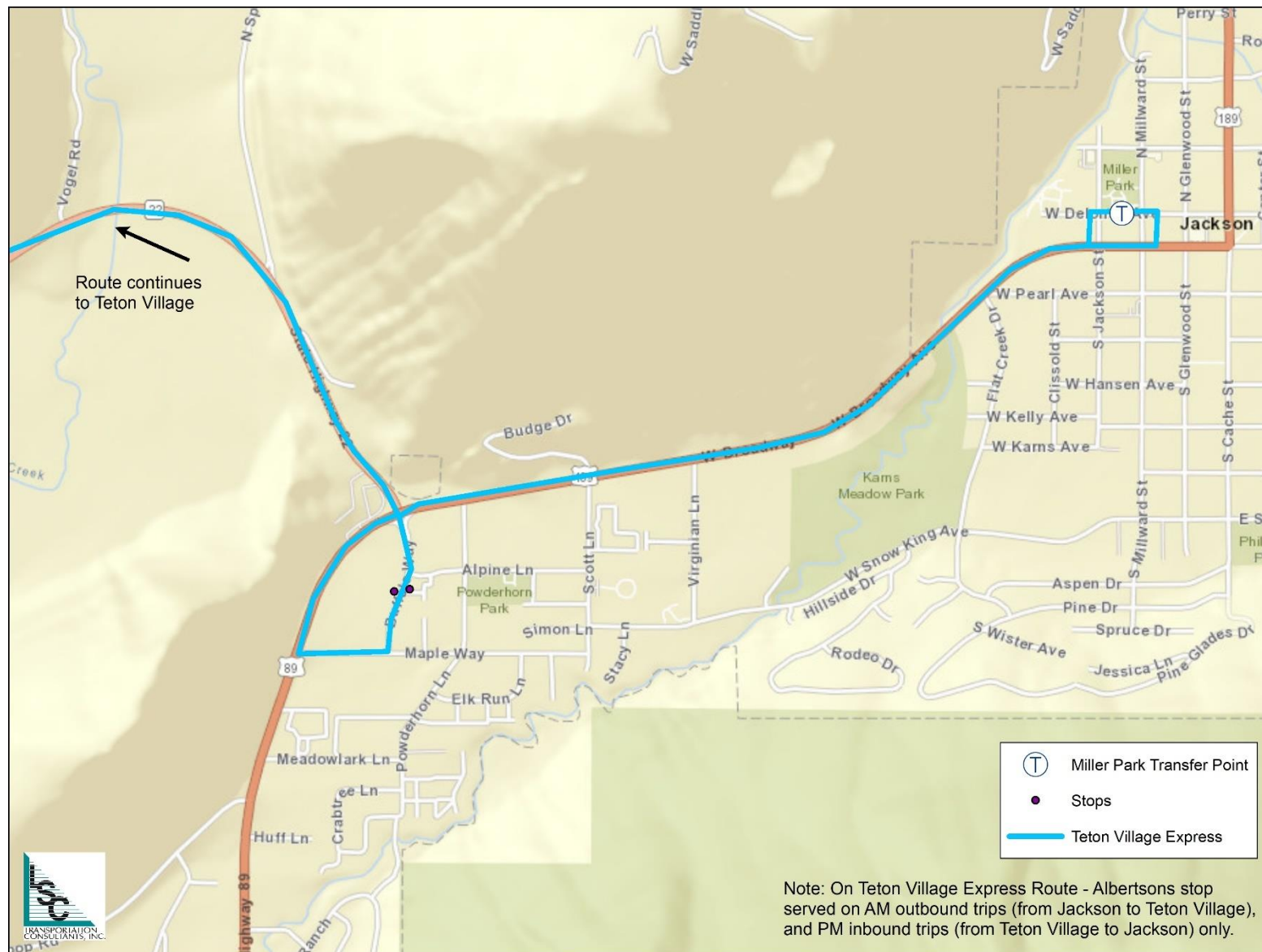
Proposed Circulator Schedule



Proposed Circulator Schedule

Table 2: Circulator Schedule				
Bus Stop		First Bus Departs	Departures All Day	Last Bus Departs
New	Downtown Transfer Point	6:00 AM	Every 20 Minutes	10:40 PM
32	Mercil & Glenwood	6:02 AM		10:42 PM
24	Gill & Center	6:04 AM		10:44 PM
27	Deloney & Willow	6:05 AM		10:45 PM
14	Broadway & Gros Ventre	6:07 AM		10:47 PM
10	Broadway & Stormy Circle	6:08 AM		10:48 PM
6	Redmond & Hall	6:09 AM		10:49 PM
4	Mike Yokel Park	6:10 AM		10:50 PM
1	Snow King Resort	6:12 AM		10:52 PM
9	Snow King & Willow	6:13 AM		10:53 PM
New	King St. & Kelly Ave.	6:14 AM		10:54 PM
New	Kelly Ave. & Glenwood St.	6:15 AM		10:55 PM
New	Vertical Harvest (Simpson Ave. & Millward St.)	6:17 AM		10:57 PM
New	Pearl Ave. & Millward.	6:18 AM		10:58 PM
New	Downtown Transfer Point	6:19 AM		10:59 PM

Proposed TV Express Schedule



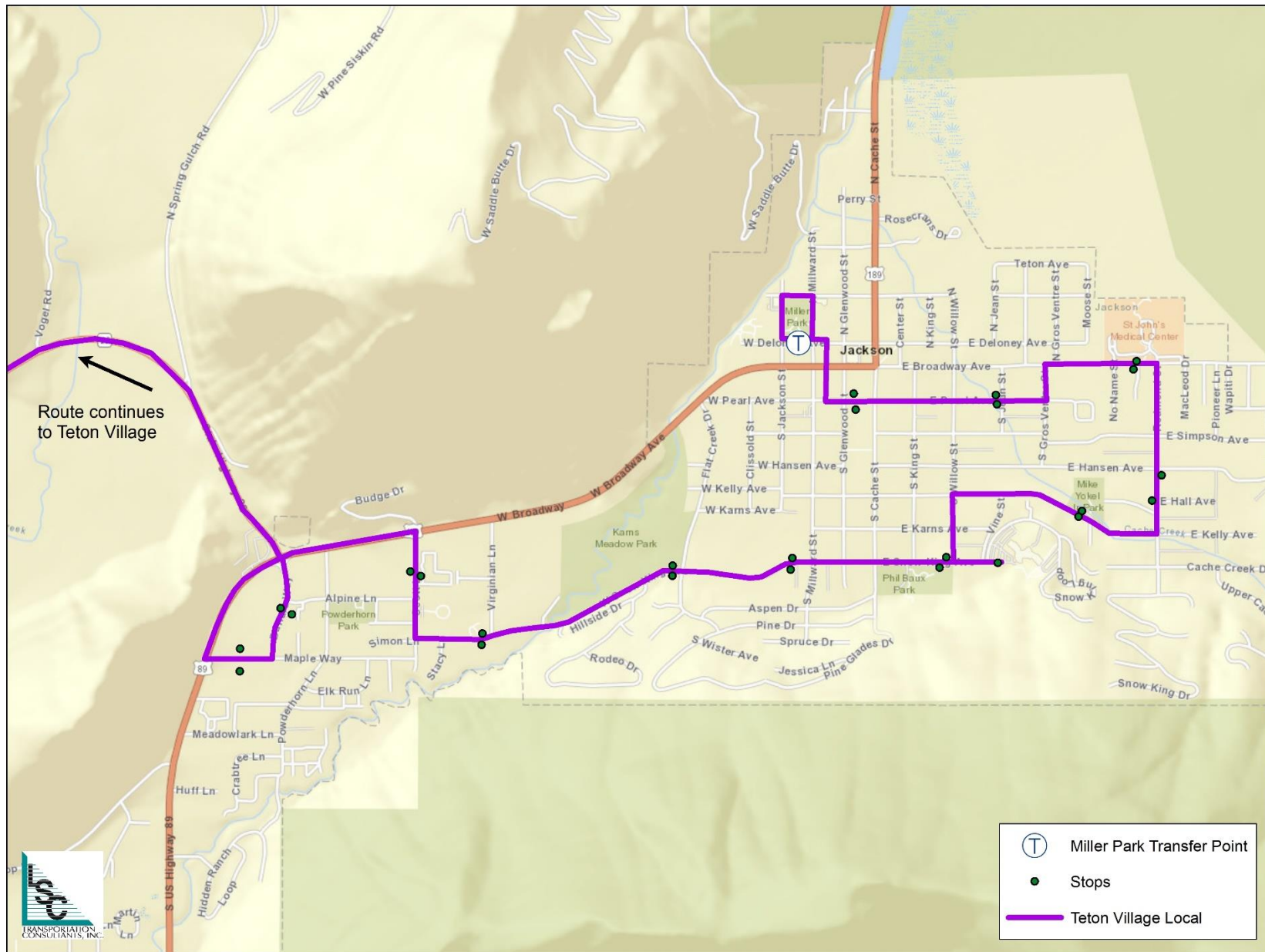
Proposed Teton Village Express Schedule

Table 3: Teton Village Express Schedule							
Towards Teton Village				Towards Jackson			
Downtown Transfer Point	Albertsons	Village Road Transit Center	Arrive Teton Village	Depart Teton Village	Village Road Transit Center	Buffalo Way & Alpine	Downtown Transfer Point
<i>New</i>	<i>53</i>	<i>70</i>	<i>89</i>	<i>89</i>	<i>70</i>	<i>54</i>	<i>New</i>
6:00 AM	6:07 AM	6:19 AM	6:31 AM	6:35 AM	-	-	6:55 AM
6:30 AM	6:37 AM	6:49 AM	7:01 AM	7:05 AM	-	-	7:25 AM
7:00 AM	7:07 AM	7:19 AM	7:31 AM	7:35 AM	-	-	7:55 AM
7:30 AM	7:37 AM	7:49 AM	8:01 AM	8:05 AM	-	-	8:25 AM
8:00 AM	8:07 AM	8:19 AM	8:31 AM	8:35 AM	-	-	8:55 AM
8:30 AM	8:37 AM	8:49 AM	9:01 AM	9:05 AM	-	-	9:25 AM
9:00 AM	9:07 AM	9:19 AM	9:31 AM	9:35 AM	-	-	9:55 AM
9:30 AM	9:37 AM	9:49 AM	10:01 AM	10:05 AM	-	-	10:25 AM
10:00 AM	10:07 AM	10:19 AM	10:31 AM	10:35 AM	-	-	10:55 AM
10:30 AM	10:37 AM	10:49 AM	11:01 AM	11:05 AM	-	-	11:25 AM
11:00 AM	11:07 AM	11:19 AM	11:31 AM	11:35 AM	-	-	11:55 AM
11:30 AM	11:37 AM	11:49 AM	12:01 PM	12:05 PM	-	-	12:25 PM
12:00 PM	-	-	12:20 PM	12:25 PM	12:37 PM	12:49 PM	12:56 PM
12:30 PM	-	-	12:50 PM	12:55 PM	1:07 PM	1:19 PM	1:26 PM

1:00 PM	-	-	1:20 PM	1:25 PM	1:37 PM	1:49 PM	1:56 PM
1:30 PM	-	-	1:50 PM	1:55 PM	2:07 PM	2:19 PM	2:26 PM
2:00 PM	-	-	2:20 PM	2:25 PM	2:37 PM	2:49 PM	2:56 PM
2:30 PM	-	-	2:50 PM	2:55 PM	3:07 PM	3:19 PM	3:26 PM
3:00 PM	-	-	3:20 PM	3:25 PM	3:37 PM	3:49 PM	3:56 PM
3:30 PM	-	-	3:50 PM	3:55 PM	4:07 PM	4:19 PM	4:26 PM
4:00 PM	-	-	4:20 PM	4:25 PM	4:37 PM	4:49 PM	4:56 PM
4:30 PM	-	-	4:50 PM	4:55 PM	5:07 PM	5:19 PM	5:26 PM
5:00 PM	-	-	5:20 PM	5:25 PM	5:37 PM	5:49 PM	5:56 PM
5:30 PM	-	-	5:50 PM	5:55 PM	6:07 PM	6:19 PM	6:26 PM
6:00 PM	-	-	6:20 PM	6:25 PM	6:37 PM	6:49 PM	6:56 PM
6:30 PM	-	-	6:50 PM	6:55 PM	7:07 PM	7:19 PM	7:26 PM
7:00 PM	-	-	7:20 PM	7:25 PM	7:37 PM	7:49 PM	7:56 PM
7:30 PM	-	-	7:50 PM	7:55 PM	8:07 PM	8:19 PM	8:26 PM
8:00 PM	-	-	8:20 PM	8:25 PM	8:37 PM	8:49 PM	8:56 PM
8:30 PM	-	-	8:50 PM	8:55 PM	9:07 PM	9:19 PM	9:26 PM
9:00 PM	-	-	9:20 PM	9:25 PM	9:37 PM	9:49 PM	9:56 PM
9:30 PM	-	-	9:50 PM	9:55 PM	10:07 PM	10:19 PM	10:26 PM
10:00 PM	-	-	10:20 PM	10:25 PM	10:37 PM	10:49 PM	10:56 PM
10:30 PM	-	-	10:50 PM	10:55 PM	11:07 PM	11:19 PM	11:26 PM
11:00 PM	-	-	11:20 PM	11:25 PM	11:37 PM	11:49 PM	11:56 PM

Note: "-" indicates that the bus does not stop for pickups or drop offs.

Proposed Teton Village Local Schedule



Proposed Teton Village Local Schedule

Table 4: Teton Village Local Schedule													
Bus Stop			90-Minute Frequency										
Towards Teton Village	Ne w	Downtown Transfer Point	6:00 AM	7:30 AM	9:00 AM	10:30 AM	12:00 PM	1:30 PM	3:00 PM	4:30 PM	6:00 PM	7:30 PM	9:00 PM
	20	Antler Inn	6:01 AM	7:31 AM	9:01 AM	10:31 AM	12:01 PM	1:31 PM	3:01 PM	4:31 PM	6:01 PM	7:31 PM	9:01 PM
	18	Pearl & Jean	6:02 AM	7:32 AM	9:02 AM	10:32 AM	12:02 PM	1:32 PM	3:02 PM	4:32 PM	6:02 PM	7:32 PM	9:02 PM
	10	Broadway & Stormy Circle	6:03 AM	7:33 AM	9:03 AM	10:33 AM	12:03 PM	1:33 PM	3:03 PM	4:33 PM	6:03 PM	7:33 PM	9:03 PM
	6	Redmond & Hall	6:04 AM	7:34 AM	9:04 AM	10:34 AM	12:04 PM	1:34 PM	3:04 PM	4:34 PM	6:04 PM	7:34 PM	9:04 PM
	4	Mike Yokel Park	6:05 AM	7:35 AM	9:05 AM	10:35 AM	12:05 PM	1:35 PM	3:05 PM	4:35 PM	6:05 PM	7:35 PM	9:05 PM
	1	Snow King Resort	6:06 AM	7:36 AM	9:06 AM	10:36 AM	12:06 PM	1:36 PM	3:06 PM	4:36 PM	6:06 PM	7:36 PM	9:06 PM
	9	Snow King & Willow	6:07 AM	7:37 AM	9:07 AM	10:37 AM	12:07 PM	1:37 PM	3:07 PM	4:37 PM	6:07 PM	7:37 PM	9:07 PM
	43	Rodeo Grounds	6:08 AM	7:38 AM	9:08 AM	10:38 AM	12:08 PM	1:38 PM	3:08 PM	4:38 PM	6:08 PM	7:38 PM	9:08 PM
	45	Snow King & Flat Creek	6:09 AM	7:39 AM	9:09 AM	10:39 AM	12:09 PM	1:39 PM	3:09 PM	4:39 PM	6:09 PM	7:39 PM	9:09 PM
	47	Teton County Library	6:11 AM	7:41 AM	9:11 AM	10:41 AM	12:11 PM	1:41 PM	3:11 PM	4:41 PM	6:11 PM	7:41 PM	9:11 PM
	49	Lodge at Jackson Hole	6:12 AM	7:42 AM	9:12 AM	10:42 AM	12:12 PM	1:42 PM	3:12 PM	4:42 PM	6:12 PM	7:42 PM	9:12 PM
	53	Albertsons	6:15 AM	7:45 AM	9:15 AM	10:45 AM	12:15 PM	1:45 PM	3:15 PM	4:45 PM	6:15 PM	7:45 PM	9:15 PM
	55	Hampton Inn	6:16 AM	7:46 AM	9:16 AM	10:46 AM	12:16 PM	1:46 PM	3:16 PM	4:46 PM	6:16 PM	7:46 PM	9:16 PM
	70	Village Road Transit Center	6:26 AM	7:56 AM	9:26 AM	10:56 AM	12:26 PM	1:56 PM	3:26 PM	4:56 PM	6:26 PM	7:56 PM	9:26 PM

	81	Teton Science School Res.	6:29 AM	7:59 AM	9:29 AM	10:59 AM	12:29 PM	1:59 PM	3:29 PM	4:59 PM	6:29 PM	7:59 PM	9:29 PM
	83	Calico	6:30 AM	8:00 AM	9:30 AM	11:00 AM	12:30 PM	2:00 PM	3:30 PM	5:00 PM	6:30 PM	8:00 PM	9:30 PM
	82	Westbank Center	6:31 AM	8:01 AM	9:31 AM	11:01 AM	12:31 PM	2:01 PM	3:31 PM	5:01 PM	6:31 PM	8:01 PM	9:31 PM
	84	The Aspens	6:32 AM	8:02 AM	9:32 AM	11:02 AM	12:32 PM	2:02 PM	3:32 PM	5:02 PM	6:32 PM	8:02 PM	9:32 PM
	89	Arrive Teton Village	6:40 AM	8:10 AM	9:40 AM	11:10 AM	12:40 PM	2:10 PM	3:40 PM	5:10 PM	6:40 PM	8:10 PM	9:40 PM
Towards Jackson	89	Depart Teton Village	6:44 AM	8:14 AM	9:44 AM	11:14 AM	12:44 PM	2:14 PM	3:44 PM	5:14 PM	6:44 PM	8:14 PM	9:44 PM
	84	The Aspens	6:52 AM	8:22 AM	9:52 AM	11:22 AM	12:52 PM	2:22 PM	3:52 PM	5:22 PM	6:52 PM	8:22 PM	9:52 PM
	82	Westbank Center	6:53 AM	8:23 AM	9:53 AM	11:23 AM	12:53 PM	2:23 PM	3:53 PM	5:23 PM	6:53 PM	8:23 PM	9:53 PM
	83	Calico	6:54 AM	8:24 AM	9:54 AM	11:24 AM	12:54 PM	2:24 PM	3:54 PM	5:24 PM	6:54 PM	8:24 PM	9:54 PM
	81	Teton Science School Res.	6:55 AM	8:25 AM	9:55 AM	11:25 AM	12:55 PM	2:25 PM	3:55 PM	5:25 PM	6:55 PM	8:25 PM	9:55 PM
	70	Village Road Transit Center	6:58 AM	8:28 AM	9:58 AM	11:28 AM	12:58 PM	2:28 PM	3:58 PM	5:28 PM	6:58 PM	8:28 PM	9:58 PM
	56	Kmart	7:08 AM	8:38 AM	10:08 AM	11:38 AM	1:08 PM	2:38 PM	4:08 PM	5:38 PM	7:08 PM	8:38 PM	10:08 PM
	54	Buffalo Way & Alpine	7:09 AM	8:39 AM	10:09 AM	11:39 AM	1:09 PM	2:39 PM	4:09 PM	5:39 PM	7:09 PM	8:39 PM	10:09 PM
	50	Scott & Broadway	7:12 AM	8:42 AM	10:12 AM	11:42 AM	1:12 PM	2:42 PM	4:12 PM	5:42 PM	7:12 PM	8:42 PM	10:12 PM
	48	810 West	7:13 AM	8:43 AM	10:13 AM	11:43 AM	1:13 PM	2:43 PM	4:13 PM	5:43 PM	7:13 PM	8:43 PM	10:13 PM
	44	Snow King & Flat Creek	7:15 AM	8:45 AM	10:15 AM	11:45 AM	1:15 PM	2:45 PM	4:15 PM	5:45 PM	7:15 PM	8:45 PM	10:15 PM
	42	Fair Building	7:16 AM	8:46 AM	10:16 AM	11:46 AM	1:16 PM	2:46 PM	4:16 PM	5:46 PM	7:16 PM	8:46 PM	10:16 PM
	8	Snow King Center	7:17 AM	8:47 AM	10:17 AM	11:47 AM	1:17 PM	2:47 PM	4:17 PM	5:47 PM	7:17 PM	8:47 PM	10:17 PM

1	Snow King Resort	7:18 AM	8:48 AM	10:18 AM	11:48 AM	1:18 PM	2:48 PM	4:18 PM	5:48 PM	7:18 PM	8:48 PM	10:18 PM
3	Mike Yokel Park	7:20 AM	8:50 AM	10:20 AM	11:50 AM	1:20 PM	2:50 PM	4:20 PM	5:50 PM	7:20 PM	8:50 PM	10:20 PM
7	Redmond & Hansen	7:21 AM	8:51 AM	10:21 AM	11:51 AM	1:21 PM	2:51 PM	4:21 PM	5:51 PM	7:21 PM	8:51 PM	10:21 PM
11	St. Johns Hospital	7:22 AM	8:52 AM	10:22 AM	11:52 AM	1:22 PM	2:52 PM	4:22 PM	5:52 PM	7:22 PM	8:52 PM	10:22 PM
19	Pearl & Jean	7:24 AM	8:54 AM	10:24 AM	11:54 AM	1:24 PM	2:54 PM	4:24 PM	5:54 PM	7:24 PM	8:54 PM	10:24 PM
21	Pearl & Glenwood	7:25 AM	8:55 AM	10:25 AM	11:55 AM	1:25 PM	2:55 PM	4:25 PM	5:55 PM	7:25 PM	8:55 PM	10:25 PM
New	Downtown Transfer Point	7:26 AM	8:56 AM	10:26 AM	11:56 AM	1:26 PM	2:56 PM	4:26 PM	5:56 PM	7:26 PM	8:56 PM	10:26 PM

Proposed Teton Village South Jackson Schedule



Proposed Teton Village South Jackson Schedule

Table 5: Teton Village South Jackson Schedule

Bus Stop			45-Minute Frequency															
Towards Teton Village	60	Smiths	7:00 AM	7:45 AM	8:30 AM	9:15 AM	10:00 AM	10:45 AM	11:30 AM	12:15 PM	1:00 PM	1:45 PM	2:30 PM	3:15 PM	4:00 PM	4:45 PM	5:30 PM	6:15 PM
	61	High School	7:01 AM	7:46 AM	8:31 AM	9:16 AM	10:01 AM	10:46 AM	11:31 AM	12:16 PM	1:01 PM	1:46 PM	2:31 PM	3:16 PM	4:01 PM	4:46 PM	5:31 PM	6:16 PM
	62	High School Rd & Corner Crk	7:02 AM	7:47 AM	8:32 AM	9:17 AM	10:02 AM	10:47 AM	11:32 AM	12:17 PM	1:02 PM	1:47 PM	2:32 PM	3:17 PM	4:02 PM	4:47 PM	5:32 PM	6:17 PM
	63	High School Rd & Rangeview	7:03 AM	7:48 AM	8:33 AM	9:18 AM	10:03 AM	10:48 AM	11:33 AM	12:18 PM	1:03 PM	1:48 PM	2:33 PM	3:18 PM	4:03 PM	4:48 PM	5:33 PM	6:18 PM
	64	Blair & South Park	7:04 AM	7:49 AM	8:34 AM	9:19 AM	10:04 AM	10:49 AM	11:34 AM	12:19 PM	1:04 PM	1:49 PM	2:34 PM	3:19 PM	4:04 PM	4:49 PM	5:34 PM	6:19 PM
	66	Blair & Whitehouse	7:05 AM	7:50 AM	8:35 AM	9:20 AM	10:05 AM	10:50 AM	11:35 AM	12:20 PM	1:05 PM	1:50 PM	2:35 PM	3:20 PM	4:05 PM	4:50 PM	5:35 PM	6:20 PM
	68	South Park @ Middle School	7:07 AM	7:52 AM	8:37 AM	9:22 AM	10:07 AM	10:52 AM	11:37 AM	12:22 PM	1:07 PM	1:52 PM	2:37 PM	3:22 PM	4:07 PM	4:52 PM	5:37 PM	6:22 PM
	56	Kmart	7:10 AM	7:55 AM	8:40 AM	9:25 AM	10:10 AM	10:55 AM	11:40 AM	12:25 PM	1:10 PM	1:55 PM	2:40 PM	3:25 PM	4:10 PM	4:55 PM	5:40 PM	6:25 PM
	54	Buffalo Way & Alpine	7:11 AM	7:56 AM	8:41 AM	9:26 AM	10:11 AM	10:56 AM	11:41 AM	12:26 PM	1:11 PM	1:56 PM	2:41 PM	3:26 PM	4:11 PM	4:56 PM	5:41 PM	6:26 PM
	70	Village Road Transit Center	7:23 AM	8:08 AM	8:53 AM	9:38 AM	10:23 AM	11:08 AM	11:53 AM	12:38 PM	1:23 PM	2:08 PM	2:53 PM	3:38 PM	4:23 PM	5:08 PM	5:53 PM	6:38 PM
	83	Calico	7:26 AM	8:11 AM	8:56 AM	9:41 AM	10:26 AM	11:11 AM	11:56 AM	12:41 PM	1:26 PM	2:11 PM	2:56 PM	3:41 PM	4:26 PM	5:11 PM	5:56 PM	6:41 PM
	82	Westbank Center	7:28 AM	8:13 AM	8:58 AM	9:43 AM	10:28 AM	11:13 AM	11:58 AM	12:43 PM	1:28 PM	2:13 PM	2:58 PM	3:43 PM	4:28 PM	5:13 PM	5:58 PM	6:43 PM
	84	The Aspens	7:29 AM	8:14 AM	8:59 AM	9:44 AM	10:29 AM	11:14 AM	11:59 AM	12:44 PM	1:29 PM	2:14 PM	2:59 PM	3:44 PM	4:29 PM	5:14 PM	5:59 PM	6:44 PM
	89	Arrive Teton Village	7:38 AM	8:23 AM	9:08 AM	9:53 AM	10:38 AM	11:23 AM	12:08 PM	12:53 PM	1:38 PM	2:23 PM	3:08 PM	3:53 PM	4:38 PM	5:23 PM	6:08 PM	6:53 PM

Towards Jackson	89	Depart Teton Village	7:45 AM	8:30 AM	9:15 AM	10:00 AM	10:45 AM	11:30 AM	12:15 PM	1:00 PM	1:45 PM	2:30 PM	3:15 PM	4:00 PM	4:45 PM	5:30 PM	6:15 PM	7:00 PM
	84	The Aspens	7:53 AM	8:38 AM	9:23 AM	10:08 AM	10:53 AM	11:38 AM	12:23 PM	1:08 PM	1:53 PM	2:38 PM	3:23 PM	4:08 PM	4:53 PM	5:38 PM	6:23 PM	7:08 PM
	82	Westbank Center	7:54 AM	8:39 AM	9:24 AM	10:09 AM	10:54 AM	11:39 AM	12:24 PM	1:09 PM	1:54 PM	2:39 PM	3:24 PM	4:09 PM	4:54 PM	5:39 PM	6:24 PM	7:09 PM
	83	Calico	7:56 AM	8:41 AM	9:26 AM	10:11 AM	10:56 AM	11:41 AM	12:26 PM	1:11 PM	1:56 PM	2:41 PM	3:26 PM	4:11 PM	4:56 PM	5:41 PM	6:26 PM	7:11 PM
	70	Village Road Transit Center	7:59 AM	8:44 AM	9:29 AM	10:14 AM	10:59 AM	11:44 AM	12:29 PM	1:14 PM	1:59 PM	2:44 PM	3:29 PM	4:14 PM	4:59 PM	5:44 PM	6:29 PM	7:14 PM
	53	Albertsons	8:11 AM	8:56 AM	9:41 AM	10:26 AM	11:11 AM	11:56 AM	12:41 PM	1:26 PM	2:11 PM	2:56 PM	3:41 PM	4:26 PM	5:11 PM	5:56 PM	6:41 PM	7:26 PM
	55	Hampton Inn	8:13 AM	8:58 AM	9:43 AM	10:28 AM	11:13 AM	11:58 AM	12:43 PM	1:28 PM	2:13 PM	2:58 PM	3:43 PM	4:28 PM	5:13 PM	5:58 PM	6:43 PM	7:28 PM
	60	Smiths	8:20 AM	9:05 AM	9:50 AM	10:35 AM	11:20 AM	12:05 PM	12:50 PM	1:35 PM	2:20 PM	3:05 PM	3:50 PM	4:35 PM	5:20 PM	6:05 PM	6:50 PM	7:35 PM



JOINT INFORMATION MEETING AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Housing

PRESENTER: Stacy Stoker

MEETING DATE: October 5, 2020

SUBJECT: Housing Rules and Regulations – 2020 Adoption

STATEMENT/PURPOSE

The Board will consider adoption of the Housing Department Rules and Regulations document after its 45-day public comment period. The Council will consider adoption of the new ordinances on third reading.

BACKGROUND/ALTERNATIVES

In June of 2018, the Jackson Town Council ("Council") and Teton County Board of County Commissioners ("Board") adopted the Jackson/Teton County Housing Department Rules and Regulations ("Rules and Regulations"). In August of 2019, the Board and Council adopted several changes based on staff recommendation and public comment. Staff identified more changes needed to correct typos and formatting, clarify policy, and add definitions. These were brought to the JIM on July 6, 2020 for direction.

The Board directed staff to make the recommended changes and advertise the document for the required 45-day public comment period prior to adoption. The Council directed staff to make the changes to the Ordinances and bring them to the Council for the required three readings prior to adoption. Attached is a list of all the changes, a redlined version of the document, and a redlined version of the Ordinances A – H.

The First Reading took place at the Regular Town Council meeting on August 17, 2020. The Second Reading was held at the Regular Town Council Meeting on September 8, 2020. No public comment was received at either of these meetings, and to staff's knowledge, no written public comment has been received at time of writing this staff report by either the Town Council, County Commissioners or the Housing Department.

Key Changes:

Section 3-2: Reasonable Accommodation. This is language from Fair Housing that explains Reasonable Accommodation and ADA allowed reasons for denying reasonable accommodation requests. This information is being added to the Rules and Regulations.

Section 4-2: Town and County Options. These come into play when the Town or the County provides funding or land for restricted housing in exchange for their employees to have the first option to purchase or rent a restricted unit. This information is being added to the Rules and Regulations

Section 6.3.B.3: Rental Rates. This is a change from using Fair Market Rents as the maximum rent rate to 30% of the low end of the income range for owners who request to rent their restricted homes when they are approved for a leave of absence. This change is in line with requirements already approved for Affordable Rental units and was overlooked at last year's Rules and Regulations clean up.

Section 7-2: Multiple Defaults. In the case where the same homeowner has been in default three times, upon the fourth default they are not given the opportunity to cure and must sell their home. An owner has 30 days to cure when found in default. Once they cure, and staff finds them in default again, they have another 30 days to cure. This change

eliminates the possibility of an owner continually defaulting and curing. While this has happened, it is rare. An example of this is a homeowner who is not occupying their home a minimum of 10 months per year. Staff finds them in default and the owner cures the default by moving back into their home. Staff learns that they are in default again for the same reason, and it continues to happen again and again with no remedy.

COMPREHENSIVE PLAN ALIGNMENT

Common value 3, Section 5 is to ensure a variety of workforce housing opportunities so that at least 65% of those employed locally also live locally. The Housing Department Rules and Regulations govern the workforce housing to ensure that the units are being used as the community intends.

Housing Action Plan – The Housing Rules and Regulations annual update aligns with Chapter 3 of the Housing Action Plan *Housing Management Plan*, which requires the Housing Manager to revise existing Rules into a unified set of rules that address: standards and processes for enforcement and monitoring of restrictions; maintenance and improvement of restricted housing units; minimum requirements for new restricted units; and minimum standards of livability for existing units to be adopted by the Town Council and the Board of County Commissioners.

STAKEHOLDER ANALYSIS

Stakeholders include applicants, owners and tenants of restricted homes, the public, elected officials, and staff.

FISCAL IMPACT

N/A

STAFF IMPACT

Tracking, reviewing, and keeping notes on needed or potential changes to the Housing Rules and Regulations has taken a significant amount of staff scrutiny and staff time. The suggested changes make the rules easier for staff and the public to interpret and navigate.

LEGAL REVIEW

J. Graham

ATTACHMENTS

- List of Changes
- Redlined Housing Rules and Regulations
- Redlined Ordinances A-H

RECOMMENDATION

Staff's recommendation is informed by the Housing Authority Board recommendation. Staff recommends approval of the proposed changes.

SUGGESTED MOTION

County motion:

I move to adopt the 2020 updated Jackson/Teton County Housing Department Rules and Regulations.

Town motion:

I move to approve the Third Reading of Ordinances A, B, C, D, E, F, G, and H.

ORDINANCE A

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.200(B)(2)(e)(ii), 16.10.200(C)(4)(a)(iii), AND 16.10.200(C)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, HOUSING DEVELOPMENT STANDARDS AND PROCEDURES, HOUSING MITIGATION PLAN AND LIVABILITY STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Muncipal Code of the Town of Jackson Housing Development Standards and Procedures Section 16.10.200(B)(2)(e)(ii) Housing Mitigation Plan, Sections 16.10.200(C)(4)(a)(iii) and 16.10.200(C)(5) Livability Standards are hereby amended and reenacted read as follows:

16.10.200 Housing Development Standards and Procedures

B. Housing Mitigation Plan

2. Content.

- 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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).
- 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 ~~or the Housing Department~~ website.
 - a. Inspection of Unit - The Housing Department must inspect the unit prior to recording the restriction and prior to issuance of Certificate of Occupancy.
 - b. Compliance Conference - Developer shall meet with the Housing Department prior to issuance of Certificate of Occupancy to review the Compliance Checklist.

C. Livability Standards

4. Standards for Restricted Ownership Units.

a. Kitchen.

iii. Appliances

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

Unit Size	Sink width*	Range/oven width*	Refrigerator cubic feet*	Dishwasher*
Studio/One bedroom < 475 SF	24"	24"	18	18"
One bedroom >475 SF	30"	30"	25 20	24"
Two bedroom	32"	30"	30 25	24"
Three bedrooms or more	32"	30"	30 25	24"

* Minimum Size

5. Standards for Dormitories - General livability standards (Section C **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.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 VI.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.
PASSED 2ND READING THE ____ DAY OF _____, 2020.
PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE B

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.300(B)(1)(c)(ii) AND 16.10.300(B)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, QUALIFICATION AND ELIGIBILITY, DISABILITY STANDARDS AND REASONABLE ACCOMODATION 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Sections 16.10.300(B)(1)(c)(ii) and 16.10.300(B)(5) Qualification and Eligibility are hereby amended and reenacted read as follows:

16.10.300 Qualification and Eligibility

B. Qualification.

1. Employment Requirement

c. Employment Exemptions.

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.

a) Two-adult Household - A two-adult household with one adult who does not meet the definition of disabled and is not the full-time caregiver to the disabled adult in the household does not qualify for the Disabled Exemption.

5. Reasonable Accomodation

a. Housing Department Consideration - The Housing Department will consider all requests for Reasonable Accommodations. Approvals will be given according to the Joint Statement made by HUD/DOJ (Reasonable Accommodations under the FHA). Reasonable Requests will be approved if they do not impose undue financial and administrative burden on the Housing Department or if they don't fundamentally alter the nature of the Housing Department's operations. Determinations will be made on a case by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Department, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____DAY OF _____ , 2020.
PASSED AND APPROVED THE ____DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.
I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE C

AN ORDINANCE ADDING SECTION 16.10.400(B)(6) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, TOWN AND COUNTY OPTIONS FOR RIGHT OF FIRST PURCHASE OR RENTAL 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.

Section 16.10.400(B)(6) is hereby added to the Municipal Code of the Town of Jackson Housing Rules and Regulations as follows:

16.10.400 Weighted Drawing.

B. Weighted Drawing Points

6. Town and County Options - When the Town of Jackson or Teton County holds an option on a unit, Town or County employees will have a preference in Weighted Drawings.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.
PASSED 2ND READING THE _____ DAY OF _____, 2020.
PASSED AND APPROVED THE _____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE D

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.500(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, PURCHASE AND SALE STANDARDS AND PROCEDURES, AND REPEALING SECTION 16.10.500(B) OF THE TOWN OF JACKSON MUNICIPAL CODE HOUSING RULES AND REGULATIONS, TENANCY AND RENTAL STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Purchase and Sale Standards and Procedures Section 16.10.500(A)(5)(a) Capital Improvement Standards and 16.10.500(A)(6) Resale and Transfer Limitations are hereby amended and reenacted read as follows:

16.10.500 Purchase and Sale Standards and Procedures

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.

- i. Capital Improvement Request Fee - Applicants for Capital Improvement requests will be charged a fee by the Housing Department in accordance with the Housing Department Fee Schedule.

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 fee in accordance with the Housing Department Fee Schedule published annually, 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

- a) Nonqualified Transfer on 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.

- b) Qualified Transfer on Death - In the event of the death of an owner, a qualified transferee must meet Occupancy, Use, Qualification and Eligibility criteria in

accordance with these “Housing Rules and Regulations” within 90 days of the transfer of title.

- 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 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:
 - a) **Cooperation with the Housing Department** - 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.
 - b). **Compliance with Restriction** - 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. **Applicant for a Nontestamentary Transfer on Death will use the Housing Department’s Form and pay a fee to the Housing Department in accordance with the “Housing Department Annual Fees” schedule. The Form will ~~and must~~** include the following:
 - i. **Beneficiary** - 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. **Subject to Encumbrances** - 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. **Approval by Housing Department** - 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 sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. An adult may not be moved into an Affordable unit for at least one year after closing and only with approval from the Housing Department. Adults may be moved into workforce units prior to one year, however, the household must be qualified and approved by the Housing Department. Buyers will be required to sign an Occupancy Affidavit at closing.

SECTION II.

The Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.500(B) Tenancy and Rental Standards and Procedures are hereby repealed in its entirety.

16.10.500 B. Tenancy and Rental Standards and Procedures. (Repealed [Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

~~**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 **16.10.500.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 **16.10.300 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.~~

SECTION III.

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

SECTION IV.

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 V.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page ____ of Book of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE E

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.600(A), (B), (C), AND ADDING SECTION 16.10.600(D) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, RENTAL STANDARDS AND PROCEDURES, 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Rental Standards and Procedures Sections 16.10.600(A) Applicability, (B) Rental Standards, and (C) Rental Procedures are hereby amended and reenacted, and Section 16.10.600(D) Private Owner Rental Standards and Procedures is added to read as follows:

16.10.600 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),~~ **and restricted ownership units who apply to rent a room in their unit** 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. ~~Housing Department Program Rental Standards and Procedures~~ **Rental Standards**
- C. ~~Selection Process~~ **Rental Procedures**
- D. Private Owner 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 5-2.b.
 - e. Post Leave of Absence
 - i. Timing - 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.

- ii. Choice to Sell- 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 3. 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. Qualified Household - 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. Eligibility Criteria - 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. Verification of Qualification - 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. Recertification - 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 30% of the low end of the Income Range for the unit 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 iii, Identification of Tenant.
- vii. Rental Rates - The Housing Department will approve the rental rate based on the housing costs of the owner.

([Ord. ____ § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE F

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.700(B)(2)(b) AND (B)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES, PROCESS FOR DEFAULT CONTESTED CASE HEARINGS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.700(B)(2)(b) Process for Default Contested Case Hearings, Request for Default Hearing is hereby amended and reenacted, and Section 16.10.700(B)(4) Multiple Defaults is hereby added to read as follows:

16.10.700 Compliance and Exeption, Appeal, and Grievance Standards and Procedures

B. Process for Default Contested Case Hearings

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 "**Housing Department** Annual Fees" to be updated and published by the Housing Department.

4. Multiple Defaults

Upon the fourth time an owner is found to be in Default, the owner will not have an opportunity to cure. The Housing Department will force the sale of the home or follow through with other remedies allowed by the Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____ DAY OF _____ , 2020.
PASSED AND APPROVED THE ____ DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE G

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.800(D)(1)(a) AND 16.10.800(E)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, OCCUPANCY AND USE STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Section Housing Rules and Regulations 16.10.800(D)(1)(a) Household Occupancy, Leave of Absence and 16.10.800(E)(5) Use, Insurance are hereby amended and reenacted read as follows:

16.10.800 Occupancy and Use

D. Occupancy

1. Household Occupancy - Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied residential unit shall physically reside therein on a full-time basis, at least ten (10) months each year (a year being twelve (12) months beginning with the first month following the month the household took ownership).
 - 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 in accordance with the "Housing Department Annual Fees" published annually by the Housing Department.

E. Use

5. Insurance - The owner shall keep the residential unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the residential unit. Owners are required to provide evidence of insurance to the Housing Department upon request.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.
PASSED 2ND READING THE ____DAY OF _____, 2020.
PASSED AND APPROVED THE ____DAY OF _____, 2020

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.900(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS DEFINITIONS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.900(A) Definitions are hereby amended and reenacted read as follows:

16.10.900 Definitions

A. Definitions

7. Area Median Income (AMI): ~~See Median Family Income (MFI). 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.~~

Add: Escrow: A legal arrangement where the JTCHA holds money until a particular condition has been met. This includes but is not limited to inspection maintenance and repair items that were not completed prior to closing on a home.

33. Grievance: A dispute that applicants, 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.

35. Handicapped: ~~having a physical or mental disability.~~

~~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.~~

Add: Household: a social unit composed of those living together in the same dwelling.

93. 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~~ developer may propose these units in addition to those required by the Land Development Regulations.

(Ord. _____ § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____ DAY OF _____ , 2020.
PASSED AND APPROVED THE ____ DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra, 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra, P. Birdyshaw, Town Clerk

Teton County & Town of Jackson *Wyoming*



Jackson/Teton County Housing Department Rules and Regulations July 2020



Commonly Used Acronyms

List of Commonly Used Acronyms

Acronym	Full Text
ARU	Accessory Residential Units
AMI	Area Median Income
CC&Rs	Covenants, Conditions, & Restrictions
CPI	Consumer Price Index
HOA	Homeowners Association
HUD	U.S. Department of Housing and Urban Development
JTCHA	Jackson/Teton County Housing Authority
LDRs	Land Development Regulations
MFI	Median Family Income
MRP	Maximum Resale Price
OPP	Original Purchase Price
SF	Square Feet

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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' deed 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. To qualify to rent these units, at least one person in the household must be employed at a local business for a minimum of 1,560 hours per year. They may not own residential real estate within 150 miles of Teton County. A minimum of 75% of the household's income must be earned from a local business(es). The tenants must physically occupy the unit a minimum of 80% of their lease term. Tenants will be required to requalify annually or upon lease renewal. The units are not allowed to remain vacant in excess of 60 days. Rents are set by the owner.

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. To qualify to purchase these units, household income and assets must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed. The owners must physically occupy the units a minimum of 10 months each year. Tenants must physically occupy the units a minimum of 80% of their lease term. Tenants will be required to requalify annually. Owners will be required to provide proof of continued local employment, occupancy, and non-ownership of residential real estate. Maximum rents and sales prices are based on median family income as published by HUD. Ownership units appreciate based on the Consumer Price Index.

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. To qualify to purchase these units, household income and assets must be within the relative income range for the unit. At least one person in the household must work a

Summary of Housing Programs

minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed at time of purchase. The owners must physically occupy the units a minimum of 10 months each year. No requalification or future documentation will be required after purchase of the unit.

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. These units can be converted to condominiums for workforce employers. Employee units developed after June 4, 2018 will be part of the “Affordable Rental” program. To qualify to rent these units, household income must be within the relative income range for the unit. At least one person in the household must work a minimum of 1,560 hours per year. No ownership of other residential real estate within 150 miles of Teton County is allowed. Tenants will be required to requalify annually. The units are not allowed to remain vacant in excess of 60 days.

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. Employment-Based units developed after June 4, 2018 will be part of the “Workforce Ownership” program. To qualify to purchase these units, at least one person in the household must be employed at a local business for a minimum of 1,560 hours per year. They may not own residential real estate within 150 miles of Teton County. A minimum of 75% of the household’s income must be earned from a local business(es). Owners must physically occupy the units for a minimum of 10 months of each year. Owners will be required to re-qualify annually.

Workforce Housing Programs – This program is divided into “Workforce Rental” units and “Workforce Ownership” units. They are provided through incentives in the LDRs. Households who purchase or rent Workforce units are required to earn a minimum of 75% of their income from a local business. They may not own other residential real estate within 150 miles of Teton County, and at least one person in the household must earn 1,560 hours annually from a local business. There is no cap on the original purchase price. Once an ownership unit is sold, the maximum resale price is restricted to an appreciation cap on the unit as indicated in the Special Restrictions recorded on the property. The owners of Workforce Rental Units set the rental rates. There is no cap on rental rates. Owners and tenants will be required to re-qualify annually.

Summary of Housing Programs

Deed Restrictions, January 2019

	Affordable Mitigation Ownership	Affordable Mitigation Rental	ARU (Incentive)	Workforce Ownership (Incentive)	Workforce Rental (Incentive)
Applicability	All non-exempt residential or commercial development	All non-exempt residential or commercial development	Commercial or Residential Voluntary ARU	25% Bonus or additional height in UR-PUD	25% Bonus or additional height in UR-PUD
Rent/Own	Own	Rent (no owner occupancy)	Rent	Own or Rent	Rent (no owner occupancy)
Income/Asset Restrictions	Yes	Yes	No	No	No
Ownership of Real Estate	Not within 150 miles	Not within 150 miles	Not within Teton Co., WY	Not within 150 miles	Not within 150 miles
Income Ranges	0 - 50%, 50 - 80%, 80% - 120% of median income	0 - 50%, 50 - 80%, 80% - 120% of median income	None	None	None
Income Limit for Tenant Qualification	N/A	<50%, <80%, <120%	None	None	None
Teton County, WY Employment	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk - 1,560 hrs per year	Avg 30 hrs/wk and 75% of income from local business	Avg 30 hrs/wk and 75% of income from local business
Residency Requirement	US Citizen or Lawful Permanent Resident	None	None	US Citizen or Lawful Permanent Resident	None
Occupancy Requirement	10 months/yr	Minimum 80% of lease term	Minimum 80% of lease term	10 months/yr, 80% of lease term if rental	Minimum 80% of lease term
Vacancy Requirement	N/A	No more than 60 days		No more than 60 days	No more than 60 days
Household Qualification	At time of purchase and must continue to be employed full-time	Continuous	Continuous	Continuous	Continuous
Appreciation Restrictions	CPI with max. 3% per year compounded	No measured appreciation	No measured appreciation	CPI with max. 3% per year compounded	No measured appreciation
Sales Process	Weighted Drawing	By Owner	By Owner	Weighted Drawing after initial sale	By Owner
Rental Rate	N/A	Max. 30% of low end of income range	None	None	None
Rental Term	N/A	Not less than 6 months	90 days or more	Not less than 31 days	Not less than 6 months
Incentive	N/A	N/A	FAR exempt	Height in UR-PUD & FAR exempt	Height in UR-PUD and FAR exempt
Requirement	Formula, according to LDR 6.3 - Restriction	Formula, depending on use (LDR 6.3) - Restriction	If gaining from providing - needs Restriction. Commercial only	Restriction	Restriction

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).

Section 1. Purpose and General Goals

1-1. Purpose

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.

Section 1. Purpose and General Goals
1-2 General Policy Goals

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.

Section 1. Housing Development Standards and Procedures
1-3. Relationship to Land Development Regulations

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.

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

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:

- Maintain a diverse population by providing workforce housing
- Strategically locate a variety of housing types
- Reduce the shortage of housing that is affordable to the workforce
- 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 0 lays out the requirements of the Housing Mitigation Plan, which is reviewed by both the Planning Department and the Housing Department. Subsection 0 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 of the County LDRs and Division 6.3 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.

Section 1. Housing Development Standards and Procedures
2-2. Housing Mitigation Plan

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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3]. 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.

3. Streamlined Applications

Applications that have housing units required that are allowed to go directly to building permit are required to get their units approved by the Housing Department prior to submitting for building permit.

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

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 Livability Standards. 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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

2. Requirement Calculation

See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

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 Planning Department shall update the fees in-lieu for the restricted housing units on an annual basis. Fees in-lieu figures are available at the Planning Department.

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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).

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 LDRS set out the specific

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

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 Ranges

See Teton County Land Development Regulations: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).

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. Inspection of Unit

The Housing Department must inspect the unit prior to recording the restriction and prior to issuance of Certificate of Occupancy.

2. Compliance Conference

Developer shall meet with the Housing Department prior to issuance of Certificate of Occupancy to review the Compliance Checklist.

3. 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.

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Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

There are four types of restrictions, Workforce Ownership, Workforce Rental, Affordable Ownership, and Affordable Rental.

42. 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.

53. 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.

64. Developer Responsibilities

The developer is responsible for signing the special restriction, recording the special restriction with the Teton County Clerk, and paying for the recording fees. The original restriction will be returned to the Jackson/Teton County Housing Department office. The Housing Department shall witness the recording.

75. 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 approved by the Town Council or Teton County Commissioners. The developer or owner may be responsible for any legal costs to amend a restrictive covenant.

Section 2. Housing Development Standards and Procedures
2-3. Livability Standards

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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3.

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 or Town of Jackson Land Development Regulations: Divisions 6.3).

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

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

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 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.

Unit Size	Lineal Ft of Base Cabinets*	Lineal ft of Upper Cabinets*
Efficiency/studio/one-bedroom < 475 SF	4	4
One bedroom > 475 SF	5	5
Two bedrooms	6	6
Three bedrooms or more	7	7

*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

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

1. Table of Appliance Specifications

The following table specifies minimum appliance requirements.

Unit Size	Sink width*	Range/oven width*	Refrigerator cubic feet*	Dishwasher*
Studio/One bedroom < 475 SF	24"	24"	18	18"
One bedroom >475 SF	30"	30"	25 20	24"
Two bedroom	32"	30"	30 25	24"
Three bedrooms or more	32"	30"	25 30	24"

*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.

Section 2. Housing Development Standards and Procedures
2-2. Housing Mitigation Plan

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

Unit Size	Bedroom closet width	Linen closet* width	Additional storage square feet
Studio/one-bedroom < 475 SF	6 feet	24 inches	25 square feet
One-bedroom > 475 SF	6 feet	30 inches	30 square feet
Two-bedroom	6 feet	30 inches	40 square feet
Three-bedroom or more	6 feet	36 inches	50 square feet

b. Other Storage Standards

1. Closet Depth

Closet depth must be 26 inches.

2. Bedrooms

Bedrooms must each contain a closet that includes one shelf over a rod.

3. Entryway Closets

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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

4. Additional Storage

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

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 workspaces 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

Unit Size	Minimum Square Feet
Studio/One-bedroom <475 SF	100 SF
One-bedroom	120 SF
Two-bedroom	180 SF
Three-bedroom or more	200 SF

d. Bedrooms

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

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).

e. 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.

f. 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.

Section 2. Housing Development Standards and Procedures

2-3. Livability Standards

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.

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:

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

E. Standards for Dormitories

General livability standards (Section [02-3. 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.

Section 2. Housing Development Standards and Procedures

2-2. Housing Mitigation Plan

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.

F. 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

a. Paint

All units must be freshly painted;

Section 2. Housing Development Standards and Procedures
2-3. Livability Standards

b. Appliances

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;

c. Carpet

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;

d. Exterior

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;

e. Roof

For ownership units, the roof must have a remaining useful life of at least ten years. Evidence must be provided to verify this; and

f. Building Standards

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

g. Existing Housing Stock

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

2. Compliance with Section 2-3 Livability Standards

It is recognized that use of existing housing stock makes it more difficult for units to be in compliance with Section 2-3 Livability Standards. The Housing Department will inspect the unit prior to approval to analyze the unit based on the Livability Standards. Flexibility will be allowed according to Section 2-3.d.9 at the sole discretion of the Housing Department.

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 annually. For purchases outside of a Weighted Drawing, the household can 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. For teachers, 250 hours are added to their annual hours to account for hours worked without pay such as renewing certifications, grading papers, etc.

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

Section 3. Qualification and Eligibility

3-2. Qualification

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.

1. Two-adult Household

A two-adult household with one adult who does not meet the definition of disabled and is not the full-time caregiver to the disabled adult in the household does not qualify for the Disabled Exemption.

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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.

Section 3. Qualification and Eligibility

3-2. Qualification

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 9. Definitions).

Section 3. Qualification and Eligibility
3-2. Qualification

E. REASONABLE ACCOMMODATION

1. Housing Department Consideration

The Housing Department will consider all requests for Reasonable Accommodations. Approvals will be given according to the Joint Statement made by HUD/DOJ (Reasonable Accommodations under the FHA). Reasonable Requests will be approved if they do not impose undue financial and administrative burden on the Housing Department or if they don't fundamentally alter the nature of the Housing Department's operations. Determinations will be made on a case by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Department, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

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Section 3. Qualification and Eligibility
3-2. Qualification

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% Category 1

80% – 100% Category 2

100% – 120% Category 3

120% – 140% Category 4

140%– 175% Category 5

175% – 200% Category 6

Rental units developed after 2018 adoption of Housing Mitigation Standards

0 – 50%

50% – 80%

80% – 120%

>120%

Section 3. Qualification and Eligibility

3-3. Eligibility

Ownership units developed after 2018 adoption of Housing Mitigation Standards

50% - 80%

80% – 120%

>120%

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

Section 3. Qualification and Eligibility

3-3. Eligibility

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. W-2 earners who have inconsistent incomes and have the same jobs as prior years will have their income averaged over three (3) years or less if less than three (3) years were worked. 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

Gross income is used minus cash expenses

Businesses that do not have 2 full prior years of income:

1. Tax returns are used to get gross income earned in the first year of business minus cash expenses (if taxes have not been paid, the Profit and Loss will be used for that year to get gross income minus cash expenses). The gross income will be divided by the number of months the business was operating during that year. That number will be multiplied by 12 to get one year of income for the first year.
2. If the business has a full year of income in the second year of operation, the tax returns will be used to get gross income minus cash expenses. This will be the income for the second year.
3. If there is no income for the current year. The first and second years will be averaged.
4. If there is income for the current year, the Year to Date (YTD) Profit and Loss will be used to get gross income minus cash expenses. The gross income will be divided by the number of months to date in the current year. That number will be multiplied by 12 to get one year of income for the current year.
5. The current year will then be averaged with the past year(s).
6. If there is only the current year, the current year number will be used.

Businesses that have 2 full prior years of income:

1. Tax returns will be used for each of the 2 prior years.
2. The gross income minus cash expenses for each year will be used.
3. For the current year, the YTD Profit and Loss will be used. The gross income minus cash expenses divided by the number of months to date in the current year to get average monthly income. The average monthly income will be multiplied by 12 to get one year of income for the current year.

Section 3. Qualification and Eligibility

3-3. Eligibility

4. The current year will be averaged with the 2 prior years.
5. If there is no income for the current year, Step 1 will be used to calculate for 3 prior years and the 3 prior years will be averaged.
6. If the third prior year is the first year the business was operating, tax returns will be used to get gross income minus cash expenses. The gross income will be divided by the number of months the business was operating in that year to get average monthly income. Average monthly income will be multiplied by 12 to get one full year for the first year in business.

Seasonal Businesses:

1. The steps above will be used to get average monthly income. The average monthly income will be multiplied by 12 to get one full year of income.

c. Household Members

All individuals who are intending to occupy the unit must be included on the application. All adults not attending college and/or age 25 or higher must include income and assets on the application. For Affordable units adults not listed on the application may not reside in the home within the first year and without prior approval from the Housing Department. For Workforce units, additional adults may reside in the home at any time, but the household must qualify and have approval from the Housing Department. No approval will be given to either Affordable or Workforce owners without all adult occupants signing an Occupancy Agreement. For Affordable units, divorces must be finalized prior to closing on the home. For Workforce units divorces are not required to be finalized, and applicants are allowed to apply without their spouse, and the spouse's income/assets, etc. will not be counted.

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 unless money will be withdrawn to be used as a down payment or closing costs, 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

Section 3. Qualification and Eligibility

3-3. Eligibility

“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.

Rental units do not have asset limits.

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

Section 3. Qualification and Eligibility

3-3. Eligibility

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 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.

Section 3. Qualification and Eligibility
3-3. Eligibility

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 for a unit in the Affordable Program 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 requirements for units in the Affordable Program are:

Studio:	One (1) or two (2) people
One-bedroom:	One (1) or more people
Two-bedroom:	Two (2) or more people
Three-bedroom:	One (1) or two (2) adults with two (2) or more dependents For rental units; 3 or more people
Four-bedroom:	One (1) or two (2) adults with three (3) or more dependents For rental units; 4 or more people

There are not minimum occupancy requirements for units in the Workforce Housing program, except that if a household enters a drawing and meets the minimum occupancy requirements in accordance with the requirements for the Affordable Program, the household will be given one (1) point (entry) in the drawing.

For purposes of counting household size, children or adult dependents must live with the household and be claimed as a dependent on Federal Income tax returns.

Any deviation from the minimum occupancy requirements must be approved prior to the drawing through the exception process.

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 (1) point equals one entry in the weighted drawing. One (1) point is assigned for each full year of consecutive full-time employment at a local business

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

immediately prior to entering a weighted drawing, with a maximum of ten (10) points. One (1) point is assigned for each qualified critical services provider with a maximum of two (2) points. One (1) point is given to a household who enters a drawing for a unit in the Workforce Program and meets the minimum occupancy requirements in accordance with the requirements for units in the Affordable Program. The total maximum points a household can receive is thirteen (13). 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 on 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 0 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 within one (1) month 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 0: [SECTION 9. 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:

Section 4. Weighted Drawing

4-2. Weighted Drawing Points

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. The Housing Department will contact the CSP's supervisor to update the Supervisor's Questionnaire.

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.

D. No Qualified Entries

After a weighted drawing where no qualified entries exist, the unit will be offered again in a weighted drawing. It will be open to households in the next tier of the minimum occupancy requirements. If there are still no qualified entries, the home will be offered first come, first served. The first qualified household to submit a complete application will have the opportunity to purchase.

Section 4. Weighted Drawing
4-2. Weighted Drawing Points

E. Drawing Results

Drawing results are kept on file with the Housing Department and may be requested by the public.

F. Town and County Options

When the Town of Jackson or Teton County holds an option on a unit , Town or County employees will have a preference in Weighted Drawings .

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. After the initial sale, the value will appreciate according to the Denver-Aurora-Lakewood CPI with a maximum of 3%. If the Denver-Aurora-Lakewood CPI no longer exists, another similar index will be used.

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 5-2 and 6.

Section 5. Purchase and Sale Standards and Procedures
5-1. Sale and Resale Standards

B. 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. Loan Principal and Interest

22% of household income covers principal and interest.

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b. HOA dues, Taxes and Insurance

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

c. Mortgage Assumptions.

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. Below grade or no garage

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

b. Housing Department Option to Purchase

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. Stopping Appreciation

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-Aurora-Lakewood CPI

Appreciation of the value of the restricted housing unit is based on the Denver-Aurora-Lakewood CPI each year not to exceed 3%. The latest published numbers for Quarter two (2) and Quarter four (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:

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5-1. Sale and Resale Standards

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. Each eligible whole month will be prorated.

a. Denver-Aurora-Lakewood CPI

The CPI used to calculate maximum resale prices in some restrictions is the Denver- Aurora-Lakewood (formerly 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-Aurora-Lakewood 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.

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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

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. See Section 5-1.E Capital Improvement Standards.

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. These funds will either be given to the buyer to make the repairs or held by the Housing Department at the Housing Department's sole discretion. If funds are given to the buyer, the buyer will be expected to make the repairs on their own. If the repairs are not made, the buyer will be charged when they sell the home. If the Housing Department holds the funds, the buyer will be reimbursed based on receipts received from the buyer. If any funds remain after the repairs are completed, they will be released to the seller.

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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

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. 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. If the seller decides not to sell the unit after submitting the Letter of Intent to sell, the seller must reimburse the Housing Department for any costs the Housing Department has incurred. Once the contract has been signed by buyer and seller, both parties are legally bound by the contract.

2. Facilitation of Sale

The Housing Department facilitates the sales of restricted housing units to accomplish the sale according to the instructions in the Grunt 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. Sellers will be required to enter into a Facilitation Agreement with the Housing Department to sell their home. The Facilitation Agreement must be executed prior to advertising the home for sale through a weighted drawing process.

3. 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. An official copy will be mailed, or hand delivered. A copy can be requested from the Housing Department by email or fax. The Maximum Resale Price shall be the only exchange of

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value between parties to any sale of the restricted housing unit. Any exchange of value outside the allowed sale price shall invalidate the sale.

4. Facilitation Fee (2%)

At the closing of the sale, the seller will pay to the Housing Department a fee equal to two percent (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.

5. 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.

6. 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. The household will have two (2) business days to respond to the Housing Department's efforts to contact them to notify them that they were selected. A phone call and an email will be sent to the household. If there is no response, the Housing Department will move on to the next household drawn. 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 household prior to going under contract.

7. 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.

8. 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

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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. If for any reason the buyer cannot close within three (3) weeks of the seller's timeline, the seller may choose to move on to the next household drawn.

9. 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.

10. Qualified Household Meeting

When the Housing Department has identified a qualified household who wishes to move forward with the purchase of the home, the qualified household will have five (5) business days to attend a meeting 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 from the meeting day to review and execute the purchase documents and return them to the Housing Department with earnest money as called for in the Contract. If the contract is not signed and returned within five (5) business days, the next household selected in the drawing will be notified and given the option to purchase the home if qualified.

11. Final Walk Through

The seller shall be notified immediately upon receipt of the signed contract and earnest money to execute the contract. The seller shall have two (2) business days to return the signed contract or the closing may be delayed. A copy of the contract and the earnest money are then delivered by the Housing Department to the Title Company. 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 withho

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

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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.

a. Capital Improvement Request Fee

Applicants for Capital Improvement requests will be charged a fee by the Housing Department in accordance with the Housing Department Fee Schedule.

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2. Workmanlike Manner

All improvements whether approved Capital Improvements or other 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. Approved Capital Improvements

A Capital Improvement is an improvement 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 but is not a luxury item. The term “approved capital improvement” shall only include the following:

1. Fixtures erected, installed or attached as permanent, functional, non-decorative improvements to real property, excluding repair, replacement and/or maintenance improvements;
2. For the benefit of seniors and/or handicapped persons;
3. Health and safety protection devices (including radon);
4. Adding and/or finishing of permanent/fixed storage space;
5. Finishing of unfinished space;
6. Landscaping; Adding trees, shrubs, lawn, patio, walkways, or sprinkler systems;
7. Decks and balconies, and any extension thereto;

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8. 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 Approved for Credit

Permitted capital improvements shall not include the following:

1. Jacuzzis, saunas, steam showers and other similar items;
2. Upgrades or addition of decorative items, including lights, window treatments and other similar items;
3. 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.
4. Repair and Maintenance Items – a repair or maintenance item is an expenditure that restores a property to a sound state.

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 fee in accordance with the Housing Department Fee Schedule published annually, 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

1. Nonqualified Transfer on 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.

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2. Qualified Transfer on Death

In the event of the death of an owner, a qualified transferee must meet Occupancy, Use, Qualification and Eligibility criteria in accordance with these “Housing Rules and Regulations” within 90 days of the transfer of title.

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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. Cooperation with the Housing Department

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. Compliance with Restriction

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. Applicant for a Nontestamentary Transfer on Death will use the Housing Department’s Form and pay a fee to the Housing Department in accordance with the “Housing Department Annual Fees” schedule, the Form and will must include the following:

1. Beneficiary

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.

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2. Subject to Encumbrances

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.

3. Approval by Housing Department

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 sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. An adult may not be moved into an Affordable unit for at least one year after closing and only with approval from the Housing Department. Adults may be moved into workforce units prior to one year, however, the household must be qualified and approved by the Housing Department. Buyers will be required to sign an Occupancy Affidavit at closing.

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

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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. Institutional Lender

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. Community Loan Fund

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. Non-affiliated Legitimate Finance Company

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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 sign an Occupancy Agreement.

7. Co-Signors

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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.

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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.~~

~~a. 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 5-2.b.~~

Section 5. Purchase and Sale Standards and Procedures

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~~5. Post Leave of Absence~~

~~a. Timing~~

~~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. Choice to Sell~~

~~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.~~

Section 5. Purchase and Sale Standards and Procedures
5-2. Tenancy and Rental Standards and Procedures

~~2- Qualification and Eligibility of Tenants~~

~~a- Qualified Household~~

~~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- Eligibility Criteria~~

~~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- Verification of Qualification~~

~~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- Recertification~~

~~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:~~

Section 5. Purchase and Sale Standards and Procedures

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~~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. 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. No Qualified Weighted Drawing Entries

Refer to Section 4-2.d. Other Sale/Resale Procedure

4. 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.

Section 5. Purchase and Sale Standards and Procedures
5-3. Purchase Procedures

5. Attainable Housing Program Sale Procedures

a. Listing of Unit

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. Letter of Intent to Sell

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. Advertising

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. Sale Price

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. Purchase and Sale Agreement (Contract)

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. Housing Department Privy to Purchase and Sale Agreement

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 that the Housing Department will provide information concerning sales prices when needed.

g. Application for Qualification

Section 5. Purchase and Sale Standards and Procedures

5-3. Purchase Procedures

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.
4. Lenders: See Section 5-1.G.4 Lenders
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.

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. Application

Housing Department Application for Restricted Ownership or Rental Housing.

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”

Section 5. Purchase and Sale Standards and Procedures

5-3. Purchase Procedures

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.
4. This "Certification and Oath" is required to be signed by all applicants and notarized. There are public notaries available at the Housing Department.

b. 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.

c. 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.

d. 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.

e. 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.

Section 5. Purchase and Sale Standards and Procedures

5-3. Purchase Procedures

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.

f. Power of Attorney in Case of Default

Buyers may 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.

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. 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)

3. Authorization to Release Information

An “Authorization to Release Information” form signed by all adults in the household to obtain third party employment verifications

Section 5. Purchase and Sale Standards and Procedures

5-3. Purchase Procedures

4. 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.

5. Uniform Residential Loan Application

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

6. 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.

7. Accessible Unit Preference

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

8. 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.

Section 5. Purchase and Sale Standards and Procedures

5-3. Purchase Procedures

9. 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.

10. 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 DrawingEntry” 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.

11. 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.

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 additional documents 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.

Section 5. Purchase and Sale Standards and Procedures
5-3. Purchase Procedures

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 the date of the Buyer Meeting with the Housing Department. 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 Sale 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 Objection

Waiving the objection and proceeding to closing, or

b. Termination

Terminating the "Purchase and Sale Agreement."

Section 5. Purchase and Sale Standards and Procedures

5-4. Business Option

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.

5-4. 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.

Section 5. Purchase and Sale Standards and Procedures
5-4. Business Option

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.

3. Option Agreement

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

4. Determination of Qualification

a. Qualified Business Letter

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. Not a Qualified Business

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.

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

Section 5. Purchase and Sale Standards and Procedures

5-4. Business 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:

1. Housing Department’s receipt of a “Notice to Sell” by the owner of the property.
2. Housing Department’s exercise of its default option as set forth in the special restrictions.
3. 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 time frame 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 5-4c, 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:

1. Qualified under “Option Agreement.”
2. 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 5-4c).

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 4 of these Housing Department Rules and Regulations.

a. Failure to Identify Purchaser during Required Timeframe

Section 5. Purchase and Sale Standards and Procedures

5-4. Business Option

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 5-4c).

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

Section 5. Purchase and Sale Standards and Procedures

5-4. Business Option

A Household will be qualified by the Housing Department using the Application and Verification process outlined in Section 3 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), and restricted ownership units who apply to rent a room in their unit 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. Housing Department Program Rental Standards and Procedures

A. Affordability

To ensure that the rents are affordable to households earning less than eighty percent (120%) AMI, rents for Affordable units will be calculated using the following method (rents for workforce units are set by owner and have no cap):

1. Standard of Affordability

The 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, property tax, water, sewer, gas and/or electric, and trash removal. One parking space is required at no charge to the tenant unless otherwise approved by the Town Council or Board of County Commissioners.

2. Household Size for Rent Calculation

For purposes of calculating rental rate only:

Studio:	One (1) person
One-bedroom:	One (1) person
Two-bedroom:	Two (2) Persons
Three-bedroom:	Three (3) persons
Four-bedroom:	Four (4) persons

Section 6. Rental Standards and Procedures

6-2. [Housing Department Program Rental Standards and Procedures](#)

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. See Section 3-3 for income ranges.

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.

4. Qualified Household

Tenant households must qualify under the housing program designated to each unit. See Section 3-3. Tenant households will be required to re-qualify annually. Household income will qualify as long as it is below the income limit for the income range.

5. Leases

All leases are required to be approved by the Housing Department.

B. Primary Residence

1. Occupancy Requirement

Households shall physically occupy their home full-time at least 80% of the term of their lease.

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.

Section 6. Rental Standards and Procedures
6-3. Rental Procedures

C. Eviction

In the event that a tenant household is in default of their lease agreement, they may 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~~

DA. 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

When an Affordable rental owned by the Housing Authority is available, tenants will be identified through the weighted drawing process. Applicants will submit a complete application, which will be kept on file for one year (Affidavits of Current Employment will need updating after six (6) months). Weighted Drawing entries for drawings entered within the one year will only need to submit a Weighted Drawing Entry Form assuming a complete up to date application is on file with the Housing Department. A qualified household shall be selected to rent according to the rules set forth in these Housing Department Rules and Regulations, Section 4.

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.

EB. Complete Application

Each household entering a weighted drawing to rent a restricted housing unit owned by the Housing Authority is required to submit a completed "Application for Restricted Rental Housing" or a "Weighted Drawing Entry" form. Weighted Drawing Entry Forms will only be accepted if a complete and up to date application is on file with the Housing Department. 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.

FC. 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.

GD. 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 5-3.c.2.

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:

1. Wage stubs;
2. Employer name, address, and phone number;
3. Contract for employment;
4. "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:

Section 6. Rental Standards and Procedures

6-3. Private Owner Rental Standards and Procedures

1. If self-employed, three (3) years of business and personal tax returns along with a current "Profit and Loss Statement" and balance sheet.
2. "Verification Form for Accessible Unit Preference."
3. Any other documentation that the Housing Department deems necessary to determine qualification, such as, divorce decrees, Social Security income, rental income, etc.

HE. 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 additional documents to assist in this process. All financial information shall remain confidential, except that the Housing Department may provide information to the public concerning sales prices.

IF. 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.

6-35-2. Private Owner 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.

Section 6. Rental Standards and Procedures

6-3 Private Owner Rental Standards and Procedures

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.

a. 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 5-2.b.

Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

5. Post Leave of Absence

a. Timing

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. Choice to Sell

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.

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Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

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2. Qualification and Eligibility of Tenants

a. Qualified Household

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. Eligibility Criteria

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. Verification of Qualification

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. Recertification

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~~ 30% of the low end of the Income Range for the unit 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:

Section 6. Rental Standards and Procedures
6-3. Private Owner Rental Standards and Procedures

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.

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

Owners of Affordable housing units with restrictions recorded after June 4, 2018 will receive annual requests for information concerning employment, insurance requirements, ownership of residential real estate, and occupancy of the unit. Owners of Affordable housing units with restrictions recorded prior to June 4, 2018 are not required to verify continued employment or ownership of residential real estate annually, however, they may be required to verify occupancy and insurance requirements.

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.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-1. Compliance Process

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 5-2.

4. Leave of Absence

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-1. Compliance Process

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.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-1. Compliance Process

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.

14. Bankruptcy

Restrictions are recorded on properties with the strict intent that the restrictions will run with the property in perpetuity. Restrictions may not be stripped from the property in cases of bankruptcy.

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-2. Process for Default Contested Case Hearings

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

A 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.

The owner shall have thirty (30) days from the date of the Notice of Default to:

1. Cure the default, or
2. Request a default hearing of the Jackson/Teton County Housing Authority Board, or
3. Provide the Housing Department with a "Letter of Intent to Sell" the home or unit in accord with the special restriction.

2. Housing Department Descretion

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. Request for Hearing

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. Fee

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-2. Process for Default Contested Case Hearings

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 “[Housing Department 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. Multiple Defaults

Upon the fourth time an owner is found to be in Default, the owner will not have an opportunity to cure. The Housing Department will force the sale of the home or follow through with other remedies allowed by the Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

ED. Default Hearing

1. Designation of Hearing Officer

JTCHA may designate a Hearing Officer and sign an “Order Appointing the Hearing Officer.” If JTCHA desires, they can elect to appoint a non-exclusive Hearing Officer for a period of two (2) years, recognizing that there may be a need to appoint a different Hearing Officer in some cases including but not limited to a conflict of interest or absence.

2. Scheduling Order

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. Documentation

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. Transcripts

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-2. Process for Default Contested Case Hearings

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. Witnesses

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. Burden of Proof

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. Interpreter

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

8. Failure to Appear

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. Examination of Evidence

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. Burden of proof

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

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-2. Process for Default Contested Case Hearings

2. JTCHA Decision

The JTCHA Decision will be to either:

a. Affirmation of Notice of Default

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. Rejection of Notice of Default

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 JTCHA.

1. Request for Hearing

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."

Requests for Exception Hearings must contain the following information:

a. Grounds

The particular ground(s) upon which it is based, including a copy of the Request for Exception and the Housing Manager's decision;

b. Action

The action or remedy requested;

c. Contact Information

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

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures

7-3. Process for Exception Hearing

d. Notification to Homeowners Association

Proof of notification of hearing request to the housing unit's Homeowners Association, if applicable; and

e. Fee

Appeal Fee in accordance with the Housing Department's fee schedule published annually.

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

JTCHA may designate a Hearing Officer and sign an "Order Appointing the Hearing Officer." If JTCHA desires, they can elect to appoint a non-exclusive Hearing Officer for a period of two (2) years, recognizing that there may be a need to appoint a different Hearing Officer in some cases including but not limited to a conflict of interest or absence.

a. Scheduling Order

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.

b. Transcripts

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. Designation of Hearing Officer

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

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-3. Process for Exception Hearing

b. Scheduling Order

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. Documentation

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. Transcripts

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. Witnesses

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. Burden of Proof

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

g. Failure to Appear

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

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-4. Grievance Procedure

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. Grounds

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

2. Action

The action or remedy requested;

3. Contact Information

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

4. Fee

Grievance fee.

B. Housing Department Review and Decision

1. Housing Manager Review

The Housing Department Housing Manager will review all "Requests for Grievances."

Section 7. Compliance and Exception, Appeal, and Grievance Standards and Procedures
7-4. Grievance Procedure

2. Summary Letter

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. Request for Hearing

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. OCCUPANCY AND USE OF RESTRICTED UNITS

8-1. Occupancy and Use

Rental and ownership units have occupancy and use restrictions. Households will be required to obey the following occupancy and use restrictions.

A. Household Income

Households who own or rent a Workforce home and households who rent an Affordable home will be required to requalify annually to verify that their income meets the requirements of the restriction.

B. Employment Requirement

Households who own or rent a Workforce or Affordable home will be required to verify that they are meeting the employment requirement. At least one adult in the household must be employed with a local business a minimum of an average of thirty (30) hours per week or one thousand five hundred sixty hours annually. The employment calculation will be based on the prior calendar year. Affordable homes sold prior to June 4, 2018 will not have this requirement.

C. No Teton County Residential Real Estate

No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) residential real estate within one hundred fifty (150) miles of Teton County, Wyoming at any time during occupancy of the Residential Unit.

D. Occupancy

1. Household Occupancy

Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied residential unit shall physically reside therein on a full-time basis, at least ten (10) months each year (a year being twelve (12) months beginning with the first month following the month the month the household took ownership).

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 [in](#)

Section 8. Occupancy and Use of Restricted Units
8-1. Occupancy and Use

[accordance with the “Housing Department Annual Fees” published annually by the Housing Department.](#)

Section 8. Occupancy and Use of Restricted Units

8-1. Occupancy and Use

b. Permission to Rent

Owners who need a leave of absence may request to rent their residential unit. This is done by submitting a “Request to Rent” form to the Housing Department along with the coinciding fee.

c. Attainable Housing Program Exception

Attainable housing owners are allowed 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 Special Restriction).

2. Owner Occupancy

Owners of Affordable or Workforce rental units shall not reside in or occupy the residential unit. For purposes of this paragraph, if owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, and any trustee or beneficiary of the trust.

3. Household Composition

Only members of the Qualified Household may occupy a Residential Unit, except that Owner may restrict who may reside in a residential unit, provided that such owner-restriction does not violate federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the residential unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.

4. Guests

No persons other than those comprising the Qualified Household shall be permitted to occupy Affordable or Workforce rental units for periods in excess of ten percent (10%) of the rental term in cumulative days per calendar year.

No persons other than those comprising the Qualified Household shall be permitted to occupy Affordable or Workforce ownership units in excess of thirty (30) cumulative days per calendar year.

E. Use

1. Business Activity

No business activities shall occur in a residential unit, other than a home occupation use that is allowed by applicable zoning and properly permitted.

Section 8. Occupancy and Use of Restricted Units

8-1. Occupancy and Use

2. Compliance with Laws, Declaration

The residential unit shall be occupied in full compliance with these Housing Rules and Regulations, Special Restrictions, along with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowner's association, as the same may be adopted from time to time.

3. Maintenance

The owner shall take good care of the interior of the residential unit and all other aspects of the residential unit not otherwise maintained by the homeowner's association and shall make all repairs and maintain the residential unit in a safe, decent, sanitary (see definitions) manner. In case of damage to the residential unit the owner shall repair the damage or replace or restore any destroyed parts of the residential unit as speedily as practical.

4. Capital Improvements

The owner may only undertake capital improvements according to these Rules and Regulations (Section 5-1.e). The policy includes but is not limited to, a limitation on the valuation of such improvements at resale, requirements regarding the advance written approval of such improvements, and documentation of proposed and completed improvements.

5. Insurance

The owner shall keep the residential unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the residential unit. [Owners are required to provide evidence of insurance to the Housing Department upon request.](#)

6. Periodic Reporting, Inspection

In order to confirm compliance with the Special Restrictions, the Rules and Regulations and other covenants, regulations, ordinances, or rules governing the ownership, occupancy, use, development or transfer of a Residential Unit, Owner shall comply, and shall cause all occupants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to Owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with the Special Restrictions and the Rules and Regulations and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of two (2) years.

SECTION 9. DEFINITIONS

9-1. 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): ~~See Median Family Income (MFI) 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.

Section 9. Definitions

9-1. Definitions

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.

~~CLTV: Combined Loan to Value. Loan to Value is the ratio of the loan amount to the value of the home. Combined Loan to Value is when a second mortgage exists and the two loan amounts are combined and compared to the value of the home.~~

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.

~~Combined Loan to Value (CLTV). Loan to Value is the ratio of the loan amount to the value of the home. Combined Loan to Value is when a second mortgage exists and the two loan amounts are combined and compared to the value of the home.~~

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.

DTI: Debt to Income. This is a ratio that compares the amount of debt a household has to the amount of income they make. It is used to analyze the ability of a household to pay their debt.

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.

Dependent: A child or adult who lives with the household and can be claimed on the tax returns of an adult in the household.

Developer: An individual or group who builds housing.

Section 9. Definitions

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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.)

Escrow: [A legal arrangement where the JTCHA holds money until a particular condition has been met. This includes but is not limited to inspection maintenance & repair items that were not completed prior to closing on a home.](#)

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.

Section 9. Definitions

9-1. Definitions

Grievance: A dispute that [applicants](#), 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: [having a physical or mental disability.](#)

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: [a social unit composed of those living together in the same dwelling.](#)

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,

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Section 9. Definitions

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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, stepparents 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.

Section 9. Definitions

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Local Business:

Two Part Definition

A.) A local business means (1) a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and (2) the business serves clients or customers who are physically located in Teton County, Wyoming, and (3) the employees/owners must work in Teton County, Wyoming to perform their job.

Or

B.) A business physically located in Teton County Wyoming who employs two or more Qualified Employees, which qualified employees must work in Teton County Wyoming to perform their job.

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.

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

Section 9. Definitions

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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.

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Qualified Employee: A person who works for a local business in Teton County Wyoming a minimum of 1,560 hours annually (average of 30 hours per week).

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: Households 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. Information includes but is not limited to household income, assets, employment, and minimum occupancy requirements.

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 (sometimes referred to as Special Restrictions, Deed Restrictions, or Restrictions).

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.

Safe Decent Sanitary Housing: Safe, decent sanitary housing means that housing units must be kept in a habitable state fit for human occupancy to protect the physical health and safety of the renter. Landlords must:

- a. Maintain common areas of the residential unit in a sanitary and reasonably safe condition.
- b. Maintain electrical systems, gas systems, plumbing, heating and hot and cold water and keep them in working order.

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c. Unit must be structurally sound, clean, weathertight, in good repair, and meet local building codes in place at time of construction or as required for a change of use, if applicable.

d. Maintain other appliances and facilities as specifically contracted in the rental agreement.

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.

Teacher: Any individual who (1) works with individuals age three (3) – eighteen (18), and (2) whose duties involve classroom or other instruction or the supervision or direction of classroom or other instruction, and (3) whose primary employment is at least thirty (30) hours a week for at least nine (9) months per year, but is not employed in that position for at least two (2) months per year.

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. A [developer](#) ~~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

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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.

TAKINGS CHECKLIST

	CRITERIA	YES	NO
1.	Does the action affect private property? (If no, no further inquiry is necessary.)	X	
2.	Is the action mandated by State or federal law? (If yes, go to question 3. If no, go to question 4.)		X
3.	Does the proposed action advance a statutory purpose?	X	
4.	Does the action result in permanent occupation of private property?		X
5.	Does the action require the property owner to dedicate property or grant an easement?		X
6.	Does the regulatory action interfere with the owner's investment-backed expectations?		X
7.	Does the character of the government action balance the public interest and private burdens?	X	
8.	Does the action deprive the owner of all economically viable uses of the property?		X
9.	Does the action have a significant impact on the landowner's economic interest?		X
10.	Does the action deny the owner a fundamental attribute of ownership?		X
11.	Does the action serve the same purpose that would be served by directly prohibiting use of the land?		X
12.	Could the problem which has necessitated the action be addressed in a less restrictive manner?		X

If these questions are answered yes, legal counsel should be consulted, for it is possible the proposed action will be a taking.

OFFICE OF THE TETON COUNTY AND PROSECUTING ATTORNEY

County and Prosecuting Attorney
Erin E. Weisman

Deputies

Clark C. Allan
Keith M. Gingery
Brian E. Hultman
John Graham
Zane Aukee
Carly K. Anderson



180 South King Street
P.O. Box 4068
Jackson, Wyoming 83001

307-733-4012 Telephone
307-733-2867 Fax

August 4, 2020

April Norton, Director
Jackson / Teton County Housing Authority
320 S. King Street
P.O. Box 714
Jackson, WY 83001

Re: Takings' Analysis

Dear Ms. Norton:

The purpose of this letter is to inform you of my analysis of the proposed amendments to the Jackson / Teton County Housing Authority Rules and Regulations. In my assessment of potential constitutional implications related to the proposed amendments, the proposed amendments do not result in any constitutional takings of private property in the unincorporated areas of Teton County, Wyoming. This assessment complies with the requirements of Wyo. Stat. §9-5-304 and the Wyoming Attorney General's "Takings Guidelines and Checklist," dated June 2013. The Takings Guidelines and Checklist may be reviewed by the public at each location where the proposed amendments are also available for review.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Graham", is written over a horizontal line.

John Graham
Deputy County Attorney

Enclosure: Wyoming Attorney General - Takings Guidelines and Checklist

ORDINANCE A

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.200(B)(2)(e)(ii), 16.10.200(C)(4)(a)(iii), AND 16.10.200(C)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, HOUSING DEVELOPMENT STANDARDS AND PROCEDURES, HOUSING MITIGATION PLAN AND LIVABILITY STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Muncipal Code of the Town of Jackson Housing Development Standards and Procedures Section 16.10.200(B)(2)(e)(ii) Housing Mitigation Plan, Sections 16.10.200(C)(4)(a)(iii) and 16.10.200(C)(5) Livability Standards are hereby amended and reenacted read as follows:

16.10.200 Housing Development Standards and Procedures

B. Housing Mitigation Plan

2. Content.

- 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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).
- 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 ~~or the Housing Department~~ website.
 - a. Inspection of Unit - The Housing Department must inspect the unit prior to recording the restriction and prior to issuance of Certificate of Occupancy.
 - b. Compliance Conference - Developer shall meet with the Housing Department prior to issuance of Certificate of Occupancy to review the Compliance Checklist.

C. Livability Standards

4. Standards for Restricted Ownership Units.

a. Kitchen.

iii. Appliances

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

Unit Size	Sink width*	Range/oven width*	Refrigerator cubic feet*	Dishwasher*
Studio/One bedroom < 475 SF	24"	24"	18	18"
One bedroom >475 SF	30"	30"	25 20	24"
Two bedroom	32"	30"	30 25	24"
Three bedrooms or more	32"	30"	30 25	24"

* Minimum Size

5. Standards for Dormitories - General livability standards (Section C **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.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 VI.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.
PASSED 2ND READING THE ____ DAY OF _____, 2020.
PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE B

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.300(B)(1)(c)(ii) AND 16.10.300(B)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, QUALIFICATION AND ELIGIBILITY, DISABILITY STANDARDS AND REASONABLE ACCOMODATION 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Sections 16.10.300(B)(1)(c)(ii) and 16.10.300(B)(5) Qualification and Eligibility are hereby amended and reenacted read as follows:

16.10.300 Qualification and Eligibility

B. Qualification.

1. Employment Requirement

c. Employment Exemptions.

- 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.
- a) Two-adult Household - A two-adult household with one adult who does not meet the definition of disabled and is not the full-time caregiver to the disabled adult in the household does not qualify for the Disabled Exemption.

5. Reasonable Accomodation

- a. Housing Department Consideration - The Housing Department will consider all requests for Reasonable Accommodations. Approvals will be given according to the Joint Statement made by HUD/DOJ (Reasonable Accommodations under the FHA). Reasonable Requests will be approved if they do not impose undue financial and administrative burden on the Housing Department or if they don't fundamentally alter the nature of the Housing Department's operations. Determinations will be made on a case by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Department, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____DAY OF _____ , 2020.
PASSED AND APPROVED THE ____DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.
I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE C

AN ORDINANCE ADDING SECTION 16.10.400(B)(6) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, TOWN AND COUNTY OPTIONS FOR RIGHT OF FIRST PURCHASE OR RENTAL 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.

Section 16.10.400(B)(6) is hereby added to the Municipal Code of the Town of Jackson Housing Rules and Regulations as follows:

16.10.400 Weighted Drawing.

B. Weighted Drawing Points

6. Town and County Options - When the Town of Jackson or Teton County holds an option on a unit, Town or County employees will have a preference in Weighted Drawings.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.
PASSED 2ND READING THE _____ DAY OF _____, 2020.
PASSED AND APPROVED THE _____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE D

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.500(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, PURCHASE AND SALE STANDARDS AND PROCEDURES, AND REPEALING SECTION 16.10.500(B) OF THE TOWN OF JACKSON MUNICIPAL CODE HOUSING RULES AND REGULATIONS, TENANCY AND RENTAL STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Purchase and Sale Standards and Procedures Section 16.10.500(A)(5)(a) Capital Improvement Standards and 16.10.500(A)(6) Resale and Transfer Limitations are hereby amended and reenacted read as follows:

16.10.500 Purchase and Sale Standards and Procedures

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.

- i. Capital Improvement Request Fee - Applicants for Capital Improvement requests will be charged a fee by the Housing Department in accordance with the Housing Department Fee Schedule.

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 fee in accordance with the Housing Department Fee Schedule published annually, 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

- a) Nonqualified Transfer on 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.

- b) Qualified Transfer on Death - In the event of the death of an owner, a qualified transferee must meet Occupancy, Use, Qualification and Eligibility criteria in

accordance with these “Housing Rules and Regulations” within 90 days of the transfer of title.

- 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 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:
 - a) **Cooperation with the Housing Department** - 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.
 - b). **Compliance with Restriction** - 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. **Applicant for a Nontestamentary Transfer on Death will use the Housing Department’s Form and pay a fee to the Housing Department in accordance with the “Housing Department Annual Fees” schedule. The Form will ~~and must~~ include the following:**
 - i. **Beneficiary** - 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. **Subject to Encumbrances** - 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. **Approval by Housing Department** - 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 sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. An adult may not be moved into an Affordable unit for at least one year after closing and only with approval from the Housing Department. Adults may be moved into workforce units prior to one year, however, the household must be qualified and approved by the Housing Department. Buyers will be required to sign an Occupancy Affidavit at closing.

SECTION II.

The Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.500(B) Tenancy and Rental Standards and Procedures are hereby repealed in its entirety.

16.10.500 B. Tenancy and Rental Standards and Procedures. (Repealed [Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

~~**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 **16.10.500.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 **16.10.300 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.~~

SECTION III.

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

SECTION IV.

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 V.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page ____ of Book of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE E

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.600(A), (B), (C), AND ADDING SECTION 16.10.600(D) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, RENTAL STANDARDS AND PROCEDURES, 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Rental Standards and Procedures Sections 16.10.600(A) Applicability, (B) Rental Standards, and (C) Rental Procedures are hereby amended and reenacted, and Section 16.10.600(D) Private Owner Rental Standards and Procedures is added to read as follows:

16.10.600 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),~~ **and restricted ownership units who apply to rent a room in their unit** 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. ~~Housing Department Program Rental Standards and Procedures Rental Standards~~
- C. ~~Selection Process Rental Procedures~~
- D. Private Owner 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 5-2.b.
 - e. Post Leave of Absence
 - i. Timing - 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.

- ii. Choice to Sell- 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 3. 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. Qualified Household - 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. Eligibility Criteria - 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. Verification of Qualification - 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. Recertification - 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 30% of the low end of the Income Range for the unit 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 iii, Identification of Tenant.
- vii. Rental Rates - The Housing Department will approve the rental rate based on the housing costs of the owner.

([Ord. ____ § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE F

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.700(B)(2)(b) AND (B)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES, PROCESS FOR DEFAULT CONTESTED CASE HEARINGS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.700(B)(2)(b) Process for Default Contested Case Hearings, Request for Default Hearing is hereby amended and reenacted, and Section 16.10.700(B)(4) Multiple Defaults is hereby added to read as follows:

16.10.700 Compliance and Exemption, Appeal, and Grievance Standards and Procedures

B. Process for Default Contested Case Hearings

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 "**Housing Department** Annual Fees" to be updated and published by the Housing Department.

4. Multiple Defaults

Upon the fourth time an owner is found to be in Default, the owner will not have an opportunity to cure. The Housing Department will force the sale of the home or follow through with other remedies allowed by the Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____ DAY OF _____ , 2020.
PASSED AND APPROVED THE ____ DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE G

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.800(D)(1)(a) AND 16.10.800(E)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, OCCUPANCY AND USE STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Section Housing Rules and Regulations 16.10.800(D)(1)(a) Household Occupancy, Leave of Absence and 16.10.800(E)(5) Use, Insurance are hereby amended and reenacted read as follows:

16.10.800 Occupancy and Use

D. Occupancy

1. Household Occupancy - Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied residential unit shall physically reside therein on a full-time basis, at least ten (10) months each year (a year being twelve (12) months beginning with the first month following the month the household took ownership).
 - 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 in accordance with the "Housing Department Annual Fees" published annually by the Housing Department.

E. Use

5. Insurance - The owner shall keep the residential unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the residential unit. Owners are required to provide evidence of insurance to the Housing Department upon request.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____DAY OF _____ , 2020.
PASSED AND APPROVED THE ____DAY OF _____, 2020

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.900(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS DEFINITIONS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.900(A) Definitions are hereby amended and reenacted read as follows:

16.10.900 Definitions

A. Definitions

7. Area Median Income (AMI): ~~See Median Family Income (MFI). 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.~~

Add: Escrow: A legal arrangement where the JTCHA holds money until a particular condition has been met. This includes but is not limited to inspection maintenance and repair items that were not completed prior to closing on a home.

33. Grievance: A dispute that applicants, 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.

35. Handicapped: ~~having a physical or mental disability.~~

~~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.~~

Add: Household: a social unit composed of those living together in the same dwelling.

93. 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~~ developer may propose these units in addition to those required by the Land Development Regulations.

(Ord. ____ § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.
PASSED 2ND READING THE ____ DAY OF _____, 2020.
PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra, 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra, P. Birdyshaw, Town Clerk

ORDINANCE A

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.200(B)(2)(e)(ii), 16.10.200(C)(4)(a)(iii), AND 16.10.200(C)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, HOUSING DEVELOPMENT STANDARDS AND PROCEDURES, HOUSING MITIGATION PLAN AND LIVABILITY STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Muncipal Code of the Town of Jackson Housing Development Standards and Procedures Section 16.10.200(B)(2)(e)(ii) Housing Mitigation Plan, Sections 16.10.200(C)(4)(a)(iii) and 16.10.200(C)(5) Livability Standards are hereby amended and reenacted read as follows:

16.10.200 Housing Development Standards and Procedures

B. Housing Mitigation Plan

2. Content.

- 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: Division 6.3 or Town of Jackson Land Development Regulations: Division 6.3).
- 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 ~~or the Housing Department~~ website.
 - a. Inspection of Unit - The Housing Department must inspect the unit prior to recording the restriction and prior to issuance of Certificate of Occupancy.
 - b. Compliance Conference - Developer shall meet with the Housing Department prior to issuance of Certificate of Occupancy to review the Compliance Checklist.

C. Livability Standards

4. Standards for Restricted Ownership Units.

a. Kitchen.

iii. Appliances

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

Unit Size	Sink width*	Range/oven width*	Refrigerator cubic feet*	Dishwasher*
Studio/One bedroom < 475 SF	24"	24"	18	18"
One bedroom >475 SF	30"	30"	25 20	24"
Two bedroom	32"	30"	30 25	24"
Three bedrooms or more	32"	30"	30 25	24"

* Minimum Size

5. Standards for Dormitories - General livability standards (Section C **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.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 VI.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.
PASSED 2ND READING THE ____ DAY OF _____, 2020.
PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE B

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.300(B)(1)(c)(ii) AND 16.10.300(B)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, QUALIFICATION AND ELIGIBILITY, DISABILITY STANDARDS AND REASONABLE ACCOMODATION 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Sections 16.10.300(B)(1)(c)(ii) and 16.10.300(B)(5) Qualification and Eligibility are hereby amended and reenacted read as follows:

16.10.300 Qualification and Eligibility

B. Qualification.

1. Employment Requirement

c. Employment Exemptions.

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.

a) Two-adult Household - A two-adult household with one adult who does not meet the definition of disabled and is not the full-time caregiver to the disabled adult in the household does not qualify for the Disabled Exemption.

5. Reasonable Accomodation

a. Housing Department Consideration - The Housing Department will consider all requests for Reasonable Accommodations. Approvals will be given according to the Joint Statement made by HUD/DOJ (Reasonable Accommodations under the FHA). Reasonable Requests will be approved if they do not impose undue financial and administrative burden on the Housing Department or if they don't fundamentally alter the nature of the Housing Department's operations. Determinations will be made on a case by case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the Housing Department, the benefits the accommodation would provide the requester, and the availability of alternative accommodations that would effectively meet the requester's disability related needs.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____DAY OF _____ , 2020.
PASSED AND APPROVED THE ____DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.
I further certify that the foregoing Ordinance was duly recorded on page ____ of Book ____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE C

AN ORDINANCE ADDING SECTION 16.10.400(B)(6) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, TOWN AND COUNTY OPTIONS FOR RIGHT OF FIRST PURCHASE OR RENTAL 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.

Section 16.10.400(B)(6) is hereby added to the Municipal Code of the Town of Jackson Housing Rules and Regulations as follows:

16.10.400 Weighted Drawing.

B. Weighted Drawing Points

6. Town and County Options - When the Town of Jackson or Teton County holds an option on a unit, Town or County employees will have a preference in Weighted Drawings.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.
PASSED 2ND READING THE _____ DAY OF _____, 2020.
PASSED AND APPROVED THE _____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE D

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.500(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, PURCHASE AND SALE STANDARDS AND PROCEDURES, AND REPEALING SECTION 16.10.500(B) OF THE TOWN OF JACKSON MUNICIPAL CODE HOUSING RULES AND REGULATIONS, TENANCY AND RENTAL STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Purchase and Sale Standards and Procedures Section 16.10.500(A)(5)(a) Capital Improvement Standards and 16.10.500(A)(6) Resale and Transfer Limitations are hereby amended and reenacted read as follows:

16.10.500 Purchase and Sale Standards and Procedures

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.

- i. Capital Improvement Request Fee - Applicants for Capital Improvement requests will be charged a fee by the Housing Department in accordance with the Housing Department Fee Schedule.

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 fee in accordance with the Housing Department Fee Schedule published annually, 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

- a) Nonqualified Transfer on 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.

- b) Qualified Transfer on Death - In the event of the death of an owner, a qualified transferee must meet Occupancy, Use, Qualification and Eligibility criteria in

accordance with these “Housing Rules and Regulations” within 90 days of the transfer of title.

- 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 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:
 - a) **Cooperation with the Housing Department** - 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.
 - b). **Compliance with Restriction** - 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. **Applicant for a Nontestamentary Transfer on Death will use the Housing Department’s Form and pay a fee to the Housing Department in accordance with the “Housing Department Annual Fees” schedule. The Form will ~~and must~~** include the following:
 - i. **Beneficiary** - 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. **Subject to Encumbrances** - 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. **Approval by Housing Department** - 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 sign an Occupancy Agreement along with the Owner. Situations that require an Occupancy Agreement include but are not limited to marriage, a significant other moving in, a friend moving in, renter etc. Additions and removal of names on the title constitute a transfer of title. The Housing Department must approve all transfers of title. An adult may not be moved into an Affordable unit for at least one year after closing and only with approval from the Housing Department. Adults may be moved into workforce units prior to one year, however, the household must be qualified and approved by the Housing Department. Buyers will be required to sign an Occupancy Affidavit at closing.

SECTION II.

The Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.500(B) Tenancy and Rental Standards and Procedures are hereby repealed in its entirety.

16.10.500 B. Tenancy and Rental Standards and Procedures. (Repealed [Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

~~**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 **16.10.500.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 **16.10.300 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.~~

SECTION III.

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

SECTION IV.

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 V.

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

PASSED 1ST READING THE ____ DAY OF _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra 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 _____, 2020. I further certify that the foregoing Ordinance was duly recorded on page ____ of Book of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE E

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.600(A), (B), (C), AND ADDING SECTION 16.10.600(D) TO THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, RENTAL STANDARDS AND PROCEDURES, 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations, Rental Standards and Procedures Sections 16.10.600(A) Applicability, (B) Rental Standards, and (C) Rental Procedures are hereby amended and reenacted, and Section 16.10.600(D) Private Owner Rental Standards and Procedures is added to read as follows:

16.10.600 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),~~ **and restricted ownership units who apply to rent a room in their unit** 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. ~~Housing Department Program Rental Standards and Procedures Rental Standards~~
- C. ~~Selection Process Rental Procedures~~
- D. Private Owner 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 5-2.b.
 - e. Post Leave of Absence
 - i. Timing - 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.

- ii. Choice to Sell- 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 3. 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. Qualified Household - 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. Eligibility Criteria - 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. Verification of Qualification - 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. Recertification - 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 30% of the low end of the Income Range for the unit 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 iii, Identification of Tenant.
- vii. Rental Rates - The Housing Department will approve the rental rate based on the housing costs of the owner.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____, 2020.

PASSED 2ND READING THE ____ DAY OF _____, 2020.

PASSED AND APPROVED THE ____ DAY OF _____, 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra 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 _____, 2020.

I further certify that the foregoing Ordinance was duly recorded on page ____ of Book __ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE F

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.700(B)(2)(b) AND (B)(4) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, COMPLIANCE AND EXCEPTION, APPEAL, AND GRIEVANCE STANDARDS AND PROCEDURES, PROCESS FOR DEFAULT CONTESTED CASE HEARINGS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.700(B)(2)(b) Process for Default Contested Case Hearings, Request for Default Hearing is hereby amended and reenacted, and Section 16.10.700(B)(4) Multiple Defaults is hereby added to read as follows:

16.10.700 Compliance and Exeption, Appeal, and Grievance Standards and Procedures

B. Process for Default Contested Case Hearings

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 "**Housing Department** Annual Fees" to be updated and published by the Housing Department.

4. Multiple Defaults

Upon the fourth time an owner is found to be in Default, the owner will not have an opportunity to cure. The Housing Department will force the sale of the home or follow through with other remedies allowed by the Restriction and/or these Housing Rules and Regulations. The owner will no longer be eligible to apply for, own, or rent restricted housing.

([Ord. § 1, 2020](#); Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____ DAY OF _____ , 2020.
PASSED AND APPROVED THE ____ DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

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Sandra P. Birdyshaw, Town Clerk

ORDINANCE G

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.800(D)(1)(a) AND 16.10.800(E)(5) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS, OCCUPANCY AND USE STANDARDS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Section Housing Rules and Regulations 16.10.800(D)(1)(a) Household Occupancy, Leave of Absence and 16.10.800(E)(5) Use, Insurance are hereby amended and reenacted read as follows:

16.10.800 Occupancy and Use

D. Occupancy

1. Household Occupancy - Each residential unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a residential unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Each owner of an owner-occupied residential unit shall physically reside therein on a full-time basis, at least ten (10) months each year (a year being twelve (12) months beginning with the first month following the month the household took ownership).
 - 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 in accordance with the "Housing Department Annual Fees" published annually by the Housing Department.

E. Use

5. Insurance - The owner shall keep the residential unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the residential unit. Owners are required to provide evidence of insurance to the Housing Department upon request.

(Ord. § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____DAY OF _____ , 2020.
PASSED AND APPROVED THE ____DAY OF _____, 2020

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

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I further certify that the foregoing Ordinance was duly recorded on page ____of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandra P. Birdyshaw, Town Clerk

ORDINANCE H

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1195 AND 1242 AND SECTIONS 16.10.900(A) OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HOUSING RULES AND REGULATIONS DEFINITIONS 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.

Section 1 of Town of Jackson Ordinance Nos. 1195 and 1242 and the Municipal Code of the Town of Jackson Housing Rules and Regulations Section 16.10.900(A) Definitions are hereby amended and reenacted read as follows:

16.10.900 Definitions

A. Definitions

7. Area Median Income (AMI): ~~See Median Family Income (MFI). 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.~~

Add: Escrow: A legal arrangement where the JTCHA holds money until a particular condition has been met. This includes but is not limited to inspection maintenance and repair items that were not completed prior to closing on a home.

33. Grievance: A dispute that applicants, 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.

35. Handicapped: ~~having a physical or mental disability.~~

~~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.~~

Add: Household: a social unit composed of those living together in the same dwelling.

93. 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~~ developer may propose these units in addition to those required by the Land Development Regulations.

(Ord. _____ § 1, 2020; Ord 1242 § 1, 2019; Ord. 1195 § 1, 2018)

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 _____ , 2020.
PASSED 2ND READING THE ____ DAY OF _____ , 2020.
PASSED AND APPROVED THE ____ DAY OF _____ , 2020.

TOWN OF JACKSON

Pete Muldoon, Mayor

ATTEST:

Sandra, P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
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Sandra, P. Birdyshaw, Town Clerk



TOWN COUNCIL

BOARD OF COMMISSIONERS

JOINT INFORMATION MEETING

AGENDA DOCUMENTATION

PREPARATION DATE: September 30, 2020

SUBMITTING DEPT: Long-Range Planning

MEETING DATE: October 5, 2020

DEPT. DIRECTORS: Tyler Sinclair & Chris Neubecker

SUBJECT: Update to the 2012 Jackson/Teton County Comprehensive Plan: Consideration of adoption of the July 29, 2020 Draft (AMD2019-0008/P19-129)

PRESENTERS: Tyler Sinclair & Chris Neubecker

PURPOSE/REQUESTED ACTION

The purpose of this joint meeting between the Jackson Town Council and Teton County Board of Commissioners is to review proposed updates to the 2012 Comprehensive Plan and consider additional edits or amendments to be included prior to adoption of the proposed draft plan dated July 29, 2020.

BACKGROUND

This project is a systematic review of the effectiveness of our current Growth Management Program for the Town and County as it relates to Comprehensive Plan principles, policies, strategies, and indicators. The goal is to check-in and identify any corrective actions that are needed to better implement the Comprehensive Plan's community vision. The Growth Management Program review was triggered in 2016 upon hitting the 5% growth trigger built into the Comprehensive Plan update process when it was adopted in 2012. After over a year of community-driven work to improve and enhance the 2012 Comprehensive Plan, a draft of an updated plan was released for public review on July 29, 2020. Review, incorporation of final edits, and adoption of an updated Comprehensive Plan by the Board and Council is the final step in this project.



Staff provides the following three-step structure for final review and consideration of adoption of an updated Comprehensive Plan over the course of two Joint Information meetings.

October 5th (and possible October 13th) Joint Information Meeting tasks

1. Review of proposed updates to the 2012 Comprehensive Plan

Planning Staff will present an overview of proposed plan updates as represented in the draft dated July 29, 2020 and additional edits recommended by the Town and County Planning Commissions. During the review, staff will go chapter by chapter through the entire July 29, 2020 draft focusing on key enhancements and the most notable updates with the opportunity to discuss any individual updates at the request of the Board or Council. The concepts and policies in the draft plan have already been vetted by the Board and Council; this final phase of the process is intended to focus on clarification and enhancements to the draft language, rather than the addition of new concepts or significant changes.

Staff will summarize the review process to date, including the Growth Management Program and the Comprehensive Plan updates made since the project began in May of 2019. Staff will also summarize the community engagement, public participation, staff recommendation and Council and Board direction that have been incorporated in the draft to date, as well as the additional edits recommended by the Town and County Planning Commissions. All draft documents previously released for public review may be found at <http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd>.

2. Make final edits to be incorporated into the July 29, 2020 draft before adoption

For each draft Comprehensive Plan chapter presentation and review, the Board and Council will consider adding the recommended edits from the Town and County Planning Commissions in the “Recommendations” section of this staff report and adding any more edits or amendments to the draft proposed by the Board and Council. Polling of the Board and Council will be used to direct staff on which individual edits should be incorporated into the July 29, 2020 draft text before it is considered for final adoption as an updated Comprehensive Plan at the November 2, 2020 Joint Information Meeting.

Public Comment will also be taken at this meeting.

A Special Joint Information Meeting has been scheduled for October 13, 2020 as a precaution should the Boards not complete these tasks at the October 5th meeting and need to continue their review before considering adoption at the November 2, 2020 Joint Information Meeting.

November 2nd Joint Information Meeting

3. The Board and Council will be presented with the draft updated Comprehensive Plan in advance of this meeting incorporating all edits and amendments to the July 29, 2020 draft requested by a majority of the Board and Council at the October 5th and 13th JIMs. The Board and Council will be asked to adopt this final document as an updated Comprehensive Plan. For adoption to occur, a majority vote of the Board of County Commissioners and a majority vote of the Town Council must occur.

STAFF ANALYSIS

Staff’s role in this meeting is to provide information on the draft updated plan and take direction from the Board and Council on formal adoption. No further analysis has been performed beyond the documents previously provided in this process and included in this staff report. Please see the project website for previous staff reports and presentations made throughout the review process (<http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd>). Staff is also available to discuss, answer questions, or assist in drafting any proposed amendments prior to the meeting.

PLANNING COMMISSIONS & STAFF RECOMMENDATIONS

Staff recommends that the Board and Council review the draft dated July 29, 2020 for adoption as an updated Comprehensive Plan, with direction to include any conditions deemed necessary as minor edits, additions, or improvements to the draft before formal adoption.

At their September 14th and 28th joint meetings, the Town of Jackson and Teton County Planning Commissions recommended that the following edits be included in the July 29, 2020 draft prior to formal adoption as an updated Comprehensive Plan. Staff's presentation at the October 5th Joint Information meeting will provide more context on the Planning Commissions' reasoning and discussion on these recommended edits.

PC Recommended Edits	
Chapter 1: Stewardship of Wildlife, Natural Resources and Scenery	
1.	Revise <i>Policy 1.1.i Protect against and mitigate for invasive and nonnative species</i> , to reference partnership with Teton County Weed and Pest.
2.	Revise entirety of Chapter 1 (and all other applicable Chapters) to include edits suggested in the August 28, 2020 Memorandum from the Teton County Conservation District, Town and County Engineers, etc. including comments submitted by the JHCA and the Wyoming Outdoor Council that are consistent with the August 28 Memorandum, which is comprised of the following suggestions. (Both of the public comment documents referenced here are in Attachment 2 of this staff report)
	a. <i>Policy 1.1.e: Understand impacts to wildlife, natural resources:</i> i. Add “and other partners” after the Natural Resource Technical Advisory Board, to broaden ability to coordinate with other groups and identify beneficial partnerships. ii. Either remove “and natural resources” from title and add a monitoring component separately to Policy 1.2.c, OR add “water resources” to the list of monitoring focal areas in third sentence of 1.1.e so that the reference in 1.2.c works. iii. Consider where earth/mineral quality (also an important natural resource in our ecosystem) may fit into one of the existing policies, or if one should be added to address this. b. Chapter 1: Principle 1.2: Add a new overarching policy: Policy 1.2.e: Water Resources Stewardship: Surface and groundwaters on the public lands in Teton County, WY represent some of the most naturally functioning hydrologic systems in the United States. Areas of concentrated human development and use have demonstrated water resources degradation. Stormwater runoff, wastewater discharges, and degradation of aquatic habitats have, at times, impaired aquatic life and drinking water sources. Town and County will work to develop a strong framework to address existing and forthcoming water resource issues. Town and County will develop and coordinate jurisdictional and partnered strategies to reduce existing contaminant loading to water and establish forward looking organizational and infrastructure changes that curb future water degradation. c. Chapter 1: Policy 1.2.a: Buffers i. Consider removing the proposed edit revising “occurs” to “occur” (i.e. keep “occurs”) – grammatically, it seems this is referencing ‘development’ as a singular concept broadly applicable to all development generally. ii. Consider removing the proposed edit revising “Development” to “The development” (i.e. keep “Development”) – use of the word ‘the’ seems to reference a specific development project, whereas the intent is to reference ‘development’ as a broad concept applicable to all development generally. iii. In the last sentence, change “around water bodies” to “adjacent to water bodies” d. Chapter 1: Policy 1.2.b: Require filtration: The focus should be addressing pollutant loading or sources, rather than relying on natural systems to treat it all. While natural wetland is often effective in treating human-generated pollution, it still negatively impacts those wetlands. Change introductory sentences to: Land Development causes changes to natural quantity and quality of stormwater that drains into the area’s water bodies. In order to protect surface and groundwater quality, best management practices to reduce pollution from runoff, decrease erosion, and reduce flooding risk will be included in standard development requirements. The Town and County will promote...

- e. Chapter 1: Policy 1.2.c: Coordinate Monitoring
 - i. Change title to: Coordinate with Teton Conservation District and other partners to target water quality monitoring programs to address and evaluate problem areas and mitigation success.
 - ii. Change Policy text to: Maintaining quality water is essential to ecosystem and public health. Recent data collection efforts focus on Flat Creek, Fish Creek, and drinking water systems, because they do not always meet state and federal standards for aquatic life and human use. The Town and County will strive to exceed State and Federal requirements for water quality and monitoring through strategic coordination with partners including but not limited to The Teton Conservation District, Wyoming Department of Environmental Quality, and regional land managers.
- f. Chapter 1: *Strategy 1.2.S.3: Develop water quality enhancement plan*: Change to: Establish a new committee, charged with creating community guidance for water resource protection, through wastewater, stormwater, drinking water, and infrastructure planning.
- g. Chapter 1: *Strategy 1.2.S.4: Flat Creek Watershed Plan*: Change to: Use the Flat Creek Watershed Management Plan (2019) for monitoring and mitigation guidance in the watershed.
- h. Add Strategy 1.2.S.5: Use EPA drinking water data and Wyoming Department of Environmental Quality surface water assessments to guide development planning and mitigation.
- i. Add Strategy 1.2.S.6: Expand data collection to include the Snake River, measure mitigation efforts, and adapt to focus on emerging issues.
- j. Add Strategy 1.2.S.7: Promote land and water stewardship practice for private land through demonstration projects on our public spaces and assets.
- k. Add Strategy 2.5.S.6: Monitor and report on municipal water use and groundwater level.
- l. Add Strategy 3.2.S.11: Planning for new developments and increasing density of existing developed areas will evaluate management methods of providing safe drinking water and wastewater and stormwater treatment/disposal to assure water resource protection for long-term community and environmental health and safety.
- m. Add Strategy 4.4.S.7: Use public spaces for demonstration projects for water, native plant, and wildlife conservation practices and public education.
- n. Add Strategy 8.2.S.5: Identify clear roles and responsibilities for water and wastewater infrastructure planning, development, and management within Town and County.
- o. Add the following Annual Indicators on Water Quality:
 - i. Impervious surface % change, and % area with treated stormwater, starting with ToJ and evaluating other areas in the future
 - ii. Water use
 - iii. Municipal drinking water quality reports
 - iv. Wastewater nutrient loading
 - v. Septic system data tracking
 - vi. Groundwater nitrate trends, beginning with southern Teton County and evaluating other areas in the future
 - vii. Flat Creek macroinvertebrate metric trends
- p. Additional recommendations included in the September 10, 2020 letter from Jackson Hole Conservation Alliance, Wyoming Outdoor Council, and Protect Our Water Jackson Hole that are consistent with the suggestions listed above.

3. Revise *Strategy 1.2.S.3* to create a community-wide comprehensive water quality enhancement plan with management framework and sufficient staffing and resources to complete and enforce the framework.

4. Revise Chapter 1 to include a definition of “Ecosystem” within the chapter or in an appendix.

Chapter 2: Climate Sustainability

5. Add citations, where applicable, to studies substantiating the decline in moose populations and loss of pine trees referenced in the second paragraph of Chapter 2.

6. Revise Chapter 2, in general, to be more hopeful regarding the impact of climate change on our future, and to convey the message that with our efforts “there is hope”.

7.	Revise <i>Strategy 2.G.S.2: Develop an Emissions Reduction and Climate Action Plan to identify potential solutions and strategies to reduce our contribution to climate change and better position the Town and County to be able to deal with potential impacts of a changing climate and also outline implementation responsibilities</i> , to include adaptation measures specific to the potential impacts of climate change on our economy.
8.	Revise Chapter 2 to make it clear that behavior and impacts of resorts and tourism should be consistent with and supportive of sustainability goals, and that this chapter is not just limited to locals.
9.	Revise <i>Strategy 2.1.S.3</i> to update Yellowstone-Teton Clean Energy Coalition title to Yellowstone Teton Clean Cities as new name for the listed non-profit.
Chapter 3: Responsible Growth Management	
10.	Revise <i>Strategy 3.3.S.5</i> to add language about beginning neighborhood planning of transitional areas of Town and the Stable Subarea 3.3 Rodeo Grounds Institutional Area.
Quality of Life: Common Value 3 of Community Character	
11.	Revise <i>Why is Quality of Life a Common Value?</i> paragraph on page CV-3-1 to include “Community First and Resort Second” language.
Chapter 5: Local Workforce Housing	
12.	Add a Strategy that directly implements <i>Policy 5.3.b Preserve Existing Workforce Housing Stock</i> .
13.	Revise <i>Policy 5.3.a Mitigate the impacts of growth on housing</i> , to expand housing mitigation efforts beyond only “Brick and Mortar businesses”; revise this Policy and <i>Strategy 5.3.S.3: Update the Employee Generation Nexus Study to look at the full range of employee generation and the full range of associated impacts</i> , to ensure that “full range” includes mitigation not tied to physical development.
14.	Revise <i>Strategy 5.G.S.1 Develop a goal for the inclusive and equitable human character desired by the community, and make updates to the principles and policies throughout Common Value 3 in Chapters 5 through 8</i> , to including defining “equitable human character” in development of the goal.
15.	Add a Strategy related to Policy 5.4.a to facilitate public-private partnership work to preserve and create housing.
16.	Revise Chapter 5 to state that the Town and County Affordable Workforce Housing Standards should not unintentionally incentivize building in the County versus the Town or vice versa.
Chapter 6: A Diverse and Balanced Economy	
17.	Revise <i>Principle 6.3 Create a positive atmosphere for economic development</i> , to better define “businesses that reflect the community’s Common Values.”
18.	Revise <i>Strategy 6.3.S.4</i> to collect data on wages as another option for mitigating the impacts of employment generation in the updated employee generation nexus study.
Chapter 7: Multimodal Transportation	
19.	Revise Chapter 7 to address the realities of remote communities and cold temperatures that need to have specific strategies to achieve our transportation goals.
20.	Add a Strategy to consider hiring a staff person to implement this Chapter.
21.	Add a Strategy for regular maintenance (especially in winter) of pedestrian infrastructure to support year-round usability.
22.	Revise Chapter 7 to state that our transportation system needs to serve all ages and abilities in our transportation options
Chapter 8: Quality Community Service Provision	
23.	Add a Policy to encourage building a culture of efficiency and innovation in the provision of public services beyond just adding revenue.
Illustration of Our Vision	
24.	Do not move Ross Plateau from District 7 South Highway 89 (Complete Neighborhood) to District 15 County Periphery (Rural Area).
General	
25.	Correction of any grammatical or typographical errors identified by staff that do not change the content or meaning of the Plan.
26.	Any edits deemed necessary by the Town or County Attorney for consistency with State and Federal law

Recommended Reading: Since Staff's chapter-by-chapter summary will be a broad review of proposed key enhancements, Board and Council should review the entirety of the July 29, 2020 draft prior to the meeting and come prepared to propose any potential amendments or edits that you have identified during your review of the draft or that should be included from the Planning Commission's recommendations in the table above.

- The July 29, 2020 draft preceded by a guide to proposed updates can be accessed here: <http://jacksontetonplan.com/DocumentCenter/View/1638/July-29-2020-Comp-Plan-Update-Draft-with-guide->
- If a draft with proposed changes to the 2012 Comprehensive Plan tracked helps in your review, it can be accessed here: <http://jacksontetonplan.com/DocumentCenter/View/1639/July-29-2020-Comp-Plan-Update-Draft-edits-tracked>
- If you would like a hard copy of either of these documents, please make a request via email to kmalone@tetoncountywy.gov.

ATTACHMENTS

1. Review materials on the proposed updates to the 2012 Comprehensive Plan for consideration at this meeting can be viewed at <http://jacksontetonplan.com/315/Growth-Management-Program-GMP-Review-Upd> including:
 - A Guide to reviewing the Draft with explanation of proposed changes
 - A Draft with annotations correlated to the Guide
 - A "tracked changes" version of the Draft documenting proposed changes
2. August 28, 2020 Comment letter from Teton Conservation District, Teton County Public Works, and Town of Jackson Public Works and September 10, 2020 letter from Jackson Hole Conservation Alliance, Wyoming Outdoor Council, and Protect Our Water Jackson Hole
3. Public Comment

STAKEHOLDER ANALYSIS

The entire Town of Jackson/Teton County community is a stakeholder and staff incorporated feedback from many community members and organizations. Notice of the 45-day public comment period was placed in the Jackson Hole News & Guide weekly newspaper on July 29, 2020 with press releases made on Town and County websites and social media outlets.

PUBLIC COMMENT

All written public comment on the July 29, 2020 draft received by Planning Staff up to the time this report was published is attached.

FISCAL IMPACT

Contract with Logan Simpson not to exceed \$156,222.

STAFF IMPACT

Planning Staff is serving in informational, facilitation, and support roles for this meeting. A total of 860 staff hours were allocated to this project for FY20 and an additional 520 staff hours were allocated to this project for FY21.

LEGAL REVIEW

County: Gingery.

SUGGESTED MOTIONS

Town Council:

I move to continue this item to the [October 13, 2020 or November 2, 2020] Joint Information Meeting and direct staff to incorporate the following edits and amendments into the July 29, 2020 draft for consideration of adoption as an update to the 2012 Jackson/Teton County Comprehensive Plan at that meeting.

Board of County Commissioners:

I move to continue this item to the [October 13, 2020 or November 2, 2020] Joint Information Meeting and direct staff to incorporate the following edits and amendments into the July 29, 2020 draft for consideration of adoption as an update to the 2012 Jackson/Teton County Comprehensive Plan at that meeting.

-

ATTACHMENT 2: WATER QUALITY COMMENT LETTERS

MEMORANDUM

TO: Chris Neubecker, Teton County Planning & Building Services Director

FR: Carlin Girard, Teton Conservation District Water Resources Specialist
Heather Overholser, Teton County Public Works Director
Amy Ramage, Teton County Engineer
Ted VanHolland, Teton County Environmental Permitting Engineer
Floren Poliseo, Town of Jackson Public Works Director
Johnny Ziem, Town of Jackson Assistant Public Works Director, Wastewater Manager

DT: August 28, 2020

RE: Suggested Comprehensive Plan amendments to address water quality

County and Town elected officials have collectively indicated that water quality is an important issue to address in our community. As County and Town Planning staff are in the process of updating the Jackson/Teton County Comprehensive Plan, this is a timely opportunity to consider updating and adding policies and strategies to the Plan that provide clear intent and direction for this topic.

The above group of County, Town, and Teton Conservation District personnel collaborated to provide the following suggested updates to the Comp Plan during the current public comment period.

If you have questions, need further information, or would like to meet and discuss any of these recommendations, please do not hesitate to contact any or all of us.

Note: page numbers included below reference the redline version of the document provided at the TC Planning website for public comment.

- 1) Pg 21- Chapter 1: Policy 1.1.e: Understand impacts to wildlife, natural resources
 - a. Add “and other partners” after the Natural Resource Technical Advisory Board, to broaden ability to coordinate with other groups and identify beneficial partnerships.
 - b. Either:
 - i. Remove “and natural resources” from Policy 1.1.e title and add a monitoring component separately to Policy 1.2.c, OR
 - ii. Add “water resources” to the list of monitoring focal areas in third sentence of 1.1.e so that the reference in 1.2.c works.

- c. Consider where earth/mineral quality (also an important natural resource in our ecosystem) may fit into one of the existing policies, or if one should be added to address this.

2) Pg 22- Chapter 1: Principle 1.2

- a. Add a new overarching policy:

(New Policy) Policy 1.2.e: Water Resources Stewardship: Surface and groundwaters on the public lands in Teton County, WY represent some of the most naturally functioning hydrologic systems in the United States. Areas of concentrated human development and use have demonstrated water resources degradation. Stormwater runoff, wastewater discharges, and degradation of aquatic habitats have, at times, impaired aquatic life and drinking water sources. Town and County will work to develop a strong framework to address existing and forthcoming water resource issues. Town and County will develop and coordinate jurisdictional and partnered strategies to reduce existing contaminant loading to water, and establish forward looking organizational and infrastructure changes that curb future water degradation.

3) Pg 22- Chapter 1: Policy 1.2.a: Buffers

- a. Consider removing the proposed edit revising “occurs” to “occur” (i.e. keep “occurs”) – grammatically, it seems this is referencing ‘development’ as a singular concept broadly applicable to all development generally.
- b. Consider removing the proposed edit revising “Development” to “The development” (i.e. keep “Development”) – use of the word ‘the’ seems to reference a specific development project, whereas the intent is to reference ‘development’ as a broad concept applicable to all development generally.
- c. In the last sentence, change “around water bodies” to “adjacent to water bodies”

4) Pg 22- Chapter 1: Policy 1.2.b: Require filtration

- a. The focus should be addressing pollutant loading or sources, rather than relying on natural systems to treat it all. While natural wetland is often effective in treating human-generated pollution, it still negatively impacts those wetlands. Change introductory sentences to:

Land Development causes changes to natural quantity and quality of stormwater that drains into the area’s water bodies. In order to protect surface and groundwater quality, best management practices to reduce pollution from runoff, decrease erosion, and reduce flooding risk will be included in standard development requirements. The Town and County will promote...

5) Pg 23- Chapter 1: Policy 1.2.c: Coordinate Monitoring

a. Change title to:

Coordinate with Teton Conservation District and other partners to target water quality monitoring programs to address and evaluate problem areas and mitigation success.

b. Change Policy text to:

Maintaining quality water is essential to ecosystem and public health. Recent data collection efforts focus on Flat Creek, Fish Creek, and drinking water systems, because they do not always meet state and federal standards for aquatic life and human use. The Town and County will strive to exceed State and Federal requirements for water quality and monitoring through strategic coordination with partners including but not limited to The Teton Conservation District, Wyoming Department of Environmental Quality, and regional land managers.

6) Pg 27- Chapter 1: Strategy 1.2.S.3: Develop water quality enhancement plan

a. Change to:

Establish a new committee, charged with creating community guidance for water resource protection, through wastewater, stormwater, drinking water, and infrastructure planning.

7) Pg 27- Chapter 1: Strategy 1.2.S.4: Flat Creek Watershed Plan

a. Change to:

Use the Flat Creek Watershed Management Plan (2019) for monitoring and mitigation guidance in the watershed.

b. Add the following strategies under principle 1.2:

- i. *(New Strategy)* Strategy 1.2.S.5: Use EPA drinking water data and Wyoming Department of Environmental Quality surface water assessments to guide development planning and mitigation.
- ii. *(New Strategy)* Strategy 1.2.S.6: Expand data collection to include the Snake River, measure mitigation efforts, and adapt to focus on emerging issues.
- iii. *(New Strategy)* Strategy 1.2.S.7: Promote land and water stewardship practice for private land through demonstration projects on our public spaces and assets.

8) Pg. 36- Chapter 2

a. Add strategy under Principle 2.5 (water conservation):

(New Strategy) Strategy 2.5.S.6: Monitor and report on municipal water use and groundwater level.

9) Pg. 50- Chapter 3:

- a. To address the need for more future-looking regional considerations and planning, add strategy under Principle 3.2:

(New Strategy) Strategy 3.2.S.11: Planning for new developments and increasing density of existing developed areas will evaluate management methods of providing safe drinking water and wastewater and stormwater treatment/disposal to assure water resource protection for long-term community and environmental health and safety.

10) Pg. 59- Chapter 4: Principle 4.4: Enhance civic spaces

- a. Add strategy to demonstrate natural resources stewardship on civic spaces:

(New Strategy) Strategy 4.4.S.7: Use public spaces for demonstration projects for water, native plant, and wildlife conservation practices and public education.

11) Pg. 93- Chapter 8: Principle 8.2: Coordinate infrastructure

- a. Add strategy to reflect the establishment of a water committee comprised of Town, County, and Teton Conservation District staff (those charged with creating and implementing policies):

(New Strategy) Strategy 8.2.S.5: Identify clear roles and responsibilities for water and wastewater infrastructure planning, development, and management within Town and County.

12) Indicator Report: Water Quality:

- a. Add specific elements to be evaluated:
 - i. Impervious surface % change, and % area with treated stormwater, starting with ToJ and evaluating other areas in the future
 - ii. Water use
 - iii. Municipal drinking water quality reports
 - iv. Wastewater nutrient loading
 - v. Septic system data tracking
 - vi. Groundwater nitrate trends, beginning with southern Teton County and evaluating other areas in the future
 - vii. Flat Creek macroinvertebrate metric trends

cc: Tyler Sinclair, Community Development Director
Kristi Malone, Town/County Senior Long-Range Planner



Transmitted via email to <kmalone@tetoncountywy.gov>

September 10, 2020

Kristi Malone
Town & County Planner
County Planning Office
200 S. Willow St.
Jackson, WY 83001

Re: Comments on Proposed Updates to the 2012 Comprehensive Plan

Dear Ms. Malone:

These comments on submitted on behalf of the Jackson Hole Conservation Alliance, Protect Our Water Jackson Hole, and Wyoming Outdoor Council (the “NGOs”) in response to the Public Review Draft of the 2020 Comprehensive Plan Update released on July 29, 2020. Our comments focus on the demonstrated need to include enhanced water quality protections in the updated Comp Plan, and offer a number of suggestions for strengthening the level of protection for our critically important water resources. We appreciate the recognition by town and county staff of the need to better protect ground and surface waters, but as currently drafted the plan falls far short of achieving the stated goal of enhancing water quality. *See* Principle 1.2 and associated policy statements.

Our comments address and respond to the water quality “enhancements” offered by county staff, below. We begin with a brief overview of the context and setting, followed by specific recommendations to restore and protect the quality of Teton County’s ground and surface water resources.

CONTEXT AND SETTING

Snake River Sole Source Aquifer

Our community relies entirely on the Snake River Aquifer for its drinking water. Due to its significance, the U.S. Environmental Protection Agency (EPA) has designated the Snake River aquifer as a Sole Source Aquifer. The Comp Plan should explicitly acknowledge this resource, and commit to developing an Aquifer Protection Plan to ensure its long-term protection.

Congressionally Designated National Wild and Scenic Rivers

The Snake, Buffalo Fork, Gros Ventre, Hoback and numerous other rivers in Teton County are congressionally-designated National Wild and Scenic Rivers. The Comp Plan

should identify designated river segments and establish preservation goals that are at least as protective as Federal policies to ensure that the “outstandingly remarkable values” that led to the designation are protected.

Class 1 Outstanding Natural Resource Waters (ONRW)

Teton County boasts more miles of outstanding resource waters than any other county in Wyoming. Class 1 waters in Teton County include all of Fish Creek and its tributaries; the main stem of the Snake River through its entire length above U.S. Hwy 22 (Wilson Bridge); the main stem of Granite Creek (tributary of the Hoback River) through its entire length; and all surface waters within Grand Teton National Park and congressionally-designated wilderness areas.

According to Chapter 1, Section 4(a) of the Wyoming Department of Environmental Quality (WDEQ) water quality rules and regulations, “Class 1 waters are those surface waters in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint sources of pollution shall be controlled through implementation of appropriate best management practices.”

Surface waters in Teton County that are not designated Class 1 are largely Class 2 streams, considered “high quality waters” managed for aquatic life including fish and all other uses identified in Chapter 1, Section 4. Water quality measures in the Comp Plan must be no less stringent than state and federal requirements, and may be more protective if necessary to achieve plan objectives.

Public Water Systems

Teton County has 114 EPA-registered Public Water Systems (PWS), the largest number by far of any county in Wyoming. Although these systems rely exclusively on groundwater for drinking water supplies, very few have taken advantage of basic tools available under the federal Safe Drinking Water Act to protect wellheads and source water areas. Indeed, only 44 of the 114 PWS have developed source water assessments (in 2004) and shockingly, only 3 have instituted source water protection plans. The absence of adequate regulatory oversight by local and state agencies has resulted in extensive groundwater contamination in Hoback Junction and exposes other PWS to unnecessary risk.

Hoback Junction – the Canary in the Coal Mine

High concentrations of nitrates exceeding the EPA’s maximum contaminant level (MCL) of 10 mg/L have been detected in both public water systems and private wells in Hoback Junction. As a result, residents are now faced with a choice between drinking bottled water, installing expensive filtration equipment to reduce the nitrate levels, or drinking untreated water and risking the prospect of serious health consequences that can include blue baby syndrome and limb deformities in children. Local and state regulators have known of the problem for years and have accomplished little to address the underlying causes. However, recent efforts brought about by our advocacy — including an investigation by the Wyoming DEQ — will determine the causes of groundwater contamination (e.g., septic systems) and we hope ultimately, lead to a clean-up plan to remediate the groundwater contamination.

Unfortunately, there are indications that the debacle taking place at Hoback Junction may be the tip of the iceberg. Water quality data obtained from public water systems in other areas of Teton County reveal that several systems are experiencing nitrate hotspots. Naturally

occurring nitrate levels throughout Teton County are relatively low, typically well below 1 mg/L. According to the U.S. EPA, levels in excess of 3 mg/L indicate human influences. Although at least six Public Water Systems have concentrations exceeding 3 mg/L, no action is being taken by any regulatory agency to address this serious problem. The EPA is constrained by law from taking action until the 10 mg/L MCL is reached, but at that point the water is already unsafe to drink. And as shown by the Hoback Junction experience, suitable post-contamination remedies are cost prohibitive or simply unavailable. A far better solution is to identify and take action to address these nitrate hotspots before they exceed levels that trigger EPA jurisdiction, which often results in the immediate shutdown of the public water system and costly remedial action.

To address these concerns, the Wyoming Outdoor Council and Protect Our Waters Jackson Hole have proposed a new rule that would require intervention by the health department when nitrate levels reach or exceed 3 mg/L. A copy of the proposed rule is available upon request.

Major threats to water resources—wastewater discharges

Nutrient pollution is one of the most significant threats to ground and surface waters in Teton County, along with stormwater, also known as “urban runoff.” The single largest source of water pollution in Teton County is the wastewater treatment plant operated by the Town of Jackson. In addition, major wastewater treatment facilities operating in Teton Village, Aspen-Pines, Jackson Lake Lodge/Colter Bay Village complex, Moose and others discharge millions of gallons of wastewater into groundwater (our sole source of drinking water) daily. The WDEQ has permitted 48 large capacity wastewater disposal systems in Teton County, with little oversight by county officials. In addition, approximately 3,600 “decentralized” small wastewater facilities (i.e., septic systems) have been permitted throughout Teton County, many in areas that are unsuitable—due to shallow water table and “poor soils”—for such systems. The lack of ongoing maintenance and inspection requirements in the county’s Small Wastewater Facility (SWF) regulations virtually guarantees that many septic systems are operating inefficiently and in some areas, have completely failed.

Excessive nutrients are responsible for nuisance algae in Fish Creek, and unsafe levels of nitrates in drinking water in Hoback Junction. Teton Conservation District has identified other PWS that provide drinking water from groundwater containing levels of nitrates that indicate human influence, and has dubbed these areas “nitrate hotspots.” The quality of drinking water provided by thousands of private wells is highly variable and mostly unknown to county officials, potentially putting the health and safety of private residents at risk.

Original Commitment to Clean Water Removed from Current Plan

Water quality protections included in the Teton County’s first comprehensive land-use plan (1978) were removed in the 1994 rewrite, leaving groundwater quality vulnerable to pollution from septic systems and other sources. County officials owe the public an explanation as to why that happened.

Teton County’s first *Water Quality Management Program* was adopted over 40 years ago, in 1978, under the authority of Section 208 of the Clean Water Act. Developed by the long-defunct “Teton County 208 Planning Agency,” the water quality program recognized the

importance, sensitivity, and vulnerability of the valley's water resources and was therefore considered an "essential element" of the county's first comprehensive land-use plan.

To protect water resources, the county adopted what was then a new tool in local land use planning – the creation of Environmental Protection Districts, to guide land use in order to protect the most environmentally-sensitive areas of the county. These districts encompassed rivers, streams and wetlands, steep slopes, and groundwater, and were protected by enforceable performance standards such as buffer zones, setbacks, and building restrictions.

To address groundwater pollution problems caused by unregulated septic systems, Groundwater Protection Districts were established to delineate areas — based on soil type and depth to groundwater (i.e., environmental vulnerability), where septic systems would be restricted unless it could be demonstrated that groundwater pollution would not occur. Unfortunately, this performance standard was not enforced, leading to the present situation of hundreds of septic systems on the West Bank and other low-lying areas of our county discharging minimally treated human wastewater into our groundwater.

Lack of a Comprehensive County-wide Wastewater Management Plan

The absence of a comprehensive wastewater management plan has led to haphazard, case-by-case decisions involving wastewater treatment and disposal. As a result, environmentally-sensitive areas of the county that should be connected to a centralized wastewater treatment facility are dependent on individual septic systems that are notoriously inefficient at removing pollutants from wastewater before it enters groundwater. The county's recent decision to move forward with wastewater planning is a significant step forward and will provide critical guidance regarding our community needs for the decades ahead.

Inadequate Regulation of Small Wastewater Facilities

Teton County's SWF regulations were approved over ten years ago and do not comply with updated regulations promulgated by the WDEQ intended to protect drinking water supplies. The 2018 update promised by the county in Attachment D of the 2010 Delegation Agreement has not occurred, leaving the existing regulations woefully deficient, lacking many of the most basic requirements found in regulations in neighboring states.

The undersigned organizations submitted a detailed 34-page letter in response to an informal draft rule provided by the County Sanitarian that is available upon request.

Fish and Flat Creek *E. coli* Impairment

The WDEQ has determined that both of these streams fail to meet water quality standards for primary contact recreation such as swimming and child's play. In-stream levels of *E. coli* in both streams exceed human health limits set by the EPA. To address the impairment, the WDEQ is required to develop total maximum daily loads, or TMDLs, a highly technical process that establishes the total maximum daily amount of *E. coli* that can be discharged into the stream without causing unsafe levels. The development of TMDLs for these two streams will take years; in the meantime, addressing this impairment in a timely fashion must be identified as a high-priority goal of the community. Inspections of septic systems and other sources of bacterial contamination in these drainages would be an obvious place to focus efforts.

SPECIFIC RECOMMENDATIONS

The scope and severity of our water quality problems and challenges dictates more aggressive measures be included in the updated Comp Plan. The subsequent preparation of a “water quality enhancement plan” referenced in B.2., while welcome, is not a substitute for necessary changes needed now.

The Public Review Draft proposes the following “strategies to preserve and enhance surface water, groundwater, and air quality (Principle 1.2).” While helpful, these measures are not sufficient to achieve the desired outcomes.

First, concerning Principle 1.2, we recommend that it be revised to make clear we do not, in fact, have “high water ... quality” throughout Teton County. As noted above, in certain areas of our county ground water quality has been degraded by nitrate concentrations indicating contamination; these areas have been dubbed “nitrate hot spots” by the Teton Conservation District. In the Hoback Junction area, groundwater degradation has been allowed to continue to the point where it is unsafe to drink, exceeding the EPA’s maximum contaminant level of 10 mg/L for nitrates and violating the WDEQ’s quality standards for groundwater. The phrase “[t]he high water and air quality of Jackson and Teton County are essential to the ecosystem...” clearly implies that the county’s water quality is “high.” As much as we would like to believe otherwise, this is not universally true, and perpetuating the myth of a pristine environment is not constructive. While categorizing it as such may comport with the pristine image we have created of Teton County, this statement is not accurate and should be corrected to reflect reality.

Second, our two prized local streams, Fish Creek and Flat Creek are impaired with levels of *E.coli* that exceed numeric standards for “primary contact recreation waters” and as a result are unsafe to swim in or float on.

The Comp Plan strategies outlined below are all helpful, but are incomplete and will unfortunately not fully address the range of water quality problems facing our community.

1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands and riparian areas.

1.2.S.2: Evaluate and update surface water filtration standards, focusing on developed areas near significant waterbodies.

1.2.S.3: Develop a water quality enhancement plan that includes consideration of additional County funding for water quality.

1.2.S.4: Update the Flat Creek Watershed Management Plan.

With regard to 1.2.S.1, above, the WDEQ has established in Chapter 1 water quality standards for Wyoming’s surface water. Given that, we recommend clarifying this item to identify the specific “natural resource protection standards” that would be evaluated and updated. We also recommend that the Comp Plan expressly require the highest level of protection for surface waters available under the Clean Water Act and the Wyoming Environmental Quality Act. For example, “all surface waters in Teton County will be managed for Primary Contact Recreation from May 1 to September 30th.”

Regarding protection of wetlands and riparian areas, we recommend that wetlands be defined to include all wetlands to ensure protection for non-jurisdictional wetlands that fall outside the scope of the U.S. Army Corps of Engineers (ACE) regulatory authority.

Turbidity and introduction of sediment (via discharge of dredge and fill material) into surface waters are regulated by the WDEQ and the ACE. We recommend clarifying 1.2.S.2 to explain the interaction of local and state regulation. If this section is contemplating the regulation of stormwater, perhaps that fact can be noted. We recommend that Best Management Practices for the control of stormwater be mandatory.

As noted above in our comments, we support both the development of a “water quality enhancement plan” and additional county funding dedicated to protecting water resources referenced in 1.2.S.3. We recommend that this language be modified to include a statement committing to involve the public in the development of such measures. For example, the phrase, “with public review and comment opportunities” could be inserted after “Develop.”

Lastly, in addition to updating the Flat Creek Watershed Management Plan noted in 1.2.S.4, we recommend including a measure to address *E. coli* impairment in Fish and Flat creeks. The development of TMDLs by WDEQ will take years; in the interim, the county can identify and implement actions designed to reduce levels of harmful pathogens.

In addition to the above suggestions, we recommend that the following strategies be included in the revised Comp Plan:

- Promulgate county regulations to protect Public Water Systems including a provision to require remedial action before nitrate levels exceed 3 mg/L. Prevent future Hobacks.
- Require all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.
- Create a “placeholder” in the county plan to incorporate the comprehensive wastewater management plan upon its completion.
- Require, or create financial incentives to encourage, property owners to connect to existing sewer lines where available (e.g., Wilson).
- Reinstate Groundwater Protection Districts from the 1978 Comprehensive Plan and update groundwater protection zone maps based on best available science.
- Prohibit septic systems in Groundwater Protection Zones 1 and 2 unless a scientifically-valid analysis is provided by the applicant demonstrating that no groundwater pollution will occur from the operation of the system. This provision was contained in the original 1978 plan but unfortunately was not enforced.
- Update the county’s Small Wastewater Facility regulations with proven, state-of-the-art provisions recommended by the U.S. EPA for septic systems located in sensitive and vulnerable environments such as Class 1 surface waters and sole source aquifers.
- Recognize that crowding and overuse of rivers and lakes is harmful and commit to developing management plans to address this growing problem.
- Require inspections (by licensed professional engineers) of septic systems when ownership of property is transferred. (Such a requirement would have detected the numerous significant violations at Hoback RV Park much earlier).¹

¹ https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article_d925d6b7-50c3-5642-9773-2232dff55517.html

- To enhance community understanding of groundwater quality issues, establish a confidential registry of private wells and assemble a database of water quality information to better inform the public of water quality issues and trends.
- Evaluate, update and reinstate Environmental Protection Districts from the Teton County 208 Planning Agency's 1978 Water Quality Management Program.

Additionally, we offer the following comments and suggestions regarding Principle 1.2 as well as the three related policy statements, 1.2a, 1.2b and 1.2.c. We suggest two new policy statements regarding the critical need to protect groundwater/ drinking water supplies, and the regulation of Public Water Systems.

Principle 1.2 (Preserve and enhance surface water, groundwater, and air quality) states that:

Clean water and air are the most basic requirements of a healthy ecosystem and community. The high water and air quality of Jackson and Teton County are essential to the ecosystem and scenic beauty that residents and visitors enjoy. Stewardship of water bodies, wetlands, riparian areas, groundwater, and the air is vital to sustaining healthy populations of native species and for the health and safety of the human community.

Given the critical importance to our community, we recommend highlighting the need to protect our groundwater – the Snake River Sole Source Aquifer – and the public water systems and private wells that depend on it. We suggest a new sentence at the end of the existing paragraph that specifically addresses the fact that ALL of our drinking water comes from groundwater and that the aquifer is irreplaceable.

Regarding the proposed policies, Policy 1.2.a (Buffer waterbodies, wetlands, and riparian areas from development) states, in part, that, “[t]he development will be designed to include buffers around water bodies, wetlands, and riparian areas that preserve their ecological function.” We recommend that this policy be clarified to explain how buffer distances will be determined to “preserve ecological function.” Will this be a case-by-case determination or will uniform buffer distances be established for each resource or value? Will the buffer distances currently established in the Small Wastewater Facility regulations be the same as in the LDRs?

We strongly support the adoption of Policy 1.2.b (Require filtration of runoff) and recommend that Best Management Practices be required. Please change “should” to “shall.”

Likewise, we support Policy 1.2.c (Coordinate water quality monitoring with Teton Conservation District and other partners) and urge its adoption.

Additional recommendations.

Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery.

Under the heading, “Why is this chapter addressed?” (CV-1-2) we suggest a change to this sentence: “Development can displace and fragment habitat, emissions drive climate changes to our natural environment, human movement through the ecosystem impacts wildlife movement, discharge and runoff can decrease water quality, and human introduction of invasive species can disrupt the ecosystem.”

Change “discharge” to “discharge of pollutants and wastewater from septic systems entering groundwater...”

Chapter 3. Responsible Growth Management.

Under the heading, “Why is this chapter addressed?” (CV-2-2) we suggest adding the following language: “To achieve the goals and benefits of effective growth management, the plan must ensure that a comprehensive wastewater management plan is in place before authorizing new residential and commercial development in sensitive groundwater areas that lack sewer connections.”

Wastewater planning for new development should not be an afterthought or decided on a case-by-case basis. New development, particularly in areas with shallow groundwater and gravel soils, should not be permitted until a comprehensive strategy for wastewater treatment and disposal has been developed.

We recommend changes to the verbiage set forth in Principle 3.4, which currently provides that:

Principle 3.4—Limit development in naturally hazardous areas.

Development in hazardous areas threatens the health, safety and welfare of human inhabitants. Steep slopes, poor soils, avalanche chutes, floodplains, dense forests and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

The suggested change would delete the phrase, “poor soils” and replace it with more accurate and scientifically-acceptable terminology such as “unstable soils” where slides, slumps or settling are concerns, and use the word “alluvium” where groundwater contamination from septic systems is the concern, such as gravel-bed floodplains with a shallow water table and soils consisting of sands and gravels.

We recommend the same change to the language contained in “Policy 3.4.d: Limit development on poor soils” which reads:

Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.

As above, we suggest deleting the term “poor soils” and replacing it with an accurate, scientifically acceptable description of soil types that may limit activities.

We recommend a similar edit to a Policy 3.4.d - Limit development on poor soils. This policy provides that: “Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.”

We suggest deleting the term, “poor soils” and replacing with more accurate scientifically-acceptable terminology. With respect to septic systems, the policy should expressly prohibit the installation of septic systems (raised mound or otherwise) in areas where depth to groundwater is less than six feet unless the applicant has demonstrated through rigorous, peer-reviewed scientific investigation that no groundwater pollution will result – the standard first set in 1978. The application for such system shall include a sworn statement bearing the stamp of a licensed professional engineer or geologist that no nitrates or other pollutants will enter ground or surface waters. Groundwater quality monitoring shall be conducted at the proposed building site prior to the permitting of the system to establish baseline quality, and for 12 months following completion and occupancy of the dwelling. In order to meet the “no groundwater pollution” standard, no change in baseline groundwater quality shall be allowed as a result of the installation and operation of the system. These permit conditions should be added to the “*Strategies to limit development in naturally hazardous areas (Principle 3.4)*” on page CV-2-15.

Finally, we suggest adding a new policy under Principle 3.2, as follows: Where additional density is added, or where new growth areas are identified, a plan for infrastructure (transportation, water, and sewer) must be in place before any new density is granted. Planning must, at minimum, protect the general health and welfare. For example, permitting new development without appropriate wastewater or transportation infrastructure will only transfer the costs to taxpayers in the future, as we’ve seen with Hoback’s contaminated water.

Chapter 4. Town as the Heart of the Region – the Central Complete Neighborhood.

The Comp Plan states (at CV-2-16) that “[t]he Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational and cultural activities.” To achieve this goal, it will be necessary to ensure that the town has sufficient wastewater treatment capacity to accommodate the desired/projected growth. We recommend specific recognition of this critical fact.

Quality of Life: Common Value 3 of Community Character.

This section (at CV-3-1) describes Quality of Life and then asks, “How are we going to achieve [it]”? It presents four chapters, Chapters 5–8, intended to assist the community in achieving Quality of Life. We would submit that access to clean and affordable drinking water and pristine surface waters are so fundamental to achieving the quality of life described in this section that a new chapter needs to be dedicated to restoring, protecting and enhancing water quality, which includes, first and foremost, protecting and securing our community’s drinking water supplies. It also includes ensuring that our streams, lakes and rivers are safe to swim in, and not contaminated by dangerous levels of *E. coli* or toxins from hazardous algal blooms. Key issues to address include protecting –and demanding accountability from– the 114 Public Water Systems currently operating in Teton County; moving forward with county-wide wastewater planning; adopting revised regulations for Small Wastewater Facilities which incorporate recommendations from the U.S. EPA for septic systems located in sensitive environments; establishing a new position in county government to oversee water quality protection efforts, and developing the necessary infrastructure to deliver essential community services such as water and sewer.

Chapter 6 of this section (CV-3-12) envisions a “Diverse and Balanced Economy.” Within this chapter, Policy 6.1.c calls for establishing an identity as a “green” community. For this goal to be realized, it is essential for our community to commit to providing clean and affordable drinking water to all community members and to properly address wastewater management, treatment and disposal, otherwise it will never legitimately achieve green community status.

Chapter 8. Quality Community Service Provision. Chapter 8 (CV-3-28) requires the county to “timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.” Within this chapter, Principle 8.1 requires the county to “[m]aintain current, coordinated service delivery” while Principle 8.2 requires the county to “[c]oordinate the provision of infrastructure and facilities needed for service delivery.” Given its importance, we would like to see Public Water Systems and wastewater treatment specifically identified under the heading “utilities and infrastructure.”

Chapter 9. Adaptive Management. We recommend the addition of the following “hard triggers” which will require a coordinated response by government agencies:

- Failure of surface water to meet WDEQ Chapter 1 water quality standards (e.g., Fish and Flat Creeks *E.coli* primary contact recreation standard).
- Failure of groundwater to meet WDEQ quality standards for domestic use (e.g., Hoback Junction).
- Failure of facilities authorized by the WDEQ to discharge pollutants into ground or surface waters of the state to comply with permit terms and conditions.
- Evidence of nitrate concentrations in groundwater utilized by public water systems or private wells indicating human influence or contamination; i.e., 3 mg/L.
- Failure of Public Water System to comply with Safe Drinking Water Act requirements.
- Failure to provide drinking water that meets EPA effluent limitation guidelines (ELGs).
- Violations of federal, state and/or county environmental law and regulations.

Lastly, we have a few suggestions regarding the section of the Comp Plan called “Illustration of Our Vision.” With respect to Districts that are not connected to town’s water and sewer lines, we recommend that a summary of the drinking water supplies and wastewater disposal systems utilized in the area (and subareas) be included in the narrative description of each district. The Policy Objectives for each district should specify that access to clean, affordable drinking water will be maintained, and that drinking water provided by public water systems will not contain levels of pollutants that suggest human-caused contamination.

With respect to Hoback Junction (subarea 8.4) the Character Defining Features should note that a centralized wastewater treatment facility and alternative drinking water supplies will likely be needed due to high levels of nitrates in the groundwater that exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L. It should also be noted that nitrate levels exceeding 10 mg/L constitute a violation of WDEQ groundwater quality standards for domestic use, which may be a limiting factor regarding future development in the area that is dependent on septic systems for wastewater disposal.

Rising nitrate concentrations in other areas of the county (refer to TCD for list of such areas) may face similar challenges in the future if action is not taken to reduce nitrate levels. The descriptions of subareas should identify these nitrate “hotspots” and allow for the possibility that connections to centralized sewer systems, water filtration, and alternative water supply systems may be required if action is not taken to address the sources and causes of nitrate contamination.

Teton County’s water quality problems are the result of decades of neglect, inattention, complacency, and absence of adequate regulatory oversight at all levels of government. To remedy this, we must ensure that the job of restoring and protecting our precious water quality is viewed with the same sense of urgency as other community priorities such as affordable housing, wildlife crossings, easing traffic congestion, community policing and other pressing issues confronting Teton County. Preserving the status quo is no longer an option. We look forward to working with town and county planners and the community as a whole to ensure that our collective vision encompasses the fundamental right to clean water.

Sincerely,



Dan Heilig
Senior Conservation Advocate
Wyoming Outdoor Council



Brooke Sauser
Community Planning Manager
Jackson Hole Conservation Alliance



Dan Leemon
Executive Director
Protect Our Water Jackson Hole

Cc: Jackson Town Council
Teton County Board of County Commissioners

ATTACHMENT 3: PUBLIC COMMENT

From: [Perk Perkins](#)
To: [Tiffany Stoltz](#)
Subject: Requested additions to Comp Plan
Date: Monday, September 28, 2020 6:58:42 AM

I am writing to add my voice to the call for changes in the comprehensive plan that will address some neglected provisions that are fundamental to our public health and quality of life. These are provisions that have been thoughtfully developed by leaders I admire in three esteemed non-profit organizations whose collaboration compels me to call these out as very high priorities in the plan revisions. They are:

1. *Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.*
2. *Reserve space to adopt the yet-to-be-completed wastewater management plan.*
3. *Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.*
4. *Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise. Specifically wastewater planning must be completed before approving any new development in Northern South Park.*
5. *Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.*

Sincerely,

Perk Perkins, Resident
320 NW Ridge Rd. #2116
Jackson, WY. 83001

From: [Reynolds Pomeroy](#)
To: [Tiffany Stoltz](#)
Cc: [Town Council](#)
Subject: Water Quality in Jackson Hole
Date: Monday, September 28, 2020 9:51:19 AM

Dear Planning Commissioners and Members of the Town Council,

I understand the joint Planning Commissions will meet today to discuss, amongst other things, water quality within Jackson Hole, and will consider and make recommendations to the elected officials of our community about what we should do to elevate water quality to the highest level of importance in our long-range planning and policy implementations.

Protect Our Water Jackson Hole, of which I am a director, has generated and provided you all with comprehensive scientific and policy support for doing so, and I'm grateful for that effort and for your reading through and absorbing its content. There may be no more fundamental a role for you as leaders of this community than to protect our water quality. Therefore, I urge you to adopt the 5 critical elements that POW-JH and their partner organizations have identified to make this long-overdue commitment to our community and its future a reality.

We all talk a good game of protecting that which makes Jackson Hole the most remarkable of places, and there are too few opportunities to fundamentally impact the trajectory of our policies and commitment to that effort – this is certainly one of those opportunities.

I'll look forward to watching your deliberations on this matter, and, again, urge you to adopt the recommendations from POW-JH, and incorporate modern, stringent and long-range water quality standards into our comprehensive plan.

Sincerely,

Reynolds Pomeroy
413-2429

From: [Kelly Ryan](#)
To: [Kristi Malone](#)
Subject: Fw: Comprehensive Plan
Date: Monday, September 28, 2020 8:56:24 AM

From: Brad Nielson <bknielson@me.com>
Sent: Monday, September 28, 2020 8:36 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: Comprehensive Plan

Teton County Commissioners,

I am writing to add my voice to the call for changes in the comprehensive plan that will address some neglected provisions that are fundamental to our public health and quality of life.

Over 40 years ago, Teton County's first comprehensive land use plan recognized the threat that mismanaged wastewater and poorly functioning septic systems posed to our valley's water. Yet decades later, the critical need to protect our precious water resources is largely absent from our Comprehensive Plan, even as nitrate concentrations are rising in groundwater in many areas of our county, threatening access to safe and affordable drinking water. Our Comp Plan is our foundational guiding document for local decision-making. It acts as the blueprint for our growth and development, with goals centered around ecosystem stewardship, growth management, and quality of life. Protecting our water starts with our Comp Plan, which we have been in the process of updating for the last year. **It's time to recognize access to clean and affordable drinking water as a human right, and that it is integral to our quality of life. Without clean water, there can be no quality of life, or indeed, any life.** With all of that in mind, I am asking that you include the following in the Comprehensive Plan:

1. Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.
2. Reserve space to adopt the yet-to-be-completed wastewater management plan.
3. Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.
4. Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise. **Specifically wastewater planning must be completed before approving any new development in Northern South Park.**
5. Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.

Sincerely,

Brad Nielson
Wilson, Wyoming

From: [Malissa Shriver](#)
To: [Tiffany Stolte](#)
Subject: Please adopt the five point plan recommended by the Conservation Alliance to protect our water
Date: Friday, September 25, 2020 8:38:23 PM

I live in Wilson Wyoming, we have a child in school at TSS, and we are witnessing first hand the pollution and E Coli bacteria in Fish Creek. We need a proper sewer system in Wilson, not antiquated septic systems rotting into the earth and ruining our waterways. Please make this change or we will mobilize and vote for new leadership.

Malissa Shriver
President
Turnaround Arts
[310-729-4100](tel:310-729-4100)
Turnaroundartsca.org
Twitter @MalissaShriver

[2445 North Fish Creek Road](#)
[P.O. Box 1102](#)
[Wilson Wy](#) 83014

From: [Mary Whitney](#)
To: [Tiffany Stolte](#); planningcom@tetoncountwy.gov; commissioners@tetoncountwy.gov; [Town Council](#)
Subject: changes we need to protect our water
Date: Friday, September 25, 2020 9:49:12 PM

1. Recognize access to clean water as a human right and fundamental to our quality of life by adding a new chapter dedicated solely to protecting water quality.
2. Reserve space to adopt the yet-to-be-completed wastewater management plan.
3. Add a strategy to update the county's small wastewater facility (septic) regulations with the strongest water quality protections.
4. Add a strategy to adopt new regulations for Public Water Systems that requires early intervention when nitrates begin to rise.
5. Add a policy requiring all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.

Thank you for your serious consideration,

Mary J Whitney
Jackson, WY

September 10, 2020

Dear Chairwoman Macker, County Commissioners, Mayor Muldoon and Town Councilors,

Thank you for continuing the discussion on housing mitigation rates, and we look forward to the debate on Monday.

As you move forward in the discussion and process, we ask that you consider the following:

- Returning to pre-2018 nonresidential mitigation rates/cost for commercial only. This would not include any changes to full-time vs. seasonal; we are only referencing the mitigation rate.
- Percentages need to be weighed with costs. We talk about 10%, 50%, but what are the costs associated with these rates? What is a 3,000 square foot office building paying vs. what they were paying before 2018? We want percentages and costs to be connected and transparent – there is a real cost there.
- Remove “Change of Use” fees. These fees hurt our growing, local small businesses disproportionately and are a barrier to small business development. We have rental spaces sitting vacant due to change of use fees.
- Streamline the process. You should not need an attorney, land use planner and supporting staff to go through the building process. We would like to see a process that is consistent, equitable and approachable in the future.

Small businesses make substantial contributions to our local economy throughout our community and provide essential sales taxes that fund local government and SPET projects. Sometimes, there is a disconnect between the services and infrastructure we are fortunate to have and the taxes paying for these investments.

Wyoming is facing many, many budget cuts. Here in Teton County, a crucial part of maintaining our quality life will be our tourist economy and the small businesses that provide the infrastructure and services to support tourism and our local priorities.

This year has been especially challenging for our business community, and they are heading into a tough winter ahead. We hope to continue working with the Town and County to support our local economy and our community.

We look forward to these discussions and the work needed to address housing mitigation rates in Town and Teton County.

Sincerely,
Jackson Hole Working

From: [Brooke Sausser](#)
To: [County Planning Commission](#); planningcommission@jacksonwy.gov
Cc: [Tyler Sinclair](#); [Chris Neubecker](#); [Kristi Malone](#)
Subject: Comments on the Comp Plan Update
Date: Wednesday, September 9, 2020 4:22:00 PM
Attachments: [Comp Plan Update_Sept2020_Alliance.pdf](#)

[NOTICE: This message originated outside of the Teton County's mail system -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Planning Commissioners,

Thank you for your commitment to the Growth Management Program / Comp Plan Update, and for your ongoing service to our community. Our Comp Plan is the most democratically derived document guiding the decisions of our local government, and we appreciate the time and energy you spend scrutinizing changes.

Please find our attached comments on the draft changes. We applaud positive changes (the need for new ecosystem goals, consideration of a conservation planner, etc) while highlighting some critical gaps and two bad ideas that should be removed.

Please be in touch if there is anything we can clarify.

Thanks,
Brooke

--

Brooke Sausser
She / her
Community Planning Manager
Jackson Hole Conservation Alliance
(208) 771 - 2218



It's Old Bill's Giving Season. Please [Give A Buck](#) and support conservation and community character.

Protecting the wildlife, wild places, and community character of Jackson Hole.

September 9, 2020
Jackson Town Council
Teton County Board of County Commissioners



RE: Changes to our Comprehensive Plan (Comp Plan)

Dear Madam Chair, Mayor Muldoon, Commissioners, and Councilors,

Thank you for your commitment to the Growth Management Program / Comp Plan Update. The Growth Management Program was “triggered” when our community grew more than 5% since the 2012 Comp Plan adoption. We believe that the response to significant growth should not be *enabling yet more growth*, but rather taking even better care of our community members and ecosystem.

Please keep these positive changes:

- Ecosystem stewardship indicators and targets (1.G.S.1 & 1.G.S.2). Our community has invested significant time and resources into creating the [Housing Action Plan](#) and the [Integrated Transportation Plan](#) to implement the broader vision of our Comprehensive Plan. Both of these focused plans set out clear, measurable goals – 65% workforce housing and 11% less growth in vehicle miles traveled. But though ecosystem stewardship is one of the three common values, and it is at the core of our vision, *we have no ecosystem / conservation plan or goals*. So how can we know if we’re making progress or losing ground? We need clear goals and metrics, and a Conservation / Ecosystem Action Plan to outline a prioritized path forward.
- New climate goal and action plan (2.G.S.1 & 2.G.S.2). The International Panel on Climate Change reports that we have only 10 years to change our emissions trajectory and avoid catastrophic impacts. The town has adopted a goal to be Net Zero by 2030 – let’s reflect that goal in the county and the joint Comp Plan. And beyond that, let’s craft a climate action plan, hire staff to lead the effort, and report on progress annually.
- Staff ecologist (1.1.S.8). The [conservation community has long asked for](#) staff in local government that would see directly to our plan’s vision to “preserve and protect the area’s ecosystem” (whether an ecologist, conservation planner, or sustainability planner). We support creating a Town position focused on sustainability and climate goals and a County planning position focused on ecosystem / land stewardship / water quality. A staff member prepared to comment on the many projects coming at us (the Bridger-Teton National Forest Plan, transfer of the Bureau of Land Management parcels along the Snake River, implementation of the Wildlife Crossings Master Plan) and participate in the many coalitions (Clean Water Coalition, Systems of Conservation, etc.) would be of immediate value and impact.

- Transportation (7.2.S.3, 7.2.S.6, etc). Please prioritize investments in alternatives to traffic congestion by adding language such as “we and our partners will not build new roads or new lanes on existing roads *until after* we fully implement the transit/walk/bike strategies in the Integrated Transportation Plan and can measure the success of those efforts.” Please add strategies to hire a transportation director, prioritize the creation of an Regional Transportation Planning Organization (as [called for](#) by many local organizations), and create a comprehensive, integrated corridor plan for Highways 22 and 390 before WYDOT does it for us.

Please make the plan better by making these changes:

- Improve Northern South Park (3.3.S.5 & Subarea 5.6). We support a neighborhood plan that prioritizes a variety of housing types, with affordability for a range of incomes; permanently protected open space; best practices for climate and environmental sustainability; and encourages more transportation choices. Please add language directing establishment of a “hard border” / “green wall” south of town that would preventing continual sprawling development in coming decades. And to preserve the conservation goals originally outlined for Subarea 5.6, please add: *“The goal of the community is to link development with permanent open space conservation, by transferring development into the subarea from a Conservation or Preservation Subarea.”*
- “Uncheck” 3.1.S.2: explore tools for transferring development. We have not yet adequately explored these tools. If we want to move away from controversial, discretionary upzones toward predictable well-thought-out development of our Complete Neighborhoods, while respecting our vision to preserve and protect the area’s ecosystem and rural areas, we must explore true Transfer of Development Rights / Purchase of Development Rights programs. The Floor Area Option tool allows transfers between rural parcels and doesn’t serve its intended purpose of “conservation and stewardship.” And while we have the CN-PRD tool – specifically intended for Northern South Park development in exchange for rural land protection – large landowners aren’t using it. *Please add a strategy (add a 3.1.S.8) to explore a true TDR or PDR program, based on what works in peer communities.*
- Add a policy that upzones must either transfer development rights or achieve 100% affordable housing (add a new Policy 3.5). A rezone should not be a free ride to more development potential when other tools exist or could be created. Creating new density should only be considered when it doesn’t threaten our growth caps and when it supports our values of ecosystem stewardship, growth management, and quality of life. Newly-created development potential should either be permanently-affordable to local workers or offset with true conservation.
- Add a policy that infrastructure to support new development (transportation, water, and sewer, etc) should be planned before any new density is granted (add a

new Policy 3.2.g). Permitting new development without appropriate wastewater or transportation infrastructure will only pass the costs to taxpayers in the future, as we've seen with Hoback's contaminated water and the need for a Specific Purpose Excise Tax measure to fix Gregory Lane.

- Reference and explain the relationship between incentive tools and our growth caps (add a 3.1.S.7). Many of our community members don't understand the 2015 "transfer" of potential rural PRD incentives to town / Complete Neighborhoods or its connection to the "fill the box" workforce housing bonus in town. The Comp Plan should clearly state that once the ~2500 units are permitted, the town and county will remove the incentive tools, thus preserving our overall buildout cap. Additionally, please clarify that density transfers / incentives can be used for other community priorities such as conservation or historic preservation.
- Add a strategy to adopt bear-proof trash can requirements (add a 1.S.1.10). This was originally included in the natural resource update, which is on hold. Our continued inaction forces agencies to kill bears. We can do better.¹
- Add a strategy to develop a river and levee management plan (add a 1.S.1.11). With the county set to acquire several Snake River BLM parcels, and with crucial cottonwood forests continuing to decline due to a lack of flooding in recent years,² we must proactively plan to protect the habitat around our Wild and Scenic River.
- Adopt a policy recognizing that state trust lands hold ecological value and should be managed with respect to their surroundings, to the extent practicable (add a Policy 1.1.k). State trust lands comprise more than 4,500 acres, with many large parcels located in rural areas or areas with immense ecological value. The state is currently [seeking development proposals](#) to generate the maximum revenue, and the legislation spurring this requires the state to consider our land use plan.
- Better address income inequality. We have the [greatest income inequality in the nation](#), and "if the community does not define how it wants to address income inequality, the inequality will define the community."³ Our community needs to have frank and intentional conversations about equity, beyond just affordable housing. Please add a strategy to specifically address income inequality, inclusive engagement and representation of our whole community, Indigenous land acknowledgement, equity audits of our policies and programs, and other methods to advance equity and justice for all.

¹ See "[Biologist: only hibernation abating black bear conflicts](#)," *Jackson Hole News & Guide*, Nov. 6, 2019.

² See the "[State of Wildlife](#)" that we commissioned local scientists to complete

³ See page 21 of the *Comp Plan Seven Years Later: Are We On Track?* (Oct. 2019).

Please remove these bad ideas:

- Remove “Evaluate private land recreation needs and management to relieve the impact on public lands” (1.4.S.8). Recreation should be concentrated in areas where it already occurs and where resources are “hardened,” meaning they can sustain the use. Recreation has a broad definition in our LDRs,⁴ and adding this policy could lead to exclusive mountain bike parks, zip lines, tennis courts, swimming pools, or venues for outdoor receptions expanded into more areas than they are currently allowed.
- Remove “Evaluate future active use of Karns Meadow” (4.4.S.6). The Town already commissioned an Environmental Assessment of Karns Meadow, which found that it is an “important bottleneck in the movement patterns of wildlife, particularly mule deer, moose and Trumpeter Swans, providing dark skies, cover habitat, nutritious forage and a riparian corridor with limited to no human disturbance during the fall, winter and spring” (p. 29). Karns Meadow will be a key component of the wildlife crossing on Broadway, and is part of the Wildlife Crossings Master Plan that 79% of voters supported on our latest SPET ballot. Changes in development and human use surrounding wildlife crossings will determine their effectiveness. We already know we should not encourage active use, especially in winter. This policy should instead encourage completion of a master plan for Karns Meadow that prioritizes wildlife and habitat protection.

Let’s use this opportunity to make our Comp Plan more actionable, and then invest in staff and resources to make this vision a reality.

Sincerely,



Brooke Sausser
Community Planning Manager

⁴ See definitions for both “outdoor recreation” and “developed recreation”

From: [Shawn Hill](#)
To: [County Planning Commission](#)
Cc: [Kristi Malone](#)
Subject: Comp Plan Comment Letter
Date: Thursday, September 10, 2020 7:44:55 PM
Attachments: [Letter to TCWY Planning Commission 10 Sept 2020.docx.pdf](#)

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Commissioners

Please find the attached comment letter.

Thank you,

-swh

--

Shawn W. Hill
Executive Director

(208) 354-1707 PH
(208) 354-1709 FX
shawn@tetonvalleyadvocates.org





Valley Advocates for Responsible Development

September 10, 2020

Teton County Planning Commission
200 S Willow St.
P.O. Box 1727
Jackson, WY 83001

Re: Comprehensive Plan Update

Dear Members of the Commission:

VARD offers the following comments in the context of impacts to Teton Valley.

- Key Update C.1 **Update Chapter 2 goal to speak directly to reducing greenhouse gas emissions to limit climate change and planning for climate change that is certain to occur.** We wholeheartedly agree with the Strategies expressed here, but feel that Vehicle Miles Traveled (VMT's) should continue to be monitored - and limited. There is no greater correlator to Greenhouse Gas (GHG) emissions than VMT's.
- Key Update D.2 **Add a Strategy to make impactful investments in infrastructure and catalyst investments in housing projects in transitional subareas.** This strategy should include a clear metric. Preferably, the Town & County would identify the housing units needed and/or number of people to be housed, and establish a yearly target of new units/people housed in Complete Neighborhoods. Please consider incorporation of such into the Growth Management Program (GMP), including corrective measures.
- Key Update F.1 **Rephrase the Chapter 7 Goal to read: Travel by walk, bike, carpool or transit will be faster than travel by single occupancy vehicle.** We understand that the Integrated Transportation Plan (ITP) update may lean toward the discontinuation of VMT thresholds. **We strongly oppose this.** VMT correlation with GHG emissions is direct and undeniable. VMT thresholds are also necessary for meaningful progress toward transportation, public health, growth management, quality-of-life, and environmental goals. VMT is the new industry standard, and we feel it is wise to embrace critical advances in the field of transportation planning.

Teton Valley is suffering from an acute housing shortage of our own. Increased VMT's over Teton Pass will contribute to numerous problems for both valleys. The current Comp Plan seeks to reduce VMT's in Alta, and is likely necessary to achieve Teton County's required modal split for Grand Targhee Resort. VARD intends to ask Caribou-Targhee National Forest to study VMT impacts in the proposed expansion of the Special Use Permit area for Grand Targhee; if Teton County changes course mid-stream, our efforts could be hindered.

VARD is extremely grateful to the Jackson Hole community for its commitment to transportation, housing, and environmental issues in the Teton Region. We hope our comments are helpful.

Respectfully submitted,

Shawn W. Hill
Executive Director

From: [Jayne Ottman](#)
To: [Board Of County Commissioners](#); [County Planning Commission](#); [Kristi Malone](#)
Subject: Comp Plan Subarea 12.2 390 Residential
Date: Wednesday, September 9, 2020 11:40:45 AM

Sept 7, 2020

Re: Subarea 12.2 390 Residential Complete Neighborhood re-zoning

Dear Chairwoman Ms. Macker and Commissioners Greg Epstein, Mark Newcomb, Luther Propst and Mark Barron:

and County Planning Commission: Glendon Esnard, Karen Rockey, Susan Lurie, Alex Muromcew, Kasey Mateosky

Thank you for taking time to read our letter.

Hopefully you will provide us answers.

I can be reached by phone at 307-690-1025 or Jottman50@gmail.com

I copied the adopted version of TC's 2020 comp plan Vision statement(s) below.

It's a lofty and beautifully written piece but I can only state that in the Proposed Rezone of Subarea 12.2: 30 Residential, **these appear to be in direct conflict.**

Becky Hawkins and I, along with neighbors Schreiber, Springer, Burke, Balint, Felton and Pederson are adamantly against the proposed upzoning from NC to Complete Neighborhood. This proposal will extend the subarea along the east side of #390 from the Rains property to Cheney Lane down to our properties which border the Linn Ranch.

"Our Vision is founded in our Greater Yellowstone Ecosystem context and strengthened by our commitment to optimizing three Common Values of Community Character. Just like braided strands within a rope create its core, appreciation of the ecosystem in all aspects of our life is only as strong as our commitment to all three of our Common Values. [ADDED GRAPHIC] CV1: Ecosystem Stewardship - As ecosystem stewards, we will ensure the health of all native species by avoiding habitat impact and fragmentation, maintaining water quality, and limiting our contribution to climate change. CV2: Growth Management - To manage growth, we will not add to the overall amount of growth allowed and will direct growth into locations with the least habitat value and the most existing services."

When will the county planners and commissioners stop implementing zoning changes to accommodate certain individuals who threaten with lawsuits?

When is enough, enough?

This proposed zoning contradicts the protections for an NRO as written in the Comprehensive plan for 2020. Adding density contaminates water quality, vegetation, migration routes and results in climate change impact from fossil fuel consumption with increased traffic.

Our neighborhood was conveniently left out for access to any sewer/water system since 2003 when the Millward project was built despite our numerous attempts to hook into their lines. We are now landlocked out and the costs of tearing up roads, parking lots and driveways along with paying for sewer upgrades makes this prohibitive. More density will increase groundwater contamination. We all have wells.

Will any increased development be required to hook into a sewer system? We are downstream of these areas and will be affected the most.

Much of our land is in the NRO as are other neighbors.

Directing growth (density) in these fragile NRO areas which provide prime winter habitat for so much wildlife in the area is fraught with contradiction. Every one of our properties offer crucial winter vegetation for the survival of moose, mule deer, nesting bald eagles and herons, great horned owls and migratory birds including raptors. The only time the eagles vacated their nest was when the Millward Affordable Housing Project was built, a sure sign they were disturbed by encroachment and activity. They returned a year later and have been here ever since.

Designating us a complete neighborhood zone would significantly reduce any possibility for wildlife survival or repopulation of the species.

History:

Shortly after the Millward Project was approved TCC and Planning Director assured us we wouldn't have additional density since Millward was the most densely populated subdivision in the county at the time.

Then- Deb and Art Davis sold the KOA to Jamie Mackay who transformed the campground into a year-round residence while at the same time, moved 27 illegal RPT's on the acreage.

We watched in horror as he illegally dug trenches and laid gas lines for propane to each of his RPT's including outdoor "fire rings", and then hooked up to electrical, water and sewer without permits. Despite numerous calls from us and neighbors to the county building inspection officer (Mark Antrobus) and compliance officer (a woman), this debacle continued without any county oversight. So not only did we get more density (27 new homes), we are still at risk for gas line explosions that were not permitted until after the fact (state and county). And we also question why no electrical or water/sewer permits were granted until after the utilities were in.

Then- Makay illegally subdivided the Davis' acreage into two lots.

The county is now in a legal battle with Mark Hirschberg's estate with the threat if we don't impose zoning to accommodate his density request, a WY judge will.

I ask, why was this court threat ignored for 4 years by our County attorney and planning staff? And why wasn't the zoning change addressed at that time?

A more thoughtful plan could have been implemented without the knee-jerk reaction we are seeing today that negatively impacts so many of us, but more importantly, our "valued wildlife".

We don't want to be lumped into zoning like the Aspens. We don't want additional homes or rentals, gyms, grocery stores, sidewalks, swimming pools, golf courses and numerous commercial buildings. Increased density would seriously harm and possibly eliminate the species that rely on the NRO and our unique neighborhood characteristics that allow for mammal and bird movement year round. We look very different than the homes on the west side of #390.

***and why isn't Tucker Ranch or John Dodge in this new zoning proposal? It appears that decisions are*

being made for those of us who are working class and live in less expensive neighborhoods. I see this as blatant structural racism-in other words, dump the growth on those who make less money but leave the rich neighborhoods alone as it is proven that they have money and will sue if they don't get their way. We intend to explore this more thoroughly.

As I type this, the 6th moose was killed on #390; struck by a vehicle. We are sickened with the continued slaughter of these animals because of reckless speeding/texting and distracted drivers and increased density along this corridor. Is this really the area for increased density?

We have a large population of raptors -osprey, northern harriers, accipiters, hawks of all kinds, falcons and vultures who perch on our tall cottonwood trees overlooking the open space next to us to hunt. The Snake River is steps away and the osprey and eagles regularly are seen with fish in their talons as they often perch here to feast on their catch.

And the migratory birds who come thru here have a safe nesting area to call home the months they are here. Most of us have planted native species that support them including bushes and trees from which to build nests and that offer vegetation that provides food for them like Hawthorne, service berries and dogwood to name a few.

We all plant bee and butterfly friendly flowers/shrubs to help support these diminishing populations. We pull or dig noxious weeds and carefully maintain the understories here to support ground mammal habitat. We plow or shovel paths in the winter in between houses or roadways in order for animals to access winter forage that would otherwise have snowbanks too high to get over. We work hard at keeping animals off the road, especially in the winter and have developed a phone network when we spot animals so humans will avoid leaving their house and any dog is put inside.

The Burkes, Pederson's and Feltons have large areas of wetlands and ponds making it ideal for moose habitat. Moose are seen regularly year-round there and depend on these lands to support them and their offspring. Herons are seen daily in the ponds. Baby moose learn how to feed on the bottoms of these ponds as witnessed by so many of us each year.

We have had WYG&F guide us on best practices to support wildlife. Also, the Raptor Center staff and area wildlife biology experts. We all take the wildlife here very seriously.

This is our neighborhood. And we and the migratory animals and birds who roam thru here seem to like it also.

This is NOT a place to upzone to Complete Neighborhood, to build sidewalks, have commercial businesses, additional rentals, shops, more houses accompanied by cars, traffic, human sewage, contaminated surface water all with human encroachment. This is NOT the area to do this.

We've paid the price of having one of the highest densities the county back in 2003 with the Millward Project and the seemingly endless encroachment from the Fireside.

The promise from the County Commissioners and Planning Department 20 years ago not to increase density has eroded. We adhere to and respect the zoning rules while many of these rules have hugely impacted the lives and livelihoods of some of our neighbors.

We feel duped.

We should not be zoned a Complete Neighborhood.

We'd call that a "Complete Mistake".

Why isn't this "forgotten neighborhood of 7 homes", with many of us in the NRO and adjacent to R-3 zoned land, zoned Rural or protected?

And I ask you this-will taxes go up because of this zoning change? If so, then it's a sneaky way to increase revenue. And while I'm on the subject of too many cars on #390, why the heck don't you consider a much cheaper option to help drivers SEE animals on the road-LIGHTS that can be attached to the already power poles on either side of the road. Much less expensive than overpass that will not work because of driveways and the poles and power sources are already there....it's nearly impossible to see animals at night...why not get a bid to install downlighting along both sides of the road.? I bet it's a lot cheaper than an overpass.

Thank you,

Jayne Ottman and Becky Hawkins

Jayne Ottman

PO Box 433
Jackson, WY 83001

307-690-1025
jottman50@gmail.com

From: [Judd Grossman](#)
To: [Kristi Malone](#)
Subject: Comprehensive Plan Comments
Date: Tuesday, September 8, 2020 9:30:24 PM

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Town Planning Commission:

Here are some comments about the latest draft of the Comprehensive Plan update:

Growth: Growth isn't making Jackson Hole better. The only growth that makes any sense is workforce deed restricted housing in the commercial corridor. Please stick to the 1994 cap numbers for residential development.

Climate change provisions: These are unnecessary government intrusions into individual freedom that will have infinitesimally small effect on the problem of climate change while costing enormous amounts of money that could be better spent elsewhere. Conservation as a bi-product of other planning goals (reduced development, preservation of open space, energy use cost savings) is fine. Otherwise, build us a Gen IV nuclear reactor to cost effectively reduce our carbon footprint, or just stop with the virtue signalling about climate change.

Affordable housing: Workforce deed restrictions are the only ones that are fair. Income based deed restrictions provide a perverse incentive for workers and employers. The worse you do the better deal you get on housing. This damages the morale of the middle-class who are trying to benefit from working hard and making good decisions - when people are rewarded for the opposite, why bother? Workforce based deed restricted housing should be available to anyone to buy or rent, but only full-time local workers should be able to live there. Prices should be whatever the market will bear with the deed restriction. In the commercial corridor there should be large bonuses in FAR for 100% workforce deed restricted housing. Housing should not be subsidized by anyone other than employers. Density bonuses in exchange for workforce deed restricted housing are the "free money" that the government can offer to get more housing stock.

"Policy 5.3.b: Preserve existing workforce housing stock" - Should be removed. This provision seems suspiciously leaning towards restricting the sale of homes by retiring workers. These kinds of restrictions along with taxpayer subsidies for affordable housing force parts of the middle class to subsidize other parts of the middle class so that rich people can have less expensive servants. It's better to let the market set the cost of land and the cost of labor. Government should build housing for its own employees on land that it already owns (Like the project on Snow King). Encourage workforce deed restricted units in the commercial corridor (near Broadway and Cache from Smith's to Dairy Queen). This is the appropriate place for density. Leave our beloved neighborhoods and open space alone. Don't try to restrict the price of the homes of local workers who are retiring and ready to sell. Government regulations already prevent these middle-class people from renting short term while wealthy people in the County have free reign. Government regulations seem designed to crush the middle-class while subsidizing everyone else - including the wealthy.

Jobs should pay well enough that people can afford to live here or commute here without government subsidies. We need to stop creating, promoting and subsidizing low paying jobs.

Minimum wage laws are an unwise intrusion into the free market. Wages should be a private agreement between workers and employers.

Government should stay out of the daycare business. Most government interventions into the "needs" of workers pass through as subsidies to employers and promote growth.

Alternative modes of transportation are generally unrealistic, relatively unpopular, and often unpleasant. Residents should have a choice as to their mode of transportation. Automobiles are obviously the most efficient and useful means of transportation for our residents. Working people that need to carry tools have no other choice. We need to limit population growth, and expand and connect our roads so they can function properly for car traffic.

Stop raising taxes. Local government is already too big, too expensive and too intrusive. I don't appreciate being asked to give more of my money to the government where electeds then use it to pander for votes. Government employees get better pay and better benefits than the private sector workers who support them involuntarily through their taxes. Not good.

Sidewalks are inappropriate in the Town periphery. Street lights are disruptive of dark skies and rural character in the Town Periphery. These Town Periphery neighborhoods are recognized in the Plan as low intensity interfaces with the surrounding wildlands. Stop imposing urbanization on this character district.

3.4: May Park Area - This is the wrong place to add density, because it's on the edge of town and much of the traffic generated by development in this area has to filter through Town Periphery neighborhoods. Planning 101: don't put density on the quiet edge of Town.

The Comprehensive Plan has become breathtaking in its scope and invasiveness. While I support protecting neighborhoods and open space the all encompassing control over the freedom of individuals in our town contained in this document is troubling. Elected officials and unelected bureaucrats have entirely too much control over the daily lives of our citizens.

I have over the decades been a big supporter of the Comp Plan - mostly in an effort to keep Jackson Hole from being over developed, and hopped up into small pieces with sprawling suburbs. But now I'm having serious concerns about whether the Comp Plan monster has gotten completely out of hand. Not only has it become a neighborhood destroyer rather than preserver, it has also become a vehicle for controlling huge swaths of our lives, and allows those who wish to rule over us free reign to mold us according to their utopian imagination. Climate change, subsidized housing, tax increases, and whether we can drive our cars are all baked into the behemoth. When push comes to shove I'll take freedom over conservation, and I think it's a wise choice. Why are you making me choose?

The middle class is getting crushed between the rich and the subsidized classes. There will soon no longer be a middle class, only the subsidized and the subsidizers. The demoralized middle class is burdened by this plan with higher taxes, suppressed wages and ever more restrictions on what we can do with the assets we have painstakingly accumulated. Restrictions that the rich can weather with relatively little pain, but the middle class finds crushing. Why make good decisions and be prudent with our money when the reward is

subsidizing others who weren't.

Please do some trimming of this overgrown document, before it gets even more out of hand.

Best Regards,
Judd

--

Judd Grossman

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ship: 50 Rancher St., Jackson, WY 83001

From: [Richard Bloom](#)
To: [County Planning Commission](#); [Board Of County Commissioners](#); [Pete Muldoon](#); [Town Council](#)
Cc: [Kristi Malone](#); [Chris Neubecker](#); [Tyler Sindair](#)
Subject: Draft Jackson/Teton County Comprehensive Plan Update - comment - Rich Bloom
Date: Sunday, September 13, 2020 1:24:26 PM
Attachments: [Comp Plan Update - Rich Bloom.pdf](#)
[SOI3.13.12.pdf](#)
[JacksonHoleDaily_20200912_03_1.pdf](#)

County Commissioners, County Planning Commissioners, Mayor Muldoon and Town Council,

Attached are my focused comments on the draft updated Jackson/Teton County Comprehensive Plan that comes before the County Planning Commissioners this Monday evening.

The other two attachments are supporting materials that I reference in my comment letter.

Respectfully - Rich Bloom

September 13, 2020
Teton County Board of County Commissioners
Teton County Planning Commissioners
Mayor & Jackson Town Council

RE: Draft Updates to our Jackson/Teton County Comprehensive Plan

Dear Teton County Commissioners & Planning Commissioners, Mayor Muldoon, and Town Councilors,

First my apologies for these last minute comments before Monday evening's County Planning Commissioners review. Following are my central thoughts and suggestions.

The Central Policy Debate

At the end of the five-year (2007-2012) Jackson/Teton County Comprehensive Plan (Plan) adoption our community came together and clarified two over-arching Plan themes:

- *Whereas current regulations allow for decades of growth and a doubling of the built environment we see today it is the community's intent to avoid expanding the urban footprint and to maintain our small, rural, mountain-town character; our quality of life; our unique sense of place; our established neighborhoods; and our stewardship ethic as the gateway to our unparalleled ecosystem on which both our visitor economy and our way of life depend.*
- *It is the community's top priority to permanently protect wildlife habitat & connectivity, scenic viewsheds and agricultural open spaces through permanent protection of these resources. To that end, density increases beyond base property rights will not occur in any location until mechanisms are in place to link that development to permanent conservation. These mechanisms must ensure that any density increases will be phased in slowly over time in small areas.*

Today we find ourselves in this Plan update with these two primary principals under debate – and the draft now includes several inconsistencies.

First: Are we still committed to the updated Plan Policy 3.1.a – or not? It should be retained as updated. I believe overwhelming the community is committed to this policy as the central pillar in the Plan.

Policy 3.1.a: Ensure there is no net increase in development potential.

Ecosystem Stewardship and rural character preservation should extend beyond protecting resources and open space on individual lots to managing growth on a communitywide scale. Development potential should decrease in Rural subareas and

increase in appropriate Complete Neighborhood subareas, but our Vision will be adhered to by ensuring there is no net increase in overall development potential. Beginning in 2012, increases and decreases in allowed residential and nonresidential development were annually tracked and reported. By not increasing potential more than it is decreased, and better locating and designing development that does occur, we can decrease our impacts to the ecosystem while respecting property rights, preserving our rural character, and providing opportunities for increased quality of life.

In addition, the updated Plan Policy 5.3.a should be retained as updated - and is central to the job creation side of the ongoing workforce housing crisis:

Policy 5.3.a: Mitigate the impacts of growth on housing

Job growth has outpaced physical development since at least 2002. As a result of the gap between property values and wages, many of the new local workers cannot afford housing within the community. 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. In addition, employee generation that is not traditionally linked to physical development will also be mitigated. 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, and that all housing demand as a result of job growth is addressed. Mitigation requirements will be updated following new nexus studies of employee generation and housing affordability, which will be completed regularly.

The disconnect is that we now have efforts (the Northern South Park saga the last seven plus months) and new draft Plan language to basically abandoned the idea to direct development from the rural to complete neighborhoods (our LDR rural zone open space incentive tools which took over two years to develop – the CN-PRD, PRD and Floor Area Option).

Instead because of the Gill and Lockhart proposals we have moved straight to considering pure upzones which not only create divisive project-by-project community destroying fights – but also effectively gut our open space incentive tools and will eventually void our commitment to “ensure there is no new increase in development potential”. Why would any land owner consider the open space incentive tools if they can simply navigate a divisive community debate to a lucrative upzone instead?

I believe this is the central area you should focus your discussions.

I will point out several inconsistencies now in the draft Plan resulting from the update and the tail-wagging-the-dog months long efforts by the County Commissioners struggling over the language in Character District sub-area 5.6: Northern South Park.

Illustration of Our Vision: 5.6: Northern South Park

I will start with sub-area 5.6: Northern South Park.

During the long Gill sparked discussion, the Commissioners changed two central community intents in sub-area 5.6 – first on the requirement for Town in-fill first and second: the preference for meaningful protected open space by clustering development from other Conservation and Preservation subareas.

The Commissioners found a way to still preserve the Town in-fill priority through the following language changes:

From:

While the priority of the community is to first infill and redevelop other already developed Stable/Transitional Subareas in order to meet the Growth Management goals of the Plan; if necessary, this subarea is a suitable location to meet those goals due to its close proximity to many existing Complete Neighborhood amenities.

To:

While the priority of the community is to ~~first~~ infill and redevelop other already developed Stable/Transitional Subareas ~~in order~~ to meet the Growth Management goals of the Plan; ~~if necessary~~, this subarea is ~~also~~ a suitable location to meet those goals due to its close proximity to many ~~existing~~ Complete Neighborhood amenities.

With the hopeful denial of the current 60x upzone request decision before the County Commissioners Tuesday - and the joint electeds commitment to a holistic 5.6 area wide Neighborhood Plan – I find the updated language on in-fill now as a “preference” - acceptable.

But when the County Commissioners debate changed to prioritizing and clarifying the need for a Neighborhood Plan in sub-area 5.6 - I watched them inadvertently remove the key community preference (especially given the Gill’s and Lockhart’s land ownership throughout greater South Park) for these land owners to use the LDR open space incentive tools that we spent two plus years developing.

What they removed in total - solely as the way it was previously written they felt bypassed the requirement for a Neighborhood Plan:

~~*An exception to this requirement would be the allowance for development when associated with an opportunity to provide meaningful permanent open space by clustering development into the subarea from a Conservation or Preservation Subarea.*~~

My request is for re-insertion in 5.6 Northern South Park of the following:

The priority of the community is for development when associated with an opportunity to provide meaningful permanent open space by clustering development into the subarea from a Conservation or Preservation Subarea.

This is consistent with how the preference for Town in-fill first was edited. A “preference” does not preclude a rezone – but honors the community input on this language in 2012.

For support I point you to the over 100 resident emailed comments plus public testimony (PC meeting) on the Gill proposal for this sub-area: which spoke to the need for compensatory permanent open space via clustering (CN-PRD) in exchange for a massive 60x upzone. This acknowledges that any new development in 5.6 is on land that today contains important scenic, agricultural and wildlife utilization and movement corridor values.

I have not included all of that public comment (but I do request that it be made part of the public record) – as you have just recently read it.

You know this sentiment is as strong now – as it was in 2012.

No net increase in development potential – open space and affordable housing incentives

More broadly I believe we know we are moving towards an affordable workforce housing incentive policy for the County that parallels the one now used in Town. But the question is will you (perhaps at an even higher value) still commit to open space incentives – or not - in the County?

In sum the key policy question is whether the County still wants to try and incent conservation easements in exchange for density bonuses or whether they would like to utilize a program similar to the Town housing bonuses tool or simply increase density through an upzone?

I believe our community absolutely wants to retain both (conservation and affordable housing) – and certainly not sacrifice a primary goal as found in Policy 3.1.a: *Ensure there is no net increase in development potential.*

If the Plan simply moves back (where the Plan started in 2008) to establishing new “growth nodes” in Northern South Park, Wilson (Stilson and vicinity), Aspens and Teton Village – and other satellite growth nodes (Hog Island?) - while abandoning the goal to MOVE development potential permanently from the rural to complete neighborhoods – we will have abandoned the central tenant of the 2012 Plan to have no net increase in development potential.

The central policy conversation to have is if this Plan is now going to identify various new “growth nodes” (including Northern South Park)? Then the next question is how: 1) through use of the CN-PRD requiring conservation easements for a density bonus; or 2) through an upzone; or 3) through an affordable workforce housing incentive tool similar to the Town?

This is it in a nutshell.

Other areas in the updated Plan that call this question - and you should discuss:

Added: **Strategy 4.2.S.6: Explore allowing a fourth floor for workforce housing, within existing height allowances, in more Town zones.**

Illustration of Our Vision - 2.3 Downtown: Recently added: **A fourth floor could be considered when a project is providing additional benefits such as workforce housing.**

Other Suggestions

In Southern South Park (sub-area 10.1) since the development of both the public Munger Mountain School in Hog Island, the end-run by the private Classical Academy - and the addition of Tribal Trails Connector – the following changes are timely:

Illustration of Our Vision - Subarea 10.1: Southern South Park: **Remove language about a new roadway connection and new school site.**

I also support strongly two of the Jackson Hole Conservation Alliance's suggestions:

1. "Uncheck" 3.1.S.2: explore tools for transferring development. The Floor Area Option tool allows transfers between rural parcels and doesn't serve its intended purpose of "conservation and stewardship." And while we have the CN-PRD, large landowners are ignoring it in favor of sweeping upzone requests. Our community has not yet adequately explored these tools.
2. Add a policy so that upzones must transfer development rights and/or achieve 100% affordable/workforce housing (add a new Policy 3.5). A rezone should not be a free ride to more development potential when other tools exist or could be created. Creating new density should only be considered when it doesn't threaten our growth caps and when it improves all of our values of ecosystem stewardship, growth management, and quality of life.

Respectfully,

Rich Bloom
Teton County Resident

Attachments: May 2012 – Statement of Intent petition and ad in the weeks leading up to the adoption of our joint 2012 Comprehensive Plan – Yesterday's N&G Story on the central policy debate.

Community Support for a Statement of Intent in the Comp Plan

Many committed community leaders have helped to craft a Statement of Intent for the Comprehensive Plan, which is intended to clarify the goals and next steps, and prevent misinterpretation in the future. This is something that we would like to see inserted into the Plan as a documentation of the intent of the Plan and the community.

Whereas current regulations allow for decades of growth and a doubling of the built environment we see today; we, the undersigned, respectfully request a statement of intent be added to the Jackson/Teton County Comprehensive Plan that reflects the following:

Statement of Intent

Purpose: To ensure that the community's original intent prevails when competing values create opportunities for differing interpretations for current and future decision makers.

It is the community's intent to avoid expanding the urban footprint and to maintain our small, rural, mountain-town character; our quality of life; our unique sense of place; our established neighborhoods; and our stewardship ethic as the gateway to our unparalleled ecosystem on which both our visitor economy and our way of life depend.

- It is the community's top priority to permanently protect wildlife habitat & connectivity, scenic viewsheds and agricultural open spaces through permanent protection of these resources. To that end, density increases beyond base property rights will not occur in any location until mechanisms are in place to link that development to permanent conservation. These mechanisms must ensure that any density increases will be phased in slowly over time in small areas.
- It is the community's intent that a community-supported and clearly defined amount of growth will result in locations and intensity of development that are predictable. This amount of growth will be calculated prior to adopting the new Comp Plan for each Character District and must reflect and adhere to the stated Vision in the Plan for density neutral solutions countywide.
- It is the community's intent to manage growth in a fiscally responsible manner. Developers must pay their costs for public facilities, services and infrastructure created by new development. Costs of development should not be subsidized by or passed on to residents. New development should not be permitted until an adequate level of infrastructure is in place.
- It is the community's intent that employee generation resulting from commercial and nonresidential development should not overwhelm the ability to house 65% of our workforce locally.
- It is the community's intent that a multi-year implementation plan that is annually updated must include and adhere to a detailed timeline, budget and a prioritized strategy list.

Pete Jorgensen
Ann and Vance Carruth
Mark Sullivan
Tony Wall
Emmy Knobloch
Jim Genzer
Jean Jorgensen
Holly Balogh

Kathy Tompkins
Lisa Robertson
Carol Peck
Brooke Bullinger
Ken Jern
Marion Hudnall
Eddie Kolsky
Ned Jannotta Jr.

Bob Wemple
Andrea Deaton
Bill Welch
Jon and Biba Parker
Dave Coon
Tracie Welch
Rhett J. Bain
Gail Jensen

Richard Bloom
 Cindy Stone
 Pegi Sobey
 Taylor Phillips
 Gregory Griffith
 Coulter Stone
 Kristine and Paul F. O'Brien
 Michelle Dickson
 Gail Fustos
 Linda Aurelio
 Nancy Hoffman
 Becky Tillson
 Rebecca Woods
 Sandy Shuptrine
 Shirley and Dan Thomas
 Cindy Harger
 Patty and Frank Ewing
 Valerie Music
 Marv and Julia Heilesen
 Ann Harvey
 Jane Folgeman
 Claudia Gillette
 Roger Smith and Margaret
 Creel
 Franz Camenzind
 Inger Schou
 Geoff Sharp
 Ted and Addie Donnan
 Louise Lasley
 Nancy Shea
 Amy and Forrest McCarthy
 Nancy Taylor
 Bert Raynes
 Lori and Scott Bowdler
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 Aaron Pruzan
 Claire Fuller
 Allison Ryan
 Laurie Genzer
 Harold Turner
 Pat Snyder
 Debra Patla
 Laurel Wyckoff
 Andy Salter
 Sharon Mader
 Michele Gammer
 Debbie Reis
 Carol Wauters
 Beverly Smith
 Bill Friend
 Dave and Chris Ellis
 Liz and Dave Sparks
 Anne Corley
 Jim Little
 Rafe Rivers
 Bernie McHugh
 Mary Donahue and Alan
 Ahlstrand

Jessica Yeomans
 Richard R. and Mary Lou
 Klene
 Charlie Swanson
 James Hawley
 Owen and Margaret Pyle
 Bill Teichman
 Cherie Hawley
 Maryjo and Gary Weissman
 Bitsy and Garnett Smith
 Tammy Christel
 Sue Mortensen
 Missy and David Hoster
 Hugh Owens
 Dr. Bruce Hayse
 Nancy Wonacott
 Fred and Barbara Whissel
 Rudi and Sharon Sanford
 Pam Weiss
 Diane Hazen
 Jim Wolf and Nan Neth
 Liam Hopkinson
 Mary and Kevin Patno
 Sean Haling
 Steve and Sonja Sharkey
 David Ellingson
 Ted and Suzy Dawson
 Sandy Ress and Susan
 Foster
 Randy Bosch
 Dave Moore
 Caryn Flanagan
 Jim Wallace
 Roy and Michelle Weber
 Carol Poole
 Julius and Erika
 Muschaweck
 John and Barbara Simms
 Brook Erenstone
 Charlotte Kidd
 Carol and Chuck
 Schneebeck
 Nancy Ayers
 Erich and Betty Jost
 Doug Ayers
 Julius Muschaweck Jr.
 Jim and Linda Goralski
 Pamela Zernis
 Judy Legg
 Larry and Julie Kummer
 Barry and Priscilla Sibson
 David Korte
 Leon and Abby Campbell
 Philip Hummel
 Barbara and George Erb
 Jerry and Viesia Kirk
 Kathe and Bill Coelho
 Lou and Joe Wade

Charlie, Julie, Sam
 and Kelsie Schwartz
 Diane Teichman
 Jessie and Stuart Lang
 Jim Hesser
 Charlie and Betty Payne
 Renee Kaswan
 Bill Healey
 Tim and Ginny Wren Brown
 Barbara Smith
 Joe and Phyllis Greene
 Louise and Ralph
 Haberfeld
 David and Jade Walsh
 Jeremiah Samuels
 David Brody
 Kevin and Grace Mahoney
 Alan and Diane Galbraith
 Stan Pugmire
 Carol Ann Pugmire
 Alan and Irene Lund
 Bob and Melanie Arndt
 Linda Swope
 Linda Marquis
 Colleen Thompson
 Paul and Connie Davis
 Paul and Julia Cook
 David M. and Kathryn C.
 Bloom
 Mary Alice Fitton
 Helena Harrice
 Chris Koch
 Ernest LaBelle
 Lyle Finley
 Carolyn and Terry
 McClellan
 Theodore and Rebecca
 Swift
 Phil and Heidi Leeds
 Nancy Lustfield
 Linda and John Sherman
 Kim, Bob, and Ian
 McGregor
 Bill Barmore
 Agnes Bourne
 Rex Ecoff
 Steve and Judy Gooch
 Dr. Robert Mullaney
 Mrs. Dana Mullaney
 Barbara Barker
 Michael Farraday
 Harriette J. Gussenhoven
 Mary Lohuis
 Robert Righter
 Susan Marsh
 Adrienne Ward
 Inger Koedt
 Bonnie Kreps

Bert Romberg
Lavar H. Riniker
Bonnie Koeln
Allen Rhodes
Frances Pollak
Michelle Finley
Audrey Sorensen
Linda Markovits
Tom Markovits
Bob Nigro
Charles Decker
Ina Blumberg
Charles Blumberg
A.M. Ruttle
Blarnie Tannner
Olivia Tanner
Joseph Albano
Ann Bonham
James P. Bonham
Larry Catt
George Dreher
Betsy Dreher
Don Sleeman
Mike Poynter
Sue Poynter
Kate Schelbe
Jeff Springett
Heidi Harrison
Dick and Nancy Collister
Allen and Mona Monroe
Art Frakt and Janna Rankin
Julie McIntyre
Tom Vajda
Rebecca Rhea

Elaina Oliver
TJ Porter
Emily Ambler
Jayne Ottman
Nancy and John Siverd
Betsy Hesser
Cori Snyder
Steve Cole
Susan Lancelotta
Dr. Nicholas Koutrelakos
Tom Jordan
Kristin Vito
MaryLynn Callahan
Rebecca Hawkins
Rick Flory
Nancy Weeks
Armond Acri
Lloyd Dorsey
Jon Fenn and Annie Fenn
Wayne Grim
Bill Briggs
Peter and Anne Stalker
Hank McKinnell and
Joanna Slonecka
Tom and Diann Mann
Thomas J Wilson
Julie Weyand
Rich Weyand
Erika Pearsall
Todd Bontecou
Trevor Stevenson
Karin W. King
Richard and Kathryn
Collins

Hope Moore
Dick Beck
Val Beck
Larry and Jane Sheehan
Marlys Villalobos
Brian Villalobos
Tena Webb
Dave Barrett
Jean Barash
Karen Langenberg
Yvonne Henze
Rod and Verna Cushman
Dave Wipper
Sue Euler
Diana Osuna
Don and Fran Harger
Arlene Gauthier
Petie Bennett
Ted Kerasote
Celia Dillon
Tracy Blue
Alison and Dick Jones
Art and Kathy Greger
Jackie Lance
Wayne Grim
Geoff Gottlieb
Tenessa Singleton
Adam Van Sickle
Geneva Chong
Bard Barnett
Scott Harmon
Greg Falk
Lori Zalbowitz and Laurent
Roux

This list of 360 signatories is as of March 13th, 2012 at noon.

■ Local

Two days of planning zero in on South Park

By BILLY ARNOLD
JACKSON HOLE DAILY

After months of debating who should plan northern South Park, what that plan will look like and whether the Gills' housing proposal is right for the area, the public should have a little more clarity on all three issues after a slate of town and county meetings next week.

Senior Long Range Planner Kristi Malone, who works for both the Jackson Town Council and the Teton County Board of County Commissioners, anticipates Monday and Tuesday being a long two days.

"I'm gonna come Monday and Tuesday," she quipped, "and then the rest of the week just like sleep."

This correspondent has similar plans.

The planning bonanza will begin with the Board of County Commissioners' Monday voucher meeting, where housing — the overarching topic connecting next week's meetings — will be front and center as the commission discusses what type of workforce zoning tools could be implemented in the county.

As a product of the 2012 Jackson/Teton County Comprehensive Plan's "town as heart" framework that supports concentrating development in Jackson rather than more far-flung county locales, the town of Jackson has tools intended to incentivize the development of housing attainable for the local workforce on the books.

The county does not. Instead, its zoning tools are intended to preserve open space and ecosystem stewardship.

But as the Gill family leads the charge to develop northern South Park (the County Commission is set to hear their controversial rezone application Tuesday), elected officials have wondered whether the county needs workforce housing tools of its own.

The land the Gills and the Lockharts

are looking to develop is in the county but adjacent to the town.

"I think the question that is posed by this comp plan update is: Are there areas of the county where this would also be appropriate?" Malone said.

A new strategy in the draft comp plan, a framework against which planners, developers and elected officials evaluate land use decisions, identifies a need for increased density in some areas of the county for workforce housing.

The 2012 comp plan identifies a need to house 65% of the local workforce locally, a move intended to quell the long lines of cars that snake in and out of the valley from neighboring areas and improve the quality of life for local workers. But progress on that front has been evasive, and the percentage of workers living locally has declined in recent years.

The Teton County Planning Commission, an appointed body that makes recommendations to the County Commission, will review the comp plan update Monday.

Getting the comp plan update to the Planning Commission was directly tied to northern South Park. After the Gills proposed their development in the area, the Town Council and County Commission spent months arguing over who should take the lead in planning the area.

A compromise was reached that saw language baked into the plan giving the County Commission the lead role, with the Town Council serving as a recommending body, but that compromise was creaky at best. Both elected bodies have continued to debate the issue independently after the language in the draft comp plan update was released for public review.

It remains to be seen whether the Planning Commission will weigh in on the issue, but the town and county will likely pick up the discussion at a Mon-

See **PLANNING** on page 4

PLANNING

Continued from page 3

day afternoon joint information meeting.

There, the two bodies are set to hash out their differences on a request for proposals for the pending neighborhood planning process.

Members of the community have long sought a plan in northern South Park as a way to guarantee affordability in developments like those proposed by the Gill family.

While the specifics are unlikely to be discussed Monday, Malone said it's likely that discussing workforce and afford-

able housing tools will be a part of the eventual planning process.

Planners have said a neighborhood plan could result in a new zone, but Malone told the Jackson Hole Daily she wasn't sure whether that would be applied to just northern South Park or to the county as a whole.

"Workforce and affordable incentive tools will definitely be a part of the conversation for the northern South Park plan," she said, "but I don't know if the scope of that conversation will be within the context of that subarea or communitywide."

A list of Monday and Tuesday's meetings is attached to the online version of this article at JHNewsAndGuide.com.

From: [Kelly Ryan](#)
To: [Kristi Malone](#)
Subject: Fw:
Date: Monday, September 14, 2020 1:53:02 PM

From: Pete Pedersen <peteandtana@yahoo.com>
Sent: Monday, September 14, 2020 1:17 PM
To: Teton County Commissioners <commisioners@tetoncountywy.gov>
Cc: County Planning Commission <planningcom@tetoncountywy.gov>; County Planning Commission <planningcom@tetoncountywy.gov>
Subject:

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

September 14, 2020

RE: SUBAREA 12.2 390 RESIDENTIAL COMPLETE NEIGHBORHOOD REZONING

Dear Chairwoman Ms. Macker and Commissioners Epstein, Newcomb, Propst and Barron and County Planning Commissioners Esnard, Rocky, Lurie, Muromcew and Mateosky

In reviewing Teton County's 2020 comp plan Vision statement, the proposed rezone of subarea 12.2 appears to be in direct conflict with that Vision. Our current neighborhood zoning is NC and the proposed upzoning is to Complete Neighborhood. This Vision statement is based on Common Values of Community Character: ecosystem stewardship and growth management. Our community is only as strong as its leadership's commitment to these values. When will the commissioners and planners stop implementing zoning changes to accomodate the Hershberger and other lawsuits and enforce the values stated in our comprehensive plan? WHEN IS ENOUGH ENOUGH?

All 7 of the neighbors (the Ottman/ Hawkins, the Burkes, the Springers, the Shreibers, the Balints and the Feltons) in our small pocket community along Lily Lake Drive and Pizza Lane are ADAMANTLY OPPOSED to this upzoning for the following reasons:

1. Complete Neighborhood Zoning reflects an area like The Pines or The Aspens with commercial development, retail shopping and restaurants and in the case of The Aspens some areas of dense housing. Our NC neighborhood has large spaces of NRO designation, with daily wildlife presence, forage and wetlands necessary for survival and reproduction. As I write you there are two moose on my property eating willows and napping. We would request you actually come walk our property and view our neighborhood. I do not believe any of you have done this. It contains bald eagle nests, horned owl nests, egrets, herons and osprey. Does this sound like appropriate land to be zoned "Neighborhood Zoning" with retail restaurants and gyms?

2. Sewer hookup is currently unavailable to any of us. By adding additional septic upstream our water quality is completely compromised. If we continue to add density to this watershed nitrates will permeate our water and that is an entire other headache and health risk. How can this be part of the Vision for our community? Shortly after the Millward Project was approved and built, the most dense in the county at the time, we were assured by the Planning Dept. we would not be subject to any further dense development. So much for that promise. This upzoning is a complete mistake in every respect. Any additional density will only be for luxury housing, with no accomodation for desperately needed affordable dwellings. We will leave the traffic discussion for another time.

Thank you for your time and consideration. We can be reached at peteandtana@yahoo.com for further discussion or questions. Pete and Tana Pedersen

Thank you for your time and consideration. We can be reached at peteandtana@yahoo.com for any questions or comments you might have. Pete and Tana Pedersen

From: [Kelly Ryan](#)
To: [Kristi Malone](#)
Subject: Fw: TU Letter re: Comp Plan Update
Date: Friday, September 11, 2020 9:23:34 AM
Attachments: [TU_CompPlanUpdateLetter_091020.pdf](#)

From: Leslie Steen <Leslie.Steen@tu.org>
Sent: Friday, September 11, 2020 9:22 AM
To: Board Of County Commissioners <commissioners@tetoncountywy.gov>
Subject: TU Letter re: Comp Plan Update

Dear County Commissioners,

As you consider the scope and future of an update to the Jackson/Teton County Comprehensive Plan, I would like to ask you to consider including provisions for comprehensive river management and restoration planning for the Snake River and its tributaries in Teton County. I am submitting the attached comment letter (attached and below) on behalf of Trout Unlimited and our local Jackson chapter membership of over 400 community members.

Thank you for your consideration.

Best,
Leslie



Leslie Steen / NW Wyoming Program Director
leslie.steen@tu.org / 307.699.1022

Trout Unlimited
185 Center Street, Ste. B / PO Box 5002 / Jackson, WY 83001
<http://www.tu.org>

September 10, 2020

Dear County Commissioners,

As you consider the scope and future of an update to the Jackson/Teton County Comprehensive Plan, I would like to ask you to consider including provisions for comprehensive river management and restoration planning for the Snake River and its tributaries in Teton County. I am submitting these comments on behalf of Trout Unlimited, the nation's largest grassroots coldwater conservation organization with a mission to conserve, protect and restore North America's trout and salmon fisheries and their watersheds, and our local Jackson chapter membership of over 400 community members.

Our locally-based Snake River Headwaters Initiative is focused on restoring and protecting

the headwaters of the Snake River and its fishery through on-the-ground habitat restoration and reconnection projects, together with a diverse group of partners. As a frequent proponent of river restoration projects, we are familiar with the current County process for reviewing and approving project plans as they relate to protecting natural resources, which typically integrates comments from natural resource professionals. We are also on occasion asked to review and make comment, either formally or informally, on proposed plans from other entities and landowners that may affect the health of the Snake River watershed and the native cutthroat trout fishery it supports.

This March, together with the Teton Conservation District, Wyoming Game and Fish Department, and Snake River Fund, we hosted a set of Bioengineering and Streambank Stabilization Workshops that were well-attended and well-received by agency staff, water resources professionals, County staff, and the general public. The response to the workshops and examples provided from leading collaborative efforts in Washington State highlighted a need and opportunity for increased collaboration and communication around managing rivers and aquatic resources in our home waters.

As Teton County tackles an update to the Comprehensive Plan, we believe that including provisions for a comprehensive river management and restoration plan focused on maintaining and improving natural resource values could increase collaboration and communication among agencies (including Teton County) that manage and protect our local rivers and streams, allow for engagement by nonprofit organizations like TU that work closely with these agencies, and provide greater clarity to private landowners that propose projects along waterways. This plan could provide guidance and clarity on topics such as streambank stabilization work, stream restoration projects, fish and aquatic organism passage considerations, water quality considerations, activities within the levee system, and infrastructure projects and development in or adjacent to waterways. It would likely require additional leadership, expertise and oversight by County conservation / ecosystem stewardship planning staff, a current staffing need that has been identified by many conservation-focused groups in Jackson and which TU supports. Ultimately, it could help ensure that the Comprehensive Plan goals of stewardship of wildlife, natural resources, and scenery include principles, policies and strategies that protect the rivers and streams and aquatic habitat that are the lifeblood of this ecosystem – and complement the water quality planning already included in the update.

Thank you for your thoughtful consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie', with a stylized, flowing script.

Leslie Steen
NW Wyoming Program Director
Trout Unlimited

From: [Amberley G. Baker](#)
To: council@jacksonwy.gov; [Kristi Malone](#); [Board Of County Commissioners](#)
Subject: Public Comment to Final Draft of Comp Plan Update
Date: Wednesday, September 9, 2020 5:02:20 PM
Attachments: [Ltr to BOCC and TC Comp Plan Comment September 9 2020.pdf](#)

Good evening –

In advance of your September 14 JIM meeting, I have attached my public comment regarding the Final Draft of the Comp Plan Update.

Thank you, and please feel free to reach out with any questions.

Amberley Baker

WYLIE BAKER LLP | office 307-733-6688 | direct 307-733-9900 | cell 713-854-4117 | fax 307-733-3758 | amberley@wyliebaker.com | www.wyliebaker.com
Fed Ex/Physical: 60 East Simpson, Jackson, WY 83001 | USPS Mailing: P.O. Box 4211, Jackson, WY 83001

September 9, 2020

VIA EMAIL ONLY

Re: Public Comment to Final Draft of Comp Plan Update Released for Public Review

Dear Chairwoman Macker and Commissioners, Mayor Muldoon and Council, and Ms. Malone:

The purpose of this letter is to provide public comment to the Final Draft of the Comp Plan Update Released for Public Review (the “Final Draft”). Section 5.6 of the Final Draft includes the following sentence:

The subarea will be zoned and developed consistent with a neighborhood plan (referenced in Strategy 3.3.S.5) completed by the County in consultation with the Town to comprehensively lay out the development of the entire Subarea.

The plain meaning of the sentence bolded above is that (1) a landowner is required to wait for the completion of a neighborhood plan before they can develop their land or obtain any zoning decision regarding their land and (2) a landowner has to prove consistency with that plan. Said another way, the County Commissioners cannot make any decisions regarding a landowner’s application unless and until (1) a neighborhood plan is completed and (2) the Commissioners can find consistency with that plan. In effect, the sentence bolded above pre-conditions any zoning decision or development of land on the completion of a neighborhood plan, and mandates consistency with that neighborhood plan.

This use of the Jackson/Teton County Comprehensive Plan (the “Comp Plan”) to impose requirements and pre-conditions on the development of land and zoning decisions is individually as well as collectively problematic under: (1) Wyoming Statutes, (2) a Wyoming Supreme Court opinion and (3) Page AV-13 of the current Comp Plan.

1. **Wyoming Statutes:** Wyoming Statutes provide that the Comp Plan is a “local land use plan.” Section 9-8-301 of the Wyoming Statutes defines a “local land use plan” as follows:

“Local land use plan” means any written statement of land use policies, goals and objectives adopted by local governments. Such plans shall relate to an explanation of the methods for implementation, however, these plans shall not require any provisions for zoning. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication.

Under Wyoming Statutes, a local land use plan is a policy document – it cannot contain zoning regulations.

2. **Wyoming Supreme Court:** The fact that under Wyoming Statutes, a local land use plan is a policy document and cannot contain zoning regulations was confirmed by the Wyoming Supreme Court in *Ford v. Board of County Com’rs of Converse County* when it held that:

A comprehensive plan should not be confused with, or used as a substitute for, comprehensive zoning, nor may a comprehensive plan be equated with comprehensive zoning in legal significance. *Chapman v. Montgomery County Council*, 259 Md. 641, 271 A.2d 156, 157 (1970); see also *Richter v. City of Greenwood Village*, 513 P.2d 241, 242 (Colo.Ct.App.1973) (holding that, while a comprehensive plan is helpful in guiding the harmonious development of a municipality, a city is not bound by the zoning recommendations in a master plan). A comprehensive plan is merely a policy statement which is implemented by zoning enactment. 1 E.C. YOKLEY, *ZONING LAW AND PRACTICE* § 5-3 at 225 (4th ed. 1978). Zoning is a part of and a product of planning because it is the medium through which the goals of the comprehensive plan are achieved. *Shelton v. City of Bellevue*, 73 Wash.2d 28, 435 P.2d 949, 953 n. 2 (1968). It is the proper zoning enactment which has the force and effect of law. 1 YOKLEY, *supra*, at 225.

3. **Comp Plan:** The Comp Plan also expressly provides that it is merely a policy/vision document and does not have regulatory effect or the force of law. Page AV-13 of the Comp Plan states:

The Comprehensive Plan is a policy document that articulates the community Vision and does not have regulatory effect or the force of law. The Land Development Regulations (LDRs) and other implementation mechanisms provide the means to implement the community Vision with the force of law. Where conflicts arise between the Comprehensive Plan and the LDRs or other implementation mechanisms, the mechanism with the force of law will prevail. Additionally, tools envisioned by this Plan but not implemented through a mechanism with the force of law are effectively unavailable until a mechanism with the force of law is in place.

Given that Wyoming law provides that the Comp Plan is merely a policy statement and has no legal traction, why would you approve a sentence that attempts to impose a legal requirement or pre-condition to land development and zoning decisions? The sentence is clearly problematic from a legal perspective and will be difficult for the County Commissioners to apply in practice. Furthermore, neighborhood planning is a highly subjective exercise laid open to political, cross-interested neighbors and economic pressures, and to require not only completion of the neighborhood plan but to also mandate consistency with that plan could indefinitely suspend the landowner's ability to exercise their private property rights.

Instead of the sentence bolded above, I respectfully request that you consider the following sentence:

The development of the subarea may be guided by a neighborhood planning effort (referenced in Strategy 3.3.S.5) completed in a timely manner by the County in consultation with the Town and the landowners within the subarea.

Please do not hesitate to contact me with any questions or concerns. Thank you for your time and consideration.

Sincerely,



Amberley Baker
60/105

MEMORANDUM

TO: Tyler Sinclair, Community Development Director
Chris Neubecker, Teton County Planning Director
Paul Anthony, Town of Jackson Planning Director

FR: Floren Poliseo, Town of Jackson Public Works Director *FP*

DT: August 21, 2020

RE: Recommendation for more sustainable new neighborhood or subdivision developments

The vision and values set forth by the Jackson/Teton County Comprehensive Plan make it clear that long-term success of our communities through thoughtfully planned zoning, development densities, and concepts such as Complete Neighborhoods is a primary goal.

One tool that could help achieve this is LEED for Neighborhood Development. This may be particularly applicable to private multi-unit lot developments or subdivisions, publicly funded housing, and public-private partnership projects that include public spaces and workforce or affordable housing. Although we may not have LEED-ND accredited staff to review these efforts, we could still apply the concepts of this rating system by either requiring it through code updates or including it in our development agreements or conditions of approval.

We could require these types of developments to meet the equivalency of one of the certification levels (gold, silver, etc.), which could be assessed by LEED-ND accredited professionals whom local A&E firms likely do have on staff. We would not necessarily need to require them to acquire actual LEED Certification of the projects, as that process incurs added costs.

As you know, LEED attempts to identify clear ways in which we can improve the triple-bottom-line (social, economic, and environmental considerations) of our built environment. I am sure there are other ways of incorporating some of these concepts into new developments, both within and outside Town boundaries, and perhaps this at least poses the idea for your consideration.

If you have questions or would like to discuss further, please do not hesitate to contact me.

cc: Larry Pardee, Town Manager
Kristi Malone, Town/County Senior Long-Range Planner
April Norton, Town/County Affordable Housing Director

From: [Betty Johnson](#)
To: [Kristi Malone](#)
Subject: <no subject>
Date: Friday, August 21, 2020 1:19:59 PM

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

New comprehensive plan if passed on Oct 5 will prohibit building on land over 30 % grade which will reduce the sales price of our PROPERTY drastically when sold.

LET'S FACE ITWE ARE A MOUNTAINOUS TOWN AND COUNTY

WE ARE NOT A FLAT NEBRASKA PRAIRIE

THE LARGEST USEABLE % OF LAND IN TETON COUNTY IS NOT FLAT.

NO BUILDING ON PROPERTY OVER A 30% GRADE IS RIDICULOUS. IN THIS DAY AND AGE

NOT EVERYONE WANTS TO LIVE BUMPER TO BUMPER IN TOWN OR A SUBURB.

OWNERS WANT A SPECTACULAR MOUNTAIN VIEW ABOVE EMPLOYEE HOUSING AND BUSINESSES.

LET THE NEW PLAN ADVISE, NOT PROHIBIT, BUILDING REGULATIONS ON LOCATIONS AND GRADES.

THERE SHOULD BE NO SET GRADES ON WHICH TO BUILD.

LET'S HAVE THE FREEDOM TO DO AS WE WISH ON OUR PROPERTY.

From: [Betty Johnson](#)
To: [Kristi Malone](#)
Subject: Re: Comprehensive Plan Draft Release
Date: Friday, July 31, 2020 4:43:43 PM

[**NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

#1....Restrictions are too severe. Where are we going to put all of the worker housing?

#2....Cutting down driver traffic isn't going to put more people on public buses, we are addicted to our cars

#3...Time to have responsible council members making planning decisions. We don't want to close down JH.

#4.... As I see it, the major problem is clogged traffic through town, especially bad from 4:30 to 6 between Flat Creek bridge and turn off to 22/Wilson and Teton Village. A tourist who experiences it will say to Hell with Jackson Hole, which effects our future economy.

#5.....sent by Howard Johnson Family, in JH since 1954, who saw it then as a dusty cow town with Western Character.

On 7/29/20, 3:32 PM, "Teton County & Town of Jackson Planning Departments"

<kmalone@tetoncountywy.gov> wrote:

View this email in your browser <<https://mailchi.mp/a8538a0067af/comprehensive-plan-draft-release-1903135?e=0c10d10952>>

RE: Draft Comp Plan Update Released for Public Review

...And if you would like to view the legal ads on the Comp Plan update that were published in the Jackson Hole News & Guide today, please access via the buttons below:

[https://jacksontetonplan.us16.list-manage.com/track/click?
u=e4559d65f0cd3e01b78d102ca=5fa1f956b7=0c10d10952](https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=5fa1f956b7=0c10d10952)

[https://jacksontetonplan.us16.list-manage.com/track/click?
u=e4559d65f0cd3e01b78d102ca=949f33b5d4=0c10d10952](https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=949f33b5d4=0c10d10952)

Over the last year, hundreds of community members have engaged in Jackson/Teton County's Growth Management project, a process for updating our 2012 Comprehensive (Comp) Plan, which recognizes that the environment, community, and economy are equal priorities for today and into the future. With additions and directives about implementation incorporated as proposed

updates, the final step in the process is a public review before adoption can occur. The draft Update to the 2012 Comp Plan and a guide for reviewing it can be found at: www.jacksontetonplan.com <<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=6ae5e79a62=0c10d10952>> . Send public comment on the draft prior to the scheduled Joint Town and County Planning Commission meeting on September 14 and/or before the Joint review by the County Commission and Town Council on October 5 to Kristi Malone at: kmalone@tetoncountywy.gov or P.O. Box 1727 Jackson, WY 83001.

Eight years into the plan, it is exciting to report that today, 60% of development in our valley is in areas with existing infrastructure and where residents can walk or bike to their daily activities. Prior to setting community-wide goals in the Comp Plan, 60% of development potential was in areas with valuable wildlife habitat and open space. With community priorities in place, we have reversed that trend for the long-term health and viability of our community, environment, and economy. This is a large accomplishment and truly something to celebrate. In addition, of the over 100 strategies adopted in 2012, more than 60 of them (61%) are now complete demonstrating the need for updates and enhancements to keep us working toward specific goals aligned with community priorities.

This Comp Plan draft includes input from hundreds of community members who made over 900 comments at various public engagement sessions in the fall of 2019. The initial phase of the Growth Management Plan was designed to encourage broad and robust public comment so suggestions could be assessed by staff and become the basis for updates to the Plan. The next phase of the project was the presentation of potential updates to the Town Council and Board of County Commissioners for review, discussion, and direction before being incorporated into the draft and released to the public. Since the initial draft was released in March the process has been delayed due to COVID-19, allowing Town and County elected officials to provide additional direction which has been incorporated into this final draft for the public to review. This deliberate process has allowed for streamlined integration of additions and enhancements as key issues were discussed jointly by the Town and County in public forums. This draft reflects over a year of foundational long-range planning between the Town and County and will be the last phase of the Growth Management project, hopefully leading toward adoption of an updated Comp Plan. Key enhancements addressed in the Draft include:

- Aspire to Big Goals
- Improve Water Quality
- Emissions Reduction & Climate Action Plan
- Provide Housing Options
- Growth Areas and Boundaries
- Commit to a Shift in How We Travel
- Define the Economy We Want
- Define the Level of Service We Expect

Growth Management is an integral part of the Comp Plan and ensures our

community takes the time to pause, evaluate, recognize successes, and identify areas for improvement. This process highlights that the Comp Plan is a living document that we adapt as our community continues to shift and change. Through its different iterations, we refine our aspirations and develop solid strategies to move us toward them. Our community has achieved a lot through the Comp Plan, and there is still plenty more to do to ensure Jackson and Teton County continue to thrive.

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=0ac55eef33=0c10d10952>>

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=cf1911847e=0c10d10952>>

<<https://jacksontetonplan.us16.list-manage.com/track/click?u=e4559d65f0cd3e01b78d102ca=e2e38df1a1=0c10d10952>>

From: noreply@civicplus.com
To: [Town Council](#)
Subject: Kathy Tompkins Online Form Submittal: Email the Town Council
Date: Monday, July 13, 2020 3:49:15 PM

If you are having problems viewing this HTML email, click to view a [Text version](#).

Email the Town Council

Subject:

Email Content:*

Your Name:*

Your Company Name:

Your Phone Number:

Your Email Address:*

Your City:

Your State:

Your Zip Code:

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://www.jacksonwy.gov/Admin/FormHistory.aspx?SID=2138>

The following form was submitted via your website: Email the Town Council

Subject::

Email Content:: Town Council,

I am worried about High School Road losing on all fronts with the proposed massive up zoning of Northern South Park, the TTC and then trying to take an East West Connector out of future planning language. It will be a devastating blow to the neighborhoods and schools along High School Road. High School Road can not handle all the traffic from these proposals. No one will want to let their kids walk to the schools, adding more vehicles to HSR. High traffic times are bad enough already in the morning and afternoons when schools let out. The fact that each of the ranching families have only 40 affordable homes linked to income between them will make our valley's housing problem worse not better. The expansion will not end with breaking into more greenfield and annexing it.

This whole process needs to be a joint effort, not separate, nor unequal by tipping the balance in the county's favor. The majority of housing needs to be linked to income, not just living and working here. The physical size of the homes need to be no more than 1,000 to 2,000 sq ft. to reduce the negative impacts on the environment and economy. The bigger the homes, the more workers are needed to maintain them. Where will they live?

Our comp plan is a joke if you don't follow one of it's core guidances by building out town first. You can't just annex everything and then say there ya go, let's build.

Where is the representation for safeguarding neighborhoods along HSR? If money talks, we lose our town and valley to sprawl and more workforce creating gated communities. Then what? More of the same?

Sincerely,
Kathy Tompkins

Your Name:: Kathy Tompkins

Your Company Name::

Your Phone Number:: 307 734 6211

Your Email Address:: wozkins@hotmail.com

Your City:: Jackson

Your State:: WY

Your Zip Code:: 83001

Additional Information:

Form submitted on: 7/13/2020 3:49:42 PM

Submitted from IP Address: 184.167.6.170

Referrer Page: <https://www.jacksonwy.gov/256/Mayor-Town-Council>

Form Address: <http://www.jacksonwy.gov/Forms.aspx?FID=190>

From: noreply@civicplus.com
To: [Pete Muldoon](#)
Subject: Maryann Crawford Online Form Submittal: Email Pete Muldoon
Date: Monday, July 13, 2020 6:01:38 PM

If you are having problems viewing this HTML email, click to view a [Text version](#).

Email Pete Muldoon

Subject:

Email Content:*

Your Name:*

Your Company Name:

Your Phone Number:

Your Email Address:*

Your City:

Your State:

Your Zip Code:

* indicates required fields.

View any uploaded files by [signing in](#) and then proceeding to the link below:
<http://www.jacksonwy.gov/Admin/FormHistory.aspx?SID=2139>

The following form was submitted via your website: Email Pete Muldoon

Subject:: Comp plan jam

Email Content:: I read the article in the Jackson Hole Daily about the Comp Plan Jam. I am not able to comment at the meeting tonight due to email issues.

I cannot vote for Town Council Members since I live just south of the Gill and Lockhart properties. I feel the County Commissioners are the ones who should be voting on these issue and any other issue that deals with properties that are outside the boundaries for voting for Jackson Town Council Members.

Hopefully, you check your email before tonight's meeting.

Your Name:: Maryann J. Crawford

Your Company Name::

Your Phone Number:: 307 690-7501

Your Email Address:: crawfordmidge@gmail.com

Your City:: Jackson

Your State:: WY

Your Zip Code:: 83001

Additional Information:

Form submitted on: 7/13/2020 6:02:05 PM

Submitted from IP Address: 184.167.13.215

Referrer Page: <https://www.jacksonwy.gov/256/Mayor-Town-Council>

Form Address: <http://www.jacksonwy.gov/Forms.aspx?FID=169>



5_18_2020

Dear Mayor Muldoon, Chair Macker, Town Council and County Commissioners,

The Jackson Hole Chamber of Commerce's Government and Community Affairs Committee closely followed your recent Comprehensive Plan update. During the Joint Information Meeting on May 4, 2020, we watched the meeting to track proposed changes to the Comprehensive Plan with attention for the Chamber's objectives of developing a sustainable year-round economy and advancing community excellence. We were pleased JIM members directed staff to prepare key edits to remove language from the 2020 Comprehensive Plan that we were concerned ran counter to these objectives.

The Chamber is strongly supportive of removing the following particular elements from the 2020 update to the community's existing Comprehensive Plan:

- **Language that presumes approval of relocation of the Rodeo and Fairgrounds from their current location.** As a community, there is not yet consensus on this idea. There has been no recorded vote by elected bodies, or notification to the Fair Board or Rodeo community. Indeed, many downtown community businesses struggling from COVID-19 shutdowns may feel they would be negatively impacted in their recovery hopes post-vaccine by the removal of a longstanding positive economic asset to the Town's core. We hope you do not include in the 2020 Comp Plan update something that has not been fully vetted or altogether considered, there are too many questions and concerns.
- **Language that would require a neighborhood plan prior to allowing housing solutions in northern South Park.** While we support infill in Town, our community housing crisis demands myriad solutions; we should use smart planning now to enable community supported workforce housing developments. We hope you remove the language introducing a new requirement for a neighborhood plan that would force landowners into partnership before allowing them to develop their land.
- **Language that removes the discretion of elected officials for considering solutions.** The update language removes the discretion of those very people the community elects to solve local issues. Our voters expect their elected county and town officials to make judgements and use their discretion. The update language that removes discretion as a tool should itself be removed.

We ask you to address the elements above to open opportunities for our community to build reasonable housing solutions, instead of closing doors. If approved, they could be used as tools to make nearly any development non-compliant with the Comprehensive Plan. We don't believe that is your intent. The Chamber hopes this input is useful to you. Thank you for your diligence and hard work.

Yours sincerely,

A handwritten signature in black ink that reads "Anna Olson". The signature is fluid and cursive, with the first name "Anna" and last name "Olson" clearly distinguishable.

Anna Olson
President/CEO Jackson Hole Chamber of Commerce

May 15, 2020
Teton County Board of County Commissioners
Jackson Town Council

RE: Planning budget for Northern South Park

Dear Mayor Muldoon, Madam Chair Macker, Councilors and Commissioners,

Thank you for your continued attention to the Growth Management Program / Comp Plan Update. While this year's budget discussions are grim, and our local economic future remains uncertain, we firmly believe that now IS the time, more than ever, to do responsible and holistic long-term planning. **If you decide that now is the time to consider development in Northern South Park (NSP), please first fund a neighborhood plan for South Park.**

Our community is in no rush to develop NSP. During the first two phases of the GMP, the community clearly requested implementation of existing policy (focus growth in Town first), not major changes to policy. In a straw poll in December, most of you agreed. We understand one landowner wants to move faster, but that doesn't mean our whole community should forget about good planning.

The only responsible way to develop NSP is to start with a robust neighborhood plan. This is especially important with the new CWC site, the proposed Tribal Trail and E-W Connectors, and legacy zones (including the 26 acres of suburban land, with the rights for 83 larger lots, noticeably separated out from the current Gill proposal).

A neighborhood plan should be of sufficient scope to formally address not only the currently-proposed 74 acres but also the Gills' other 26 acres *and* future development by other nearby large landowners; the desired range of housing types and affordability throughout NSP; sufficient conservation to offset a 50x density increase; and impacts on transportation and climate. Twenty years from now, we should look back knowing we didn't waste our valley's best opportunity with greenfield development in a complete neighborhood. NSP can be part of the solution, or it can become a problem.

If you believe we need to move on NSP, please fund doing it right. If you can't find enough money for it this year, please wait. Granting a 50x upzone for one landowner without considering the context or consequences could harm our community, no matter how well-intentioned. Coronavirus will be in play for years, but subdividing NSP will play out for decades. If we want development that serves our community, then we have to fund good planning, even – *especially* – in times of crisis.

Sincerely,



Brooke Sausser
Community Planning Manager

From: [Matt Faupel](#)
To: [Town Council](#); [Board Of County Commissioners](#); lpard@jacksonwy.gov; [Alyssa Watkins](#); [April Norton](#)
Subject: Growth Management/Comp Plan/N S Park
Date: Monday, May 4, 2020 12:43:14 PM
Attachments: [image001.png](#)

I am writing as you are reviewing a number of interrelated land use topics in the coming weeks and months and want to encourage a holistic approach to your attention to the issues, especially as it relates to northern South Park. It is not an easy task to have a plan brought in front of you by the private sector that presents a case for modification from the existing zoning & plan based on community benefit (workforce housing) and to say no. We do, however, have the Comp Plan and the existing zoning which represent the current desired outcome of those areas. Unfortunately, both recent projects before the County (Hog Island and N S Park) are both in areas that are still due more thinking as a result of the 2012 Comp Plan (Hog Island is now 8 years post-Comp Plan with no new zoning and N S Park an area that has been talked about as the relief valve for local housing) – the delays an unfortunate consequence of your having so much on your plates.

I do believe it is important as we look at N S Park to understand the long-term vision for that part of the valley which should be based on what community goals what we think will not be handled in by Town infill. I think we can all agree that the goal for expansion into N S Park is workforce housing, not 2nd homes. I also believe, and hope you do as well (as evidenced by recent sales trends in Cottonwood, Rafter J and Melody Ranch), that any home not restricted to workforce housing will in 10-20 year be a 2nd home. Unfortunately, most of us live in one of those homes today.

Based on the thinking above, please consider the following:

- Town has increased its density in the new zoning to create opportunities for housing locals, but what types of opportunities will it create and which will it lack? We know we can do smaller, infill projects like 440 W Kelly or Mercill but cannot do another 285 unit Blair Apartment simply due to land available (excepting the Fair Grounds discussion ...).
- Where is the most appropriate place for local housing considering the goal of non-motorized traffic? I would suggest that is west/south of the Virginian to N S Park based on that being proximate to all local services. E Jackson requires transportation across town for everything.
- Where is our greatest difficulty in creating housing? The simple answer is sub-80% AMI. How do we get that – by subsidizing or upzoning. One is free, the other costs taxpayers.
- Is our goal ownership or rental? I would suggest neither, rather simply housing security that is affordable. One of the biggest drivers to the desire for locals to own is their fear of rent increases and eviction.

Regarding N S Park, you have a number of administrative issues/tasks in front of you to resolve as you move forward with a plan; comp plan, zoning and annexation. Since all three of these things effect the entire community and there is a real possibility that a project with density there will ultimately be a part of the Town, it is critical that we move forward with a process that includes say from all parties who are effected meaning the Town & County must have equal voice in the process. Does that mean you have to consider a Comp Plan amendment first followed by an annexation followed by zoning? The critical issue is not to put the cart before the horse, which goes back to my first comment of it not being an easy task telling the private sector that you cannot skip ahead

regardless of the attractiveness of the proposal. That said, we as a community do have a responsibility to be diligent moving through our process the result is a community solution.

Thanks for your time and efforts.

matt

Matt Faupel

Jackson Hole Real Estate Associates

Owner/Associate Broker

307-690-0204





4/20/2020

Chairwoman Natalia Macker & Teton County Commissioners
Mayor Pete Muldoon & Town Council Members

Dear Town & County Elected Officials,

Thank you for all of your service during this incredibly challenging and unknown times.

The Chamber thanks you for the opportunity to provide comments on the Comprehensive Plan updates. However, we do encourage the process to either be suspended or at a schedule that will allow for the entire community to be involved. At the Teton County Commission meeting on Monday April 13th, it was encouraging to hear that the Commission is recommending that the updates and amendments will be presented for informational purposes only at the May 4th Joint Powers Board Meeting. And that a public comment period will be scheduled at the same meeting.

With a subject as important as the Comprehensive Plan, the entire community will be impacted by changes and updates. It is imperative that the public have input. And during this COVID-19 crisis many in our community are struggling with different issues and are not fully capable of being part of the conversation. It is important to have input from all stakeholders involved. We are writing to respectfully encourage you to suspend and be flexible in the process to engage more public comments.

With the technological overload of virtual public comment and engagement on Friday April 17th, 2020, at the Jackson Airport Board meeting, it shows that there is concern that each voice is heard during public comment during these times of virtual meetings.

Yours sincerely,

A handwritten signature in blue ink that reads 'Anna Olson'. The signature is fluid and cursive, with the first name 'Anna' and last name 'Olson' clearly distinguishable.

Anna Olson
President/CEO Jackson Hole Chamber of Commerce

April 10, 2020

Teton County Board of County Commissioners

Dear Commissioners,

Thank you for your leadership during this public health crisis and for putting the health and safety of our community members first. Coronavirus has put all our lives on hold and thrown into question the future of our local businesses and what services our government will be able to provide with looming budget shortfalls. We sympathize with concerns about where to continue and where to press pause, and we know that this time of crisis can also be a time of change, a time to consider what elements of “normal” are worth returning to.

We are disturbed by the idea of pausing the Comprehensive Plan (Comp Plan) update but moving forward with other planning and development projects. We have heard a proposal to abandon the inclusive Comp Plan update, but to still make an expedited decision for Northern South Park. That doesn’t make sense. If coronavirus is the reason to delay finalizing the almost-finished Comp Plan update, then coronavirus is just as much reason to delay *all* planning decisions, especially huge upzones.

But if coronavirus *doesn’t* require stopping everything, now is precisely the time to focus on long-range planning. Planning is first and foremost a tool for dealing with uncertainty. As the economy and development slow, we should take advantage of the extra time to strengthen our foundation and prepare for better times ahead. Moreover, the Comp Plan outlines goals for all the issues that matter to our community, including housing, transportation, climate, and water quality. Pausing the update would pause work on all those goals – goals with huge community buy-in.

If you believe the current crisis allows, please make every effort to engage our residents online and finalize the Comp Plan update. But if you believe we must delay the Comp Plan update, please apply that same principle to Northern South Park and all development applications.

Even if you want to start a Northern South Park master plan quickly, please finish the Comp Plan update first. The draft update provides needed clarity and outlines the parameters for a successful partnership between the community and landowners. A Northern South Park master plan should implement our community values by requiring mostly deed-restricted workforce housing, and also providing significant open space conservation. Those parameters are in the Comp Plan already and are further clarified in the new draft. Adopting the new Comp Plan will make South Park master planning easier and faster by establishing clear direction up front.

Planning Northern South Park (or anywhere) takes no more and no less time than the time it takes to do it right. Planning is about steadfastly pursuing a shared vision for the future, even in the face of changing economic pressures, political will, and developer interests. As a community, and as a group of elected representatives, we identified a shared vision for Northern South Park. Now, we are being tested. But planning is about shaping development to meet our community vision, not the other way around.

Luckily, the Comp Plan update is almost done. Throughout the past year, over 900 people commented in the Comp Plan update / Growth Management Program. The current draft includes all that engagement. The point at this final stage is to confirm that the draft incorporates the input well, and to adopt it efficiently, even if a vocal minority shows up wanting to change policy at the last minute. If you

are unsure that the draft is ready, please take the time to efficiently move through it, because these high-level discussions are the critical foundation that underlies any specific location master plans.

Please don't jettison a good process because you're feeling pressure to advance a project. Northern South Park is not a new conversation, and it will still be there on the other side of the Comp Plan update and this public health crisis. Any decisions you make now will be lasting, with resounding impacts for both the town and the county, for the better or the worse.

Please finish the Comp Plan Update first and quickly.

Pausing a joint town/county process in favor of a moving ahead with development in one jurisdiction would be a problematic shift away from joint planning. The County and Town have an impressive legacy of joint planning and decision-making that has earned us national acclaim, especially in a place where the stakes for development are so high. For more than 50 years, our community has participated in joint planning – not because it was easier or more efficient, but because it was better. The true challenge is not joint planning but joint leadership.

Please invest the time and energy to identify and heal the challenges in your joint work with your colleagues at the town – it's worth it, and our future as a community depends on it.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brooke Sausser".

Brooke Sausser
Community Planning Manager



BOARD MEMBERS

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BOARD LIAISON
MAUREEN MURPHY

April 6, 2020

Dear Chairwoman Macker, Mayor Muldoon, County Commissioners, and Town Councilors,

We appreciate the opportunity to provide comments on the Work Plan and Comprehensive Plan updates. **However, we would like to strongly suggest that this work and discussion be continued until after the COVID-19 crisis.** While the public can submit comments and attend virtual meetings, the current times prevent us from substantive one-on-one talks with planners and elected officials. Also, many people are struggling with issues related to COVID-19, and are not fully capable of being part of the debate.

These changes are instrumental to the future of planning and development in Teton County, and we ask that they are given the time once this pandemic is over.

These planning issues have lasting effects on our community, and we need to ensure that we have a wide-ranging plan for our future.

Sincerely,
Jackson Hole Working

From: [John Stennis](#)
To: [Town Council](#); [County Commissioners \(commissioners@tetoncountywy.gov\)](#); [Tyler Sinclair](#)
Cc: [awatkins@tetoncountywy.gov](#); [Larry Pardee](#); [cneubecker@tetoncountywy.gov](#); [kmalone@tetoncountywy.gov](#); [Paul Anthony](#)
Subject: Draft Comp Plan Comments
Date: Monday, April 06, 2020 12:52:15 PM
Attachments: [image003.png](#)
[COMP PLAN REDLINE.docx](#)

Dear Elected Officials,

Our community is going through an unprecedented event in our history. This event is curtailing the ability of the community to engage in normal life and important planning discussions. As a former Planning Commissioner and one of the 2012 Comprehensive Plan members, I respectfully encourage all of you to table this discussion until a time in the future when meaningful public comment and engagement can be achieved. I have a few frank comments:

- This is hardly a “wrap up” of public comment but a heavily edited draft of the Plan that borderlines on a practically new plan. A guide to the changes was just released last week.
- As has been circulating, the attached document starkly shows the edits to the existing plan.
- There is only one elected official and one former planning commissioner (now a commissioner) who were involved in the lengthy involved meetings, public comment, and workshops the community engaged in to write the 2012 plan. Even with that extensive process, we were still chided for not taking enough time.
- Where is the substantive discussion on the failures of the GMP and recommendations for improving it? The GMP which has never been a productive tool and has been largely used for political rather than reasonable metrics, has been consistently used to pursue whatever agenda anyone wants.
- The collection of public comments using online surveys were clearly skewed towards a desired outcome.
- A technical survey was sent to certain groups which was so poorly put together that it largely wasn't even possible to realistically respond to it.
- It is a mistake to continue to use OSP Strategies in the evaluation of the plan. One can't just leave government, and then be hired as a consultant to continue to pursue, in my opinion, a problematic agenda and do it without accountability to the public.
- As a JH Working Board member, we have consistently asked for better data to make these decisions and with an independent eye to facts. As recently as last week, we had also asked to put the housing discussions on hold pending some resolution to the pandemic and a return to more normalcy.

I provide these comments in good faith as someone who has been there and done the work on the plan we currently have. I hope that reason prevails, this item is tabled, and a longer and more impartial review of these changes by an independent third party along with a more robust public comment period can take place.

I am happy to discuss my thoughts with any of you individually.

Best,

John

JOHN STENNIS

ASSOCIATE

80 West Broadway, Suite 200 | PO Box 4735
Jackson WY 83001
307 733 7303



From: [Amberley G. Baker](#)
To: [Board Of County Commissioners](#); [Natalia Macker](#); [Town Council](#); pmuldoon@townofjackson.com
Cc: [Keith Gingery](#); [Lea Colasuonno](#)
Subject: Complete Redline Showing Extensive Changes to Comp Plan - Important for your JIM Meeting Today
Date: Monday, April 6, 2020 9:33:05 AM
Attachments: [COMP PLAN REDLINE.docx](#)
[04-06-20-JIM-Ag.pdf](#)
[Comp Plan Analysis Northern South Park.pdf](#)

Dear Chairwoman Macker, County Commissioners, Mayor Muldoon, Town Councilors:

Thank you for your service to our community during these challenging and difficult times in all of our lives.

I hope that you are able to review this email before your JIM meeting Monday afternoon, because your leadership during Monday's meeting is needed on the topics I outline below.

Attached to this email is a complete redline of the entire Comprehensive Plan. It is crucial that you review the attached redline before you make any decision regarding the Comprehensive Plan.

On March 20th, planning staff posted on www.jacksontetonplan.com a "public draft release" of the "2020 Jackson Teton County Comprehensive Plan Update."

- No public notice or even news release was posted on your website or the paper;
- No staff report accompanied the March 20th posting that started the public's review timeline;
- Many of you were not aware that the "public draft release" had been posted March 20th;
- No redline was released to identify changes between the 2012 Comp Plan and the proposed updated Comp Plan;
- On March 30th a "guide" was released to explain how to read changes to the Comp Plan, which still did not include a redline to directly show the changes.

In response, several members of the public prompted some of you to question this process during the BOCC voucher meeting on March 30th — that meeting was ten (10) days after the "public draft release" was posted online. At the BOCC voucher meeting, Commissioners were told by staff that a redline would be difficult and potentially costly to prepare, could take weeks, and to remember that the public comment period occurred well before now and this update was intended to just be a "wrap up."

I created the attached redline in 30 minutes, by converting the posted PDFs to Word and then running a comparison in Word between the existing Comp Plan on your website and the "public draft release" posted on March 20th.

As you will see when you review the attached redline document there are hundreds of extensive and significant changes and deletions to our current Comp Plan. **This extensively "updated" Comp Plan could be viewed by many as a completely new Comp Plan.**

The following questions immediately come to mind:

- At what point in the Growth Management Program process was the public made aware that

they were going to get a new Comp Plan?

- Did they ask for the changes you see in the redline?
- Where is the accompanying document that sufficiently and transparently shows the request for the changes drafted?
- How can the public be expected to review and understand these changes when there was no news release and when our community is consumed with a worldwide health crisis?
- The changes will likely extinguish privately-funded housing proposals in favor of incremental taxpayer subsidized infill. Is that truly what our community wants or can afford right now?

The agenda you will be asked to approve at your JIM meeting today has this “updated” Comp Plan in front of the planning commissions for adoption on April 27th, and then in front of all of you for adoption on May 4th. That timeline does not allow for meaningful public engagement — especially since today, April 6th, is the first day that more than a handful of people will see the complete redline.

Also, your agenda for the May 4th JIM meeting dictates that you first discuss the Growth Management Plan (“GMP”) as item “A” from 1-3pm, and then down as item “G” (presumably several hours after A since the meeting begins at 1:00), you are scheduled to approve your Work Plan. See attached agenda for reference. Due to the interplay between the GMP and the Work Plan, this scheduling presents a serious process concern that I would like to help make sure you and the public understand. The discussion of the GMP by design includes the adoption of the “updated” Comp Plan (this is highly problematic because few have seen the redlines per above — but, let’s say for purposes of the outline below, that you approve and adopt it):

- First thing at the JIM meeting on May 4, you approve and adopt the “updated” Comp Plan. *Contrary to what is provided for in the CURRENT Comp Plan:*
 - In one vote, no development of any kind can happen in Northern South Park until the County and the Town undertake a joint neighborhood master planning effort that requires:
 - A “partnership” among landowners in Northern South Park;
 - A plan for the location of the rodeo grounds;
 - A simultaneous “master planning” effort for the fairgrounds in Town;
 - “Enough detail” to “demonstrate” that all 100 principles underlying the eight Chapters of the “updated” Comp Plan are “optimized” by the development of Northern South Park.
 - This newly mandated “neighborhood planning” effort of Town and County would require well over \$100,000 to be budgeted towards that effort by the JIM, and will take an unknown amount of time to accomplish, likely several years.
- Then, hours later in the same meeting, you are faced with adopting your Work Plan. The Work Plan is tied to the budget. Many expect there will be several items cut from the FY21 budget due to abysmal revenue projections, and therefore left out of the Work Plan.
 - For example, the expensive master/neighborhood planning of Northern South Park that now all of the sudden is required by the “updated” Comp Plan you presumably adopted hours before, would likely NOT make it in the Work Plan due to budget cuts.

Let me try and break this down even further. If you adopt the “updated” Comp Plan during your GMP discussion, and then understandably do not put the expensive new Comp Plan requirement for a master/neighborhood plan of Northern South Park and the Fairgrounds on your Work Plan due to budget cuts, the residential development of Northern South Park for our locals – our health care providers, our educators, our first responders, our service providers, the list goes on – is stopped, indefinitely. And – this would happen even though during the Growth Management Process the electeds decided that now is the time for housing solutions in Northern South Park, and even though

in fact our current Comp Plan does not require master/neighborhood planning of Northern South Park, and certainly not any planning tied to the Fairgrounds.

Your constituents cannot be expected to understand this, especially now.

The Comp Plan is the “vision” document for our community. It sets forth the policies that you follow that directly impact our local citizens. Therefore, the adoption of changes to the Comp Plan must be carefully considered and carried out, not rushed. The adoption of changes as substantive and impactful as those in the attached redline in the current manner threatens two key principles of our local government – transparency and public engagement. Please set this right again. Get a redline out to the public, and then give the public and yourselves adequate time to review the extensive changes made to the Comp Plan to confirm that the redline reflects the public and elected official’s input during the GMP review. Also remember – the proper order of procedure is to ensure the Work Plan gets adopted that carries out the will of the elected officials prior to adoption of the amended Comp Plan.

By setting the process right again, you are also helping the effort to provide housing to local workers — an effort that will directly address the vital need for 160 new homes for health care workers and more for Habitat families, school district employees and many, many more who will be hard hit by the pandemic economy.

One final key point – regarding the specific changes to the Northern South Park section of the Comp Plan (see third attachment to this email), many of those changes appear to have been made in reaction to the Gill Family’s recent pre-application conferences. None of the changes were detailed in the pre-application conference with the County Commissioners or the pre-application conference with planning staff. This leads me to question the transparency and fairness of the process on behalf of the Gill Family and our community members in need of housing.

Thank you,
Amberley Baker, attorney to the Gill Family

WYLIE BAKER LLP | office 307-733-6688 | direct 307-733-9900 | cell 713-854-4117 | fax 307-733-3758 | amberley@wyliebaker.com | www.wyliebaker.com
Fed Ex/Physical: 60 East Simpson, Jackson, WY 83001 | USPS Mailing: P.O. Box 4211, Jackson, WY 83001



**Teton
Conservation
District
Est. 1946**

January 21, 2020

Teton County Board of County Commissioners
P.O. Box 3594
Jackson, WY 83001

Jackson Town Council and Mayor
P.O. Box 1687
Jackson, WY

Dear Commissioners, Council Members, and Mayor,

The Teton Conservation District Board of Supervisors (TCD) has been a longtime partner with the Town and County on a wide range of natural resource interests and the needs of the community. TCD wholeheartedly supports the existing Comprehensive Plan (the Plan) as an important guidance document, and applauds the creation and application of the tenants of the Plan. That said, TCD has concerns about some processes designed to enable the success of the Plan that we would like to formally reiterate at this time.

The first concern is that TCD's authority to review development plans is limited by State statute to subdivisions outside of incorporated areas. TCD actively participates in other planning reviews upon request due to our role as a partnering agency. The second concern is that local planning reviews represent an unpredictable and time-sensitive workload for TCD that can strain our staff capacity at times. Thirdly, TCD feels that the need for outside reviews represent an undesirable delay in the planning process from the viewpoint of the applicant. Finally, TCD believes that the various departments, the planning commissioners, and the approval process as a whole would be better served if natural resource considerations could be consistently incorporated in all local government activities as a standard practice.

As the local government annual budget cycle begins, TCD suggests that the Town and County employ conservation-focused staff within the planning or other departments. Specifically dedicated professional conservation staff are needed to appropriately incorporate the Plan's core value of Environmental Stewardship into local government actions.

As you are aware, currently there are no such dedicated staff, funding, or action plans with measurable thresholds that effectively represent the Stewardship core-value within Town and County actions. In fact, over the years, forward movement on stewardship processes have been relegated to volunteer boards and stakeholder groups, such as the Natural Resources Technical Advisory Board and the Natural Resource Stakeholder Group, which are now both disengaged. Those efforts have moved natural resource stewardship to the brink of significant actions, but nothing has resulted from those dedicated volunteers' public service efforts.

In the past, TCD shared the cost of a staff position with Teton County Weed and Pest to help orchestrate the Weed Control Cost-Share program for private lands. A potentially similar arrangement with the Town and County to initiate the establishment of professional natural

resource stewardship staff could warrant similar TCD support. Again, the intent would be to allow the Town and County to incorporate in-house natural resource considerations into all public actions.

Another obligation of the County not supported by budgetary or staffing resources is the holding of conservation easements through the Teton County Scenic Preserve Trust. The easements are held and incentivized to yield natural resource benefits for the public. Those perpetual obligations are not being fully supported without permanent professional staff.

In summary, to meet public expectations of local government and move forward with the Comprehensive Plan's vision of Environmental Stewardship, TCD suggests that the Town and County budget for and employ professional natural resource conservation staff. The goal would be to seamlessly incorporate natural resource reviews and considerations into all local government actions. TCD is open to discussing cost-share funding cooperation in that endeavor. Finally, it should be stated that TCD remains committed to providing you requested support.

Sincerely,

A handwritten signature in blue ink that reads "Steve McDonald". The signature is written in a cursive, flowing style.

Steve McDonald
Supervisor Chair

From: [Glen Esnard](#)
To: [Town Council](#)
Subject: GMP and the Culture of Change
Date: Friday, December 06, 2019 12:44:49 PM
Attachments: [TC Culture of Planning 12.6.19.pdf](#)

Mayor and Council:

A couple of weeks ago I participated in the Joint Planning Commission meeting to review the staff report on the Growth Management Plan.

At that time, I was particularly intrigued by Key Enhancement Topic A- Aspire to Big Goals, and specifically to the notion of building a “Culture of Planning.”

Today we face long-term changes such as climate change (which will transform our environment, community and economy over time) and short-term such as the Cheyenne “family subdivision bill” (which trashes large sections of our LDRs).

Our ability to anticipate and to respond effectively to many of these changes may be critical to achieving our Comp Plan goal of ensuring “a healthy environment, community and economy for current and future generations.” Thus, taking a more aggressive and bold view of planning may be in order.

Consequently, when I had some free time over the Thanksgiving weekend, I drafted the attachment, if for no other reason to convince myself this “Culture of Planning” was both essential and possible.

Thought I would share it prior to your pending review of the GMP.

-Glen

Glen Esnard



307-733-3744

949-394-1406

glen@esnardadvisors.com

www.linkedin.com/in/glenesnard/

Goal: Challenge the best practices in the nation and help ensure that our community reaches its vision in an ever-changing environment. (GMP Staff Report)

-
- The diagram, titled "FORCES OF CHANGE", illustrates the factors influencing a central goal. The central goal is "Ensure a healthy environment, community and economy", which is enclosed in a red-bordered box. Surrounding this central box are seven blue rounded rectangular boxes, each representing a force of change. These boxes are connected to the central box by thin blue lines. The forces of change are: Climate Change (top), Knowledge & Insight (top-right), Community Makeup (bottom-right), Federal Government (bottom), State Government (bottom-left), Local Economy (left), and Macro Economy (top-left).
- ```
graph TD; CC[Climate Change] --- C[Ensure a healthy environment, community and economy]; KI[Knowledge & Insight] --- C; CM[Community Makeup] --- C; FG[Federal Government] --- C; SG[State Government] --- C; LE[Local Economy] --- C; ME[Macro Economy] --- C;
```
- FORCES OF CHANGE**
- Climate Change
- Knowledge & Insight
- Community Makeup
- Federal Government
- State Government
- Local Economy
- Macro Economy
- Ensure a healthy environment, community and economy**

**Culture:** The customs, arts, social institutions, and achievements of an organization, group or community.

- They are clearly connected to the core purpose and identity of the organization or community, in the context of change forces in the external environment.
- They involve a critical mass of members and stakeholders of the community in a meaningful way that allows them to develop their commitment.
- They are clearly understood, relevant and practiced consistently.
- They are accepted and become part of the routines and practices on a daily basis.

1. Craft a planning model and approach that can be utilized in addressing both long term “anticipatory” planning and short term “reactive” planning
2. Make the model “ours” through use. Solicit community leaders to participate in “stakeholder” planning exercises, both anticipatory and reactive scenario type planning.
3. Build skills in our (overworked & understaffed) planning staff to facilitate planning exercises. (enhance leadership skills)
4. Publicize results. Work to create community pride, understanding of and buy-in to the PROCESS, not necessarily the results. (celebrate success and learning)
5. Broaden engagement in subsequent cycles and issues.
6. Iterate until we own the concept.
7. Develop community pride in our assertive and proactive approach to change and health of our ecosystem.

November 19, 2019

Via email

Kristi Malone; Tyler Sinclair, Chris Neubecker

[kmalone@tetoncountywy.gov](mailto:kmalone@tetoncountywy.gov); [tsinclair@jacksonwy.gov](mailto:tsinclair@jacksonwy.gov); [cneubecker@tetoncountywy.gov](mailto:cneubecker@tetoncountywy.gov)

## **RE: Aspens Commercial Area Stakeholder Input on Growth Management Plan**

Dear Kristi,

This letter is to serve as formal public comment regarding the Growth Management Plan and potential updates to the Comprehensive Plan Section 12.1 Aspens/Pines Commercial Core. The letter summarizes the previous meeting held at Teton County Planning and Development office with you, as a representative of the Long-Range Planning department. The summary is as follows:

On October 1<sup>st</sup>, Stewart Johnson, a representative from The Aspens Commercial Area Owners Association (ACOA) and their consultant (Y2 Consultants) met with Teton County Long Range Planning to discuss potential redevelopment of the ACA and the Growth Management Plan (GMP). Stewart introduced the ACOA interest from the owners' perspective and Kristi acknowledged that the interest made perfect sense. Robert Infanger of Y2 Consultants took most of the meeting to explain a broad conceptual use program, bulk/scale ideas, and Complete Neighborhood characteristics that the stakeholder group is interested in exploring to modernize and improve the Aspens Commercial Area.

The ACOA are interested in providing input and being a part of the County GMP process. The ACOA is not interested in taking a stance of "designing/discussing their ideas without the County involved." The Stakeholder group has researched and studied Brandon Ryan's previous design efforts in 2012 which were shared/reviewed by TC Long-Range Planning Staff (Alex Norton) and were generally well received. The Stakeholder group became interested in elaborating on Brandon's initial idea and have taken steps to further explore the future possibility of the Aspens Commercial Area.

The Stakeholder's vision includes a large employee housing component, expanded office space, and additional residential development with parking largely underground. The vision parallel's the main street concept depicted in the current Comprehensive Plan, which connects the Aspens Commercial Area with the surrounding Residential neighborhood and Teton Pines. Commercial uses (Retail/Office/Restaurant/Bar) are envisioned on the main street level with parking below grade and residential uses on the upper floors.

The Stakeholders are interested in exploring the possibility of a third floor within the Aspens Commercial Area. The stakeholders recognize that additional development in the Aspens Commercial Area would result in increased employee housing mitigation requirements. The ACOA is interested in housing employees within the Aspens Commercial Area to minimize transportation impacts and to align closer with the Comprehensive Plan goal of concentrating density within Complete Neighborhood areas. This concept also includes pedestrian connectivity

upgrades throughout the Aspens, new connections to the residential neighborhood, a potential internal Aspens shuttle service, and consolidation of existing START Bus stop(s).

The ACOA recognizes that their vision may require amendments to the Comprehensive Plan and the Aspens Commercial Area Master Plan specifically as it pertains to the “existing two-story character”. The Balsam Lodges serve as an example of third story development that exists within the Aspens Commercial Area for residential use. Residential development within the areas surrounding the Aspens Commercial Area also allow third stories.

The ACOA would like to continue the discussion surrounding amendments to the Comprehensive Plan sections pertaining to the Aspens Commercial Area. We believe that amendments to the Comprehensive Plan, namely regarding the second-story limitation will benefit the Westbank as a Complete Neighborhood and the community as a whole primarily through better subarea connectivity, increased Workforce housing in complete neighborhoods where jobs are located, and conscious building massing to allow for Wildlife Permeability.

Thank you for allowing us the opportunity to submit public comment and we look forward to continuing the discussion regarding the Aspens Commercial Area and Comprehensive Plan amendments to encourage revitalization of the area.

Sincerely,



Stewart Johnson, CPA  
President, Aspens Commercial Owners Association  
stewartjohnsoncpa@gmail.com



Melissa Ruth  
Planner  
melissa@y2consultants.com



Robert Infanger  
Lead Planner  
robert@y2consultants.com

**From:** [Brooke Sausser](#)  
**To:** [County Planning Commission](#); [planningcommission@jacksonwy.gov](mailto:planningcommission@jacksonwy.gov)  
**Cc:** [Kristi Malone](#); [Chris Neubecker](#); [Tyler Sinclair](#); [skye@jhalliance.org](mailto:skye@jhalliance.org); [Brad and Kristin Nielson](#); [Dan Leemon](#); [Dan Heilig](#); [Lisa McGee](#)  
**Subject:** Water focus needed in Comp Plan Update  
**Date:** Thursday, September 10, 2020 11:06:34 AM  
**Attachments:** [Comp Plan Update WOC POW Alliance.pdf](#)  
[Best first uses of public conservation funding.pdf](#)

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**[NOTICE:** This message originated outside of the Teton County's mail system -- **DO NOT CLICK on links or open attachments** unless you are sure the content is safe.]

Planning Commissioners,

The Wyoming Outdoor Council, Protect Our Water Jackson Hole, and the Alliance would like to submit these water-focused comments on the Comp Plan Update. While we support the direction and new attention given to water quality, we strongly feel that these changes only scratch the surface, even as our community members in Hoback lack access to clean water and nitrates are rising throughout the valley.

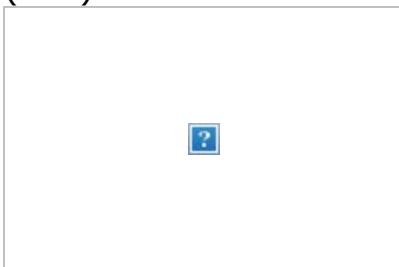
We urge the commission to recommend adoption of these proposed changes, and we welcome the opportunity to discuss them more. Our organizations also strongly support the hiring of a conservation planner/staff ecologist (currently called for in the Comp Plan Update, and support letter attached) who could have identified some of these policies to begin with, and who could lead this future work.

Best,

Brooke Sausser, Jackson Hole Conservation Alliance  
Dan Heilig, Wyoming Outdoor Council  
Dan Leemon, Protect Our Water Jackson Hole

--

Brooke Sausser  
She / her  
Community Planning Manager  
Jackson Hole Conservation Alliance  
(208) 771 - 2218



It's Old Bill's Giving Season. Please [Give A Buck](#) and support conservation and community character.

*Protecting the wildlife, wild places, and community character of Jackson Hole.*



Transmitted via email to <kmalone@tetoncountywy.gov>

September 10, 2020

Kristi Malone  
Town & County Planner  
County Planning Office  
200 S. Willow St.  
Jackson, WY 83001

Re: Comments on Proposed Updates to the 2012 Comprehensive Plan

Dear Ms. Malone:

These comments on submitted on behalf of the Jackson Hole Conservation Alliance, Protect Our Water Jackson Hole, and Wyoming Outdoor Council (the “NGOs”) in response to the Public Review Draft of the 2020 Comprehensive Plan Update released on July 29, 2020. Our comments focus on the demonstrated need to include enhanced water quality protections in the updated Comp Plan, and offer a number of suggestions for strengthening the level of protection for our critically important water resources. We appreciate the recognition by town and county staff of the need to better protect ground and surface waters, but as currently drafted the plan falls far short of achieving the stated goal of enhancing water quality. *See* Principle 1.2 and associated policy statements.

Our comments address and respond to the water quality “enhancements” offered by county staff, below. We begin with a brief overview of the context and setting, followed by specific recommendations to restore and protect the quality of Teton County’s ground and surface water resources.

## CONTEXT AND SETTING

### **Snake River Sole Source Aquifer**

Our community relies entirely on the Snake River Aquifer for its drinking water. Due to its significance, the U.S. Environmental Protection Agency (EPA) has designated the Snake River aquifer as a Sole Source Aquifer. The Comp Plan should explicitly acknowledge this resource, and commit to developing an Aquifer Protection Plan to ensure its long-term protection.

### **Congressionally Designated National Wild and Scenic Rivers**

The Snake, Buffalo Fork, Gros Ventre, Hoback and numerous other rivers in Teton County are congressionally-designated National Wild and Scenic Rivers. The Comp Plan

should identify designated river segments and establish preservation goals that are at least as protective as Federal policies to ensure that the “outstandingly remarkable values” that led to the designation are protected.

### **Class 1 Outstanding Natural Resource Waters (ONRW)**

Teton County boasts more miles of outstanding resource waters than any other county in Wyoming. Class 1 waters in Teton County include all of Fish Creek and its tributaries; the main stem of the Snake River through its entire length above U.S. Hwy 22 (Wilson Bridge); the main stem of Granite Creek (tributary of the Hoback River) through its entire length; and all surface waters within Grand Teton National Park and congressionally-designated wilderness areas.

According to Chapter 1, Section 4(a) of the Wyoming Department of Environmental Quality (WDEQ) water quality rules and regulations, “Class 1 waters are those surface waters in which no further water quality degradation by point source discharges other than from dams will be allowed. Nonpoint sources of pollution shall be controlled through implementation of appropriate best management practices.”

Surface waters in Teton County that are not designated Class 1 are largely Class 2 streams, considered “high quality waters” managed for aquatic life including fish and all other uses identified in Chapter 1, Section 4. Water quality measures in the Comp Plan must be no less stringent than state and federal requirements, and may be more protective if necessary to achieve plan objectives.

### **Public Water Systems**

Teton County has 114 EPA-registered Public Water Systems (PWS), the largest number by far of any county in Wyoming. Although these systems rely exclusively on groundwater for drinking water supplies, very few have taken advantage of basic tools available under the federal Safe Drinking Water Act to protect wellheads and source water areas. Indeed, only 44 of the 114 PWS have developed source water assessments (in 2004) and shockingly, only 3 have instituted source water protection plans. The absence of adequate regulatory oversight by local and state agencies has resulted in extensive groundwater contamination in Hoback Junction and exposes other PWS to unnecessary risk.

### **Hoback Junction – the Canary in the Coal Mine**

High concentrations of nitrates exceeding the EPA’s maximum contaminant level (MCL) of 10 mg/L have been detected in both public water systems and private wells in Hoback Junction. As a result, residents are now faced with a choice between drinking bottled water, installing expensive filtration equipment to reduce the nitrate levels, or drinking untreated water and risking the prospect of serious health consequences that can include blue baby syndrome and limb deformities in children. Local and state regulators have known of the problem for years and have accomplished little to address the underlying causes. However, recent efforts brought about by our advocacy — including an investigation by the Wyoming DEQ — will determine the causes of groundwater contamination (e.g., septic systems) and we hope ultimately, lead to a clean-up plan to remediate the groundwater contamination.

Unfortunately, there are indications that the debacle taking place at Hoback Junction may be the tip of the iceberg. Water quality data obtained from public water systems in other areas of Teton County reveal that several systems are experiencing nitrate hotspots. Naturally



occurring nitrate levels throughout Teton County are relatively low, typically well below 1 mg/L. According to the U.S. EPA, levels in excess of 3 mg/L indicate human influences. Although at least six Public Water Systems have concentrations exceeding 3 mg/L, no action is being taken by any regulatory agency to address this serious problem. The EPA is constrained by law from taking action until the 10 mg/L MCL is reached, but at that point the water is already unsafe to drink. And as shown by the Hoback Junction experience, suitable post-contamination remedies are cost prohibitive or simply unavailable. A far better solution is to identify and take action to address these nitrate hotspots before they exceed levels that trigger EPA jurisdiction, which often results in the immediate shutdown of the public water system and costly remedial action.

To address these concerns, the Wyoming Outdoor Council and Protect Our Waters Jackson Hole have proposed a new rule that would require intervention by the health department when nitrate levels reach or exceed 3 mg/L. A copy of the proposed rule is available upon request.

### **Major threats to water resources—wastewater discharges**

Nutrient pollution is one of the most significant threats to ground and surface waters in Teton County, along with stormwater, also known as “urban runoff.” The single largest source of water pollution in Teton County is the wastewater treatment plant operated by the Town of Jackson. In addition, major wastewater treatment facilities operating in Teton Village, Aspen-Pines, Jackson Lake Lodge/Colter Bay Village complex, Moose and others discharge millions of gallons of wastewater into groundwater (our sole source of drinking water) daily. The WDEQ has permitted 48 large capacity wastewater disposal systems in Teton County, with little oversight by county officials. In addition, approximately 3,600 “decentralized” small wastewater facilities (i.e., septic systems) have been permitted throughout Teton County, many in areas that are unsuitable—due to shallow water table and “poor soils”—for such systems. The lack of ongoing maintenance and inspection requirements in the county’s Small Wastewater Facility (SWF) regulations virtually guarantees that many septic systems are operating inefficiently and in some areas, have completely failed.

Excessive nutrients are responsible for nuisance algae in Fish Creek, and unsafe levels of nitrates in drinking water in Hoback Junction. Teton Conservation District has identified other PWS that provide drinking water from groundwater containing levels of nitrates that indicate human influence, and has dubbed these areas “nitrate hotspots.” The quality of drinking water provided by thousands of private wells is highly variable and mostly unknown to county officials, potentially putting the health and safety of private residents at risk.

### **Original Commitment to Clean Water Removed from Current Plan**

Water quality protections included in the Teton County’s first comprehensive land-use plan (1978) were removed in the 1994 rewrite, leaving groundwater quality vulnerable to pollution from septic systems and other sources. County officials owe the public an explanation as to why that happened.

Teton County’s first *Water Quality Management Program* was adopted over 40 years ago, in 1978, under the authority of Section 208 of the Clean Water Act. Developed by the long-defunct “Teton County 208 Planning Agency,” the water quality program recognized the

importance, sensitivity, and vulnerability of the valley's water resources and was therefore considered an "essential element" of the county's first comprehensive land-use plan.

To protect water resources, the county adopted what was then a new tool in local land use planning – the creation of Environmental Protection Districts, to guide land use in order to protect the most environmentally-sensitive areas of the county. These districts encompassed rivers, streams and wetlands, steep slopes, and groundwater, and were protected by enforceable performance standards such as buffer zones, setbacks, and building restrictions.

To address groundwater pollution problems caused by unregulated septic systems, Groundwater Protection Districts were established to delineate areas — based on soil type and depth to groundwater (i.e., environmental vulnerability), where septic systems would be restricted unless it could be demonstrated that groundwater pollution would not occur. Unfortunately, this performance standard was not enforced, leading to the present situation of hundreds of septic systems on the West Bank and other low-lying areas of our county discharging minimally treated human wastewater into our groundwater.

### **Lack of a Comprehensive County-wide Wastewater Management Plan**

The absence of a comprehensive wastewater management plan has led to haphazard, case-by-case decisions involving wastewater treatment and disposal. As a result, environmentally-sensitive areas of the county that should be connected to a centralized wastewater treatment facility are dependent on individual septic systems that are notoriously inefficient at removing pollutants from wastewater before it enters groundwater. The county's recent decision to move forward with wastewater planning is a significant step forward and will provide critical guidance regarding our community needs for the decades ahead.

### **Inadequate Regulation of Small Wastewater Facilities**

Teton County's SWF regulations were approved over ten years ago and do not comply with updated regulations promulgated by the WDEQ intended to protect drinking water supplies. The 2018 update promised by the county in Attachment D of the 2010 Delegation Agreement has not occurred, leaving the existing regulations woefully deficient, lacking many of the most basic requirements found in regulations in neighboring states.

The undersigned organizations submitted a detailed 34-page letter in response to an informal draft rule provided by the County Sanitarian that is available upon request.

### **Fish and Flat Creek *E. coli* Impairment**

The WDEQ has determined that both of these streams fail to meet water quality standards for primary contact recreation such as swimming and child's play. In-stream levels of *E. coli* in both streams exceed human health limits set by the EPA. To address the impairment, the WDEQ is required to develop total maximum daily loads, or TMDLs, a highly technical process that establishes the total maximum daily amount of *E. coli* that can be discharged into the stream without causing unsafe levels. The development of TMDLs for these two streams will take years; in the meantime, addressing this impairment in a timely fashion must be identified as a high-priority goal of the community. Inspections of septic systems and other sources of bacterial contamination in these drainages would be an obvious place to focus efforts.

## SPECIFIC RECOMMENDATIONS

The scope and severity of our water quality problems and challenges dictates more aggressive measures be included in the updated Comp Plan. The subsequent preparation of a “water quality enhancement plan” referenced in B.2., while welcome, is not a substitute for necessary changes needed now.

The Public Review Draft proposes the following “strategies to preserve and enhance surface water, groundwater, and air quality (Principle 1.2).” While helpful, these measures are not sufficient to achieve the desired outcomes.

First, concerning Principle 1.2, we recommend that it be revised to make clear we do not, in fact, have “high water ... quality” throughout Teton County. As noted above, in certain areas of our county ground water quality has been degraded by nitrate concentrations indicating contamination; these areas have been dubbed “nitrate hot spots” by the Teton Conservation District. In the Hoback Junction area, groundwater degradation has been allowed to continue to the point where it is unsafe to drink, exceeding the EPA’s maximum contaminant level of 10 mg/L for nitrates and violating the WDEQ’s quality standards for groundwater. The phrase “[t]he high water and air quality of Jackson and Teton County are essential to the ecosystem...” clearly implies that the county’s water quality is “high.” As much as we would like to believe otherwise, this is not universally true, and perpetuating the myth of a pristine environment is not constructive. While categorizing it as such may comport with the pristine image we have created of Teton County, this statement is not accurate and should be corrected to reflect reality.

Second, our two prized local streams, Fish Creek and Flat Creek are impaired with levels of *E.coli* that exceed numeric standards for “primary contact recreation waters” and as a result are unsafe to swim in or float on.

The Comp Plan strategies outlined below are all helpful, but are incomplete and will unfortunately not fully address the range of water quality problems facing our community.

1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands and riparian areas.

1.2.S.2: Evaluate and update surface water filtration standards, focusing on developed areas near significant waterbodies.

1.2.S.3: Develop a water quality enhancement plan that includes consideration of additional County funding for water quality.

1.2.S.4: Update the Flat Creek Watershed Management Plan.

With regard to 1.2.S.1, above, the WDEQ has established in Chapter 1 water quality standards for Wyoming’s surface water. Given that, we recommend clarifying this item to identify the specific “natural resource protection standards” that would be evaluated and updated. We also recommend that the Comp Plan expressly require the highest level of protection for surface waters available under the Clean Water Act and the Wyoming Environmental Quality Act. For example, “all surface waters in Teton County will be managed for Primary Contact Recreation from May 1 to September 30<sup>th</sup>.”

Regarding protection of wetlands and riparian areas, we recommend that wetlands be defined to include all wetlands to ensure protection for non-jurisdictional wetlands that fall outside the scope of the U.S. Army Corps of Engineers (ACE) regulatory authority.

Turbidity and introduction of sediment (via discharge of dredge and fill material) into surface waters are regulated by the WDEQ and the ACE. We recommend clarifying 1.2.S.2 to explain the interaction of local and state regulation. If this section is contemplating the regulation of stormwater, perhaps that fact can be noted. We recommend that Best Management Practices for the control of stormwater be mandatory.

As noted above in our comments, we support both the development of a “water quality enhancement plan” and additional county funding dedicated to protecting water resources referenced in 1.2.S.3. We recommend that this language be modified to include a statement committing to involve the public in the development of such measures. For example, the phrase, “with public review and comment opportunities” could be inserted after “Develop.”

Lastly, in addition to updating the Flat Creek Watershed Management Plan noted in 1.2.S.4, we recommend including a measure to address *E. coli* impairment in Fish and Flat creeks. The development of TMDLs by WDEQ will take years; in the interim, the county can identify and implement actions designed to reduce levels of harmful pathogens.

In addition to the above suggestions, we recommend that the following strategies be included in the revised Comp Plan:

- Promulgate county regulations to protect Public Water Systems including a provision to require remedial action before nitrate levels exceed 3 mg/L. Prevent future Hobacks.
- Require all 114 Public Water Systems serving Teton County residents to develop (or update) Source Water Assessments and Source Water Protection Plans.
- Create a “placeholder” in the county plan to incorporate the comprehensive wastewater management plan upon its completion.
- Require, or create financial incentives to encourage, property owners to connect to existing sewer lines where available (e.g., Wilson).
- Reinstate Groundwater Protection Districts from the 1978 Comprehensive Plan and update groundwater protection zone maps based on best available science.
- Prohibit septic systems in Groundwater Protection Zones 1 and 2 unless a scientifically-valid analysis is provided by the applicant demonstrating that no groundwater pollution will occur from the operation of the system. This provision was contained in the original 1978 plan but unfortunately was not enforced.
- Update the county’s Small Wastewater Facility regulations with proven, state-of-the-art provisions recommended by the U.S. EPA for septic systems located in sensitive and vulnerable environments such as Class 1 surface waters and sole source aquifers.
- Recognize that crowding and overuse of rivers and lakes is harmful and commit to developing management plans to address this growing problem.
- Require inspections (by licensed professional engineers) of septic systems when ownership of property is transferred. (Such a requirement would have detected the numerous significant violations at Hoback RV Park much earlier).<sup>1</sup>

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<sup>1</sup> [https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article\\_d925d6b7-50c3-5642-9773-2232dff55517.html](https://www.jhnewsandguide.com/news/environmental/hoback-rv-park-leans-toward-overhauling-failed-septic-system/article_d925d6b7-50c3-5642-9773-2232dff55517.html)

- To enhance community understanding of groundwater quality issues, establish a confidential registry of private wells and assemble a database of water quality information to better inform the public of water quality issues and trends.
- Evaluate, update and reinstate Environmental Protection Districts from the Teton County 208 Planning Agency's 1978 Water Quality Management Program.

Additionally, we offer the following comments and suggestions regarding Principle 1.2 as well as the three related policy statements, 1.2a, 1.2b and 1.2.c. We suggest two new policy statements regarding the critical need to protect groundwater/ drinking water supplies, and the regulation of Public Water Systems.

Principle 1.2 (Preserve and enhance surface water, groundwater, and air quality) states that:

Clean water and air are the most basic requirements of a healthy ecosystem and community. The high water and air quality of Jackson and Teton County are essential to the ecosystem and scenic beauty that residents and visitors enjoy. Stewardship of water bodies, wetlands, riparian areas, groundwater, and the air is vital to sustaining healthy populations of native species and for the health and safety of the human community.

Given the critical importance to our community, we recommend highlighting the need to protect our groundwater – the Snake River Sole Source Aquifer – and the public water systems and private wells that depend on it. We suggest a new sentence at the end of the existing paragraph that specifically addresses the fact that ALL of our drinking water comes from groundwater and that the aquifer is irreplaceable.

Regarding the proposed policies, Policy 1.2.a (Buffer waterbodies, wetlands, and riparian areas from development) states, in part, that, “[t]he development will be designed to include buffers around water bodies, wetlands, and riparian areas that preserve their ecological function.” We recommend that this policy be clarified to explain how buffer distances will be determined to “preserve ecological function.” Will this be a case-by-case determination or will uniform buffer distances be established for each resource or value? Will the buffer distances currently established in the Small Wastewater Facility regulations be the same as in the LDRs?

We strongly support the adoption of Policy 1.2.b (Require filtration of runoff) and recommend that Best Management Practices be required. Please change “should” to “shall.”

Likewise, we support Policy 1.2.c (Coordinate water quality monitoring with Teton Conservation District and other partners) and urge its adoption.

### **Additional recommendations.**

#### Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery.

Under the heading, “Why is this chapter addressed?” (CV-1-2) we suggest a change to this sentence: “Development can displace and fragment habitat, emissions drive climate changes to our natural environment, human movement through the ecosystem impacts wildlife movement, discharge and runoff can decrease water quality, and human introduction of invasive species can disrupt the ecosystem.”

Change “discharge” to “discharge of pollutants and wastewater from septic systems entering groundwater...”

### Chapter 3. Responsible Growth Management.

Under the heading, “Why is this chapter addressed?” (CV-2-2) we suggest adding the following language: “To achieve the goals and benefits of effective growth management, the plan must ensure that a comprehensive wastewater management plan is in place before authorizing new residential and commercial development in sensitive groundwater areas that lack sewer connections.”

Wastewater planning for new development should not be an afterthought or decided on a case-by-case basis. New development, particularly in areas with shallow groundwater and gravel soils, should not be permitted until a comprehensive strategy for wastewater treatment and disposal has been developed.

We recommend changes to the verbiage set forth in Principle 3.4, which currently provides that:

***Principle 3.4—Limit development in naturally hazardous areas.***

Development in hazardous areas threatens the health, safety and welfare of human inhabitants. Steep slopes, poor soils, avalanche chutes, floodplains, dense forests and areas along fault lines offer unique opportunities for interaction with the environment, but when natural events do occur in these areas the results can be disastrous.

The suggested change would delete the phrase, “poor soils” and replace it with more accurate and scientifically-acceptable terminology such as “unstable soils” where slides, slumps or settling are concerns, and use the word “alluvium” where groundwater contamination from septic systems is the concern, such as gravel-bed floodplains with a shallow water table and soils consisting of sands and gravels.

We recommend the same change to the language contained in “Policy 3.4.d: Limit development on poor soils” which reads:

Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.

As above, we suggest deleting the term “poor soils” and replacing it with an accurate, scientifically acceptable description of soil types that may limit activities.

We recommend a similar edit to a Policy 3.4.d - Limit development on poor soils. This policy provides that: “Development on poor soils threatens the integrity of structures, encourages erosion and landslides and may cause groundwater contamination if septic systems are used in such areas. Development on poor soils will be avoided when possible and should employ best management practices if necessary.”

We suggest deleting the term, “poor soils” and replacing with more accurate scientifically-acceptable terminology. With respect to septic systems, the policy should expressly prohibit the installation of septic systems (raised mound or otherwise) in areas where depth to groundwater is less than six feet unless the applicant has demonstrated through rigorous, peer-reviewed scientific investigation that no groundwater pollution will result – the standard first set in 1978. The application for such system shall include a sworn statement bearing the stamp of a licensed professional engineer or geologist that no nitrates or other pollutants will enter ground or surface waters. Groundwater quality monitoring shall be conducted at the proposed building site prior to the permitting of the system to establish baseline quality, and for 12 months following completion and occupancy of the dwelling. In order to meet the “no groundwater pollution” standard, no change in baseline groundwater quality shall be allowed as a result of the installation and operation of the system. These permit conditions should be added to the “*Strategies to limit development in naturally hazardous areas (Principle 3.4)*” on page CV-2-15.

Finally, we suggest adding a new policy under Principle 3.2, as follows: Where additional density is added, or where new growth areas are identified, a plan for infrastructure (transportation, water, and sewer) must be in place before any new density is granted. Planning must, at minimum, protect the general health and welfare. For example, permitting new development without appropriate wastewater or transportation infrastructure will only transfer the costs to taxpayers in the future, as we’ve seen with Hoback’s contaminated water.

#### Chapter 4. Town as the Heart of the Region – the Central Complete Neighborhood.

The Comp Plan states (at CV-2-16) that “[t]he Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational and cultural activities.” To achieve this goal, it will be necessary to ensure that the town has sufficient wastewater treatment capacity to accommodate the desired/projected growth. We recommend specific recognition of this critical fact.

#### **Quality of Life: Common Value 3 of Community Character.**

This section (at CV-3-1) describes Quality of Life and then asks, “How are we going to achieve [it]”? It presents four chapters, Chapters 5–8, intended to assist the community in achieving Quality of Life. We would submit that access to clean and affordable drinking water and pristine surface waters are so fundamental to achieving the quality of life described in this section that a new chapter needs to be dedicated to restoring, protecting and enhancing water quality, which includes, first and foremost, protecting and securing our community’s drinking water supplies. It also includes ensuring that our streams, lakes and rivers are safe to swim in, and not contaminated by dangerous levels of *E. coli* or toxins from hazardous algal blooms. Key issues to address include protecting –and demanding accountability from– the 114 Public Water Systems currently operating in Teton County; moving forward with county-wide wastewater planning; adopting revised regulations for Small Wastewater Facilities which incorporate recommendations from the U.S. EPA for septic systems located in sensitive environments; establishing a new position in county government to oversee water quality protection efforts, and developing the necessary infrastructure to deliver essential community services such as water and sewer.

Chapter 6 of this section (CV-3-12) envisions a “Diverse and Balanced Economy.” Within this chapter, Policy 6.1.c calls for establishing an identity as a “green” community. For this goal to be realized, it is essential for our community to commit to providing clean and affordable drinking water to all community members and to properly address wastewater management, treatment and disposal, otherwise it will never legitimately achieve green community status.

Chapter 8. Quality Community Service Provision. Chapter 8 (CV-3-28) requires the county to “timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.” Within this chapter, Principle 8.1 requires the county to “[m]aintain current, coordinated service delivery” while Principle 8.2 requires the county to “[c]oordinate the provision of infrastructure and facilities needed for service delivery.” Given its importance, we would like to see Public Water Systems and wastewater treatment specifically identified under the heading “utilities and infrastructure.”

Chapter 9. Adaptive Management. We recommend the addition of the following “hard triggers” which will require a coordinated response by government agencies:

- Failure of surface water to meet WDEQ Chapter 1 water quality standards (e.g., Fish and Flat Creeks *E.coli* primary contact recreation standard).
- Failure of groundwater to meet WDEQ quality standards for domestic use (e.g., Hoback Junction).
- Failure of facilities authorized by the WDEQ to discharge pollutants into ground or surface waters of the state to comply with permit terms and conditions.
- Evidence of nitrate concentrations in groundwater utilized by public water systems or private wells indicating human influence or contamination; i.e., 3 mg/L.
- Failure of Public Water System to comply with Safe Drinking Water Act requirements.
- Failure to provide drinking water that meets EPA effluent limitation guidelines (ELGs).
- Violations of federal, state and/or county environmental law and regulations.

Lastly, we have a few suggestions regarding the section of the Comp Plan called “Illustration of Our Vision.” With respect to Districts that are not connected to town’s water and sewer lines, we recommend that a summary of the drinking water supplies and wastewater disposal systems utilized in the area (and subareas) be included in the narrative description of each district. The Policy Objectives for each district should specify that access to clean, affordable drinking water will be maintained, and that drinking water provided by public water systems will not contain levels of pollutants that suggest human-caused contamination.

With respect to Hoback Junction (subarea 8.4) the Character Defining Features should note that a centralized wastewater treatment facility and alternative drinking water supplies will likely be needed due to high levels of nitrates in the groundwater that exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L. It should also be noted that nitrate levels exceeding 10 mg/L constitute a violation of WDEQ groundwater quality standards for domestic use, which may be a limiting factor regarding future development in the area that is dependent on septic systems for wastewater disposal.



Rising nitrate concentrations in other areas of the county (refer to TCD for list of such areas) may face similar challenges in the future if action is not taken to reduce nitrate levels. The descriptions of subareas should identify these nitrate “hotspots” and allow for the possibility that connections to centralized sewer systems, water filtration, and alternative water supply systems may be required if action is not taken to address the sources and causes of nitrate contamination.

Teton County’s water quality problems are the result of decades of neglect, inattention, complacency, and absence of adequate regulatory oversight at all levels of government. To remedy this, we must ensure that the job of restoring and protecting our precious water quality is viewed with the same sense of urgency as other community priorities such as affordable housing, wildlife crossings, easing traffic congestion, community policing and other pressing issues confronting Teton County. Preserving the status quo is no longer an option. We look forward to working with town and county planners and the community as a whole to ensure that our collective vision encompasses the fundamental right to clean water.

Sincerely,



Dan Heilig  
Senior Conservation Advocate  
Wyoming Outdoor Council



Brooke Sauser  
Community Planning Manager  
Jackson Hole Conservation Alliance



Dan Leemon  
Executive Director  
Protect Our Water Jackson Hole

Cc: Jackson Town Council  
Teton County Board of County Commissioners

September 1, 2020

Jackson Mayor and Town Council  
Teton County Board of County Commissioners

**Memo: Best first use of public funding for ecosystem conservation**

Dear Mayor, Madam Chair, Councilors, and Commissioners:

Thank you for your ongoing work on the very challenging public health crisis that our community faces. We are grateful that you have put our community's safety and health first. We also appreciate the difficult decisions you had to make through the budget process, and we understand that this year's budget may be amended given how quickly our economic situation is changing.

We appreciate the feedback we received from councilors and commissioners in response to our letters regarding ecosystem stewardship funding earlier this year. One common question was: **what would be the best first steps for conservation funding?** Understanding that town and county revenues are uncertain, we propose allocating funds to two purposes once funding is available, whether in this year's budget or in a future year.

**1. Ecosystem & Climate Action Plans & Goals**

Our community has invested significant time and resources into creating the [Housing Action Plan](#) and the [Integrated Transportation Plan](#) to implement the broader vision of our Comprehensive Plan. Both of these focused plans set out clear, measurable goals – 65% workforce housing and 11% smaller growth in vehicle miles traveled. But though ecosystem stewardship is one of the three common values, and it is at the core of our vision, *we have no ecosystem / conservation plan or goals*. So how can we know if we're making progress or losing ground? We need a Conservation / Ecosystem Action Plan that outlines clear goals, metrics, and a prioritized path forward. We estimate this would be a \$150K one-time expense, mostly in consultant time, and believe this would most logically live at the County.

In parallel, and for the same reasons, we support the recent discussions about the need for a Climate / Sustainability Action Plan. We believe the climate plan would have a similar cost and would logically live at the Town. Both plans should be jointly developed if possible. These plans could further develop the priorities for, and be implemented by, related staff positions:

**2. Ecosystem / Sustainability Coordinators in local government**

We support creating a Town position focused on sustainability and climate goals and a County planning position focused on ecosystem / land stewardship / water quality. This is the staffing that [many members of Systems of Conservation joined forces to ask for](#) this spring, at about \$100-150K per staff position. While the above goal setting and plan development would chart a proactive path toward preserving our ecosystem, a staff member prepared to comment on the many projects coming at us now (the Bridger-Teton National Forest Plan, transfer of the Bureau of Land Management Parcels along the Snake River, implementation of the Wildlife Crossings Master Plan) and participate in the many coalitions (Clean Water Coalition, Systems of Conservation, etc.) would be of immediate value and impact. And the plans are much more likely to be implemented with professional staff in place.

We hope this information is helpful, and we welcome the opportunity to discuss these ideas with you in a workshop or at any time.

Sincerely,

*Skye Schell*  
**Jackson Hole Conservation Alliance**

*Kristin Combs*  
**Wyoming Wildlife Advocates**

*Sharon Mader*  
**National Parks Conservation Association**

*Kim Trotter*  
**Yellowstone to Yukon Conservation Initiative**

*Frances Clark*  
**Teton Plants, Wyoming Native Plant Society**

*Dan Leemon*  
**Protect Our Water JH**

*Siva Sundaesan*  
**Greater Yellowstone Coalition**

*Sarah Walker*  
**Friends of the Bridger-Teton**

*Timothy O'Donoghue*  
**Riverwind Foundation**

*Penelope Maldonado*  
**The Cougar Fund**

*Renee Seidler*  
**Jackson Hole Wildlife Foundation**

*Peggie dePasquale*  
**Wyoming Wilderness Association**

*Amy McCarthy*  
**Teton Raptor Center**

*Ben Williamson*  
**Northern Rockies Conservation Cooperative**

*Jared Baecker*  
**Snake River Fund**

*Hayley Mortimer*  
**The Nature Conservancy in Wyoming**

*Lisa McGee*  
**Wyoming Outdoor Council**

*Chris Deming*  
**The Trust for Public Land**

