

AGENDA

Planning and Zoning Commission

November 4, 2020 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of November 18, 2020 or to a special meeting scheduled by the Commission.

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

1. NEW PUBLIC COMMENT OPTIONS

I Zoom Meeting

. Link: <https://us02web.zoom.us/j/87967522659?pwd=bWkzMHhqdVZBL2hjckJzU0U4WEMzdz09>

Passcode: toj

Telephone:

US: +1 253 215 8782

Webinar ID: 879 6752 2659

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. October 7, 2020

6. OLD BUSINESS

7. NEW BUSINESS

8. BOARD OF ADJUSTMENT

- I. **ITEM P20-175:** REQUEST FOR A VARIANCE FROM THE FENCE HEIGHT STANDARD FOR STREET YARDS IN THE NEIGHBORHOOD LOW DENSITY-3 (NL-3) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 505 RANCHER STREET.

9. PLANNING COMMISSION

- I. **ITEM P20-171:** Amendment to the text of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise Section 6.3.3 Amount of Affordable Workforce Housing Required

10. MATTERS FROM THE COMMISSION
11. AGENDA FOLLOWUP
12. MATTERS FROM STAFF
13. ADJOURNMENT

Due to recommended social distancing practices the public is encouraged to view meetings online and participate remotely. Planning Commissioners, presenters, and staff members may not be physically present at the meeting and may all be participating remotely.

Your options for watching or participating in public meetings:

To just watch a meeting live: www.jacksonwy.gov/live (town's website)

3 Ways to Make Public Comment, either on items that are on the agenda or not on the agenda

1. Public comment can be sent anytime via email to planningcommission@jacksonwy.gov. These emails get sent to each Planning Commissioner and are placed in the public record.
2. Public comment can be made virtually through a Zoom platform in real-time.
 - a. In brief, those wishing to make verbal public comment may do so by joining the meeting via Zoom and using the 'hand raise' feature.
 - b. Instructions are below for using the Zoom platform.
3. Public comment can be made in-person at the Town Hall.
 - a. Planning Commissioners may participate remotely, so don't expect an in-person audience.
 - b. You will be speaking into a microphone without the Planning Commissioners present (please consider using Zoom).
 - c. Due to the changing Public Health Orders, and for the public's safety, the Town will be managing the social distance of public in attendance.
 - d. If a large number of community members come to a council meeting, you may be asked to wait outside or in your car until the item you are interested in begins.
 - i. Additional measures may be taken to ensure distancing.

Instructions to join a meeting via Zoom:

This option is intended for those who wish to participate in a meeting as the applicant or a member of the community making public comment.

1. Pull-up the meeting agenda. The Zoom link is provided on the agenda and is shown as the first item.
 2. Click the link or copy the URL to your browser. The Zoom password is “toj”
 - a. Remember, Zoom links will change for each meeting and will be found on the agenda.
 - i. Find meeting agendas here: <http://townofjackson.com/491/Agendas-Minutes>
 3. Type in your first and last name and your email address as prompted. The password is “toj”
 - a. Those who do not provide a valid name will not be recognized and will not have the ability to speak in the meeting.
 4. Once you have joined the meeting, familiarize yourself Zoom’s tools and options.
 - a. Of particular importance is the “raise hand” feature. Please locate this tool if you desire to make public comment. This is the only way we will know you want to make a comment.
 - b. As you join the meeting, your audio will automatically be muted.
 5. When public comment is open. Town staff will look for those that have “raised their hand.” Your name will be announced, and your microphone will be unmuted. At that time, you can state your name and comment.
 - a. You will be heard by all those participating in or watching the meeting. Your video will not be projected, only audio.
 - b. Please be in a place with no background noise and speak in a clear, strong voice.
- Those using only the telephone call-in feature through Zoom telephone will not be recognized.
 - The Zoom chat feature will not be used.
 - We encourage you to log in early for any given meeting. Generally, the Town of Jackson strives to have the Zoom platform ready at least 10 minutes before a listed meeting’s start time.
 - If you’ve not used Zoom before, you may be required to download Zoom’s tools and/or software and apps. The Zoom platform, its tools, and apps are provided by Zoom directly. As these services are from a third party, we aren’t able to provide support directly to end users. If you should have trouble with the platform, please reference Zoom’s help resources at <https://support.zoom.us/hc/en-us>

Please understand for these virtual Planning Commission meetings, just like any public meeting, uncivil discourse, threatening language, or disruptions will not be allowed from participants.

**MINUTES
SPECIAL MEETING
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
OCTOBER 7, 2020**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 10/07/2020, in the Town Hall Council Chambers.

ROLL CALL:

☒ Anne Schuler, ☒ David Vandenberg, ☒ Katie Wilson, ☒ Abby Petri,
☒ William Gale, ☒ Thomas Smits

STAFF: Paul Anthony

MATTERS FROM THE PUBLIC: None

APPROVAL OF MINUTES:

September 2, 2020

A motion was made by: David Vandenberg seconded by: Anne Schuler
Motion approved by a 5 to 0 vote

September 16, 2020

A motion was made by: David Vandenberg seconded by: Anne Schuler
Motion approved by a 5 to 0 vote

OLD BUSINESS:

PLANNING COMMISSION

1. **ITEM P19-095, P20-167, and P20-168:** REQUEST TO AMEND TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO ESTABLISH A HISTORIC PRESERVATION PROGRAM, AMEND OFFICIAL ZONING MAP FOR TOWN SQUARE AREA, ADOPT DESIGN GUIDELINES FOR HISTORIC PRESERVATION AND WESTERN CHARACTER, AND AMEND DEMOLITION REQUIREMENTS IN JACKSON MUNICIPAL CODE.

STAFF PRESENTATION: Paul Anthony

APPLICANT PRESENTATION: Paul Anthony

PUBLIC COMMENT: John Holland spoke asking that all incentives be included for all categories of historic structures, that the program be kept simple, and that he had concerns that the Landmark category might cause some landowners to oppose the entire historic program or possibly get the State involved if they thought Jackson had gone too far.

PC DISCUSSION: The PC discussed the key questions in the staff report on each of the three major LDR update topics and provide staff direction on each item. The direction is captured in more detail in the staff report that staff will provide the Council for their meeting on October 19.

MOTION:

Item A – Zoning Map Amendment (P20-167). Based upon the findings for an amendment to the Official Zoning Map as presented by the applicant and by the Commission for Item P20-167 related to 1) consistency with the purposes and organization of the LDRs; 2) improved implementation of the desired future character in the Comprehensive Plan; 3) need to address changing conditions or a public necessity; and 4) consistency with other adopted Town Ordinances, I move to recommend approval to the Town Council to change the zoning from Town Square (TS), Urban Commercial (UC), and Downtown Core (DC) to Town Square-1 (TS-1), Town Square-2 (TS-2), and Downtown Core-2 (DC-2) for the properties located in Character District 1: Town Square and to establish the Town Center Design Overlay; and as shown in the attached proposed revised Official Zoning Map, attached to this staff report dated August 28, 2020, subject to this staff report with no conditions of approval and as directed in this meeting.

A motion was made by: David Vandenberg seconded by: Thomas Smits
Motion approved by a 6 to 0 vote

Item B: Amendment to LDR Text (P19-095): Based upon the findings pursuant to Section 8.7.1.C for an amendment to the text of the Land Development Regulations, as presented by the applicant and by the Commission for Item P19-095, the application: 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town

Ordinances, I move to recommend **approval** to the Town Council of the requested text amendments, which include but are not limited to, LDR Secs. 1.9.2; 2.1; 2.2; 5.8.1; 5.9. 6.3.2.C.3; 8.2.6.C; 8.5.6; 8.5.7; 8.5.8 8.8.1; 8.10.4: and 9.5, subject to this staff report, dated August 28, 2020, and subject to this staff report with no conditions of approval and as directed in this meeting:

A motion was made by: Anne Schuler seconded by: David Vandenberg
Motion approved by a _6_ to _0_ vote

Item C: Amendment to Demolition Permit (P20-168): There is no motion on this item for the Planning Commission because the Planning Commission does not review amendments to the Town of Jackson Municipal Code.

1. **ITEM P20-173:** AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS, PURSUANT TO SECTION 8.7.1, LDR TEXT AMENDMENTS, TO REVISE SECTIONS 8.10.5 AND 8.10.6 REGARDING THE QUALIFICATIONS AND APPOINTMENT OF PLANNING AND ZONING COMMISSION MEMBERS.

STAFF PRESENTATION: Paul Anthony

APPLICANT PRESENTATION: Paul Anthony

PUBLIC COMMENT: None

PC DISCUSSION: The PC discussed the history of recent changes to the PC membership, the pros and cons of having a larger or smaller Commission, the relative benefits of having Commissioners reside in the Town for their entire term, and to change the proposed residency requirement to 1 year instead of “one out three years.”

MOTION:

I move to recommend approval of P20-173, dated October 2, 2020, to amend the Town of

Jackson Land Development Regulations to clarify the eligibility requirements and commission membership limits for the Planning Commission, being able to find, based upon the findings as presented in the staff report, that pursuant to Section 8.7.1.C of the Land Development Regulations the application: 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances, subject to the following recommendation.

1. That Planning Commissioners shall be a resident of the Town of Jackson throughout their entire term.

A motion was made by: Anne Schuler seconded by: Abby Petri
Motion approved by a 6 to 0 vote

MATTERS FROM COMMISSION: None

AGENDA FOLLOWUP: None

MATTERS FROM STAFF: None

ADJOURN: 8:45 pm

A motion was made by: Anne Schuler seconded by: David Vandenberg
Motion approved by a 6 to 0 vote



TOWN OF JACKSON BOARD OF ADJUSTMENT AGENDA DOCUMENTATION

PREPARATION DATE: OCTOBER 30, 2020
MEETING DATE: NOVEMBER 4, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: PAUL ANTHONY

SUBJECT: **ITEM P20-175:** REQUEST FOR A VARIANCE FROM THE FENCE HEIGHT STANDARD FOR STREET YARDS IN THE NEIGHBORHOOD LOW DENSITY-3 (NL-3) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 505 RANCHER STREET.

APPLICANT: AUSTIN AND SAGE DEPREE

OWNER: AUSTIN AND SAGE DEPREE

STATEMENT/PURPOSE

The applicant is requesting a Variance from the height standards for a fence in the NL-3 zone to allow a 6' fence where the Land Development Regulations (LDRs) allow only 4' in height in a street yard.

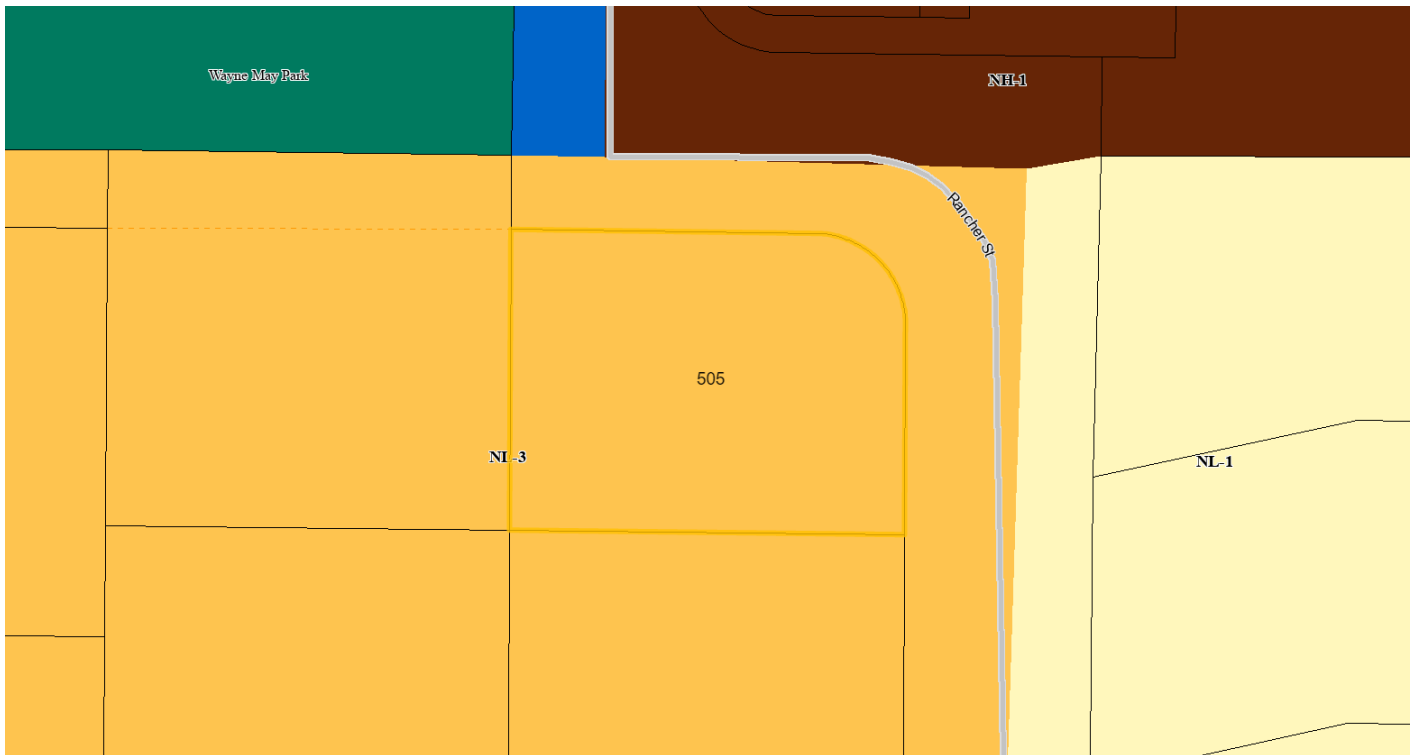
APPLICABLE REGULATIONS

Section 8.8.2. Variances

Section 2.2.4. Neighborhood Low Density-3 (NL-3)

LOCATION

The subject property is described as LOT 3, BEESLEY SUBDIVISION, 1ST FILING and is addressed at 505 Rancher Street. An aerial photo and zoning map are shown on the following page:



BACKGROUND/ALTERNATIVES

Existing Site Characteristics

This property is located within the Neighborhood Low Density - 3 (NL-3) zoning district and is 0.20 acres or 8,582.96 sf in size. Properties surrounding the subject lot are zoned NH-1 to the north, NL-1 to the east, and NL-3 to the south and west.

The applicant was issued a Building Permit, B19-0436, for an addition/alteration of an existing home on August 08, 2019. The applicant received final inspection and Certificate of Occupancy on August 26, 2020. During inspection it became apparent that the applicant had erected fences on the property which were in excess of the height restrictions of the LDRs. These fences were not a part of any approved building permit plans. Town Planning staff agreed to provide a final sign off for certificate of occupancy with the understanding that the applicant would either reduce the height of the fences or immediately apply for an Administrative Adjustment or Variance with the understanding that should such relief be denied the fences would need to be modified to meet the LDR requirements for height. This application for a Variance meets that understanding.

Applicant's Request

The applicant is requesting a variance from the 4-foot maximum fence height standard in the secondary street yard (north frontage) to allow a 6-foot tall fence. The applicant states that a six foot fence is required for security and life safety reasons. Namely that car headlights routinely flash into the residence's ground floor bedroom and that due to the curve in the road without a stop sign a larger fence will be safer should a car slide into it during adverse weather conditions.

The applicant has not, however, asked for a variance for fence height for the portion of the fence on the southern property line that is in excess of the 4' height limit within the first 22' of the primary street setback (as modified by Administrative Adjustment (Item P19-139) that reduced the primary street setback from 25' to 22' to allow use of the previous foundation). Therefore staff finds that regardless of the Board of Adjustment's decision regarding the fence height for the portion of fence on the north frontage of the house, the southern fence shall be reduced in height to 4' for the first 22' of setback whereupon it may be increased to 6' from grade. Staff has added a condition of approval reflecting regarding this requirement.

STAFF ANALYSIS

A variance is a quasi-judicial process which requires the Board of Adjustment to make all of the required six legal findings. Per the staff findings below, staff finds that the request does not meet the requirements for a variance. Namely, the need for the higher fence is not compelling enough to outweigh the public benefit of maintaining the shorter 4' fences along public roads to avoid the "wall effect" of taller walls and barriers. In addition, the applicant decided to build an addition closer to the street frontage with ground floor windows adjacent to the street (partially through an approved Administrative Adjustment), so some of the cited problems were created by the design of the house. Furthermore, the applicant's stated need for a taller fence to block headlights is a not a unique concern because all houses on a corner or along a curved road (e.g., Cache Creek Drive) are impacted by the headlights of turning cars. And in these cases the Town still limits fences on corner lots to 4' in height. The applicant has the option to use vegetative screening to block incoming light from cars such as vegetation if so desired. In addition, staff does not concur that an additional 2' tall wooden fence will be more effective at stopping a vehicle than a 4' tall fence.

PUBLIC COMMENT

Staff has received no public comment at this time.

STAFF FINDINGS

Pursuant to Section 8.8.2 Variances of the Land Development Regulations, the following findings shall be made prior to granting the Variance.

1. ***Special conditions and circumstances exist.*** *There are special circumstances or conditions which are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood.*

Complies. Staff finds that special circumstances and conditions exist on the property at 505 Rancher Street. The sharp curve in the road results in oncoming traffic shining their headlights directly at the home on a straight section of road. While there are many homes that get direct car lights and glare from cars on the road, especially on corner lots or curved roads (such as houses on nearby Cache Creek Drive), this lot configuration is relatively unique.

2. ***Not result of applicant.*** *The special circumstances and conditions have not resulted from any willful modification of the land or building.*

Does not Comply. While the lot configuration is not the result of the applicant, the applicant willfully modified the existing house by building an addition that moved the structure closer to the north street frontage, including the use of an Administrative Adjustment to allow more of the house to be added closer to the northeast corner of the lot. The applicant's concerns about oncoming traffic lights and safety could have been addressed during the design of the building.

3. ***Strict application deprives reasonable use.*** *The special circumstances and conditions are such that strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community.*

Does not comply. Staff finds that the strict application of the 4' fence height standard on the subject lot would not create a hardship on the applicant greater than the protection afforded the community. Variances are a balance between the reasonable use of the property and the Town's desire to meet the intent of the LDRs. Staff finds that a 6' tall fence is no more effective at stopping a car than a 4' tall fence and that a 4' fence can be augmented with vegetation screening (e.g., hedge) to adequately screen cars lights without having the negative visual and character impact of a 6' fence. Staff recently required a landowner to reduce a newly installed 6' tall fence on a very busy and noisy secondary street (South Cache Street) by two feet and we find that the applicant's situation is similar to that one.

4. ***Minimum Variance.*** *The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant.*

Does not comply. Because staff cannot make Finding #3 regarding whether the applicant is deprived of reasonable use if the variance is denied, staff cannot make this related finding either. While the request for a 6' fence is reasonably related to the applicant's goals, staff finds that a fence of this height does not properly balance the public's interest in maintaining lower fences along public streets and the applicant's desire for greater protection against car lights and car crashes. The existence of other houses in the neighborhood with nonconforming fence heights does not change staff's analysis as this is a

development pattern that we are trying to reverse. Furthermore, as noted above, the shining of headlights into the house is not an undue hardship that other neighbors in the same neighborhood do not experience that demands a higher fence than those same neighbors would be entitled to.

5. ***Not injurious to neighborhood.*** *The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and it is otherwise not detrimental to the public welfare.*

Does not comply. While there are many nonconforming fences in the neighborhood, staff finds that the purpose of the LDR fence standards is to avoid adding to this practice so that we do not exacerbate the “wall” effect of the existing taller fences. As such, staff finds that this request would be injurious to the surrounding neighborhood because it would worsen an existing problem that the town will try to correct over time as the nonconforming fences are replaced.

6. ***Consistent with the LDRs.*** *The granting of the Variance is consistent with the general purpose and intent of the Land Development Regulations.*

Does not comply. Staff finds this variance to be inconsistent with the general intent of the Land Development Regulations.

ATTACHMENTS

Applicant Submittal
Departmental Reviews

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director recommends **denial** of Item P20-175, a Variance to the 4-foot height maximum for fences in a street yard in the NL-3 zone to allow a 6-foot fence for the property addressed as 505 Rancher Street subject to the Land Development Regulations, and the department reviews attached to this staff report dated October 30, 2020.

SUGGESTED MOTION

Based upon the findings for a Variance as presented in the staff report related to 1) Special conditions and circumstances exists; 2) Not result of applicant; 3) Strict application deprives reasonable use; 4) Minimum Variance; 5) Not injurious to neighborhood; and 6) Harmony with LDRs as presented by the applicant and staff for Item P20-075, I move to **approve** a Variance to the 4-foot height maximum standard in a secondary street yard for a fence in the NL-3 zone to allow a 6-foot fence on the northern property line for the property addressed at 505 Rancher Street, subject to the departmental reviews attached to this staff report dated October 30, 2020, and the following condition of approval:

1. The applicant shall reduce the height of the rear (southern) fence to 4' maximum within the required 22' primary street setback.

NORTHWORKS

Austin Depree
505 Rancher Street
P.O. Box 1613
Jackson, WY 83001

Paul Anthony, Planning Director
Town of Jackson Planning Department
150 East Pearl Avenue
Jackson, WY 83001

September 9, 2020

Re: Variance

Dear Planning Director,

I humbly request the consideration of an administrative variance to allow a 6' tall fence along the North edge of my property line for security and life safety reasons.

The property at 505 Rancher Street presents a unique condition in which cars are traveling directly towards the house with no stop sign. I personally witnessed a car slide into the property last winter during icy conditions and a taller more substantial fence would help protect the property and occupants from errant driving due to weather conditions or otherwise. In addition to this life safety concern, automobile headlights regularly flash into the house and ground floor bedroom all evening long.

I would like to request a variance to allow a 6' fence at this location which would match all the neighboring front yard fences along Rancher Street. At your convenience, I would appreciate the opportunity to discuss this matter further as I do believe this is a unique condition of hardship that would not set a precedent for other new developments in the Town of Jackson.

Respectfully,
Austin DePree



PLANNING PERMIT APPLICATION
Planning & Building Department

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

For Office Use Only

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

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

PROJECT.

Name/Description: 505 RANCHER STREET
Physical Address: 505 RANCHER STREET JACKSON, WYOMING 83001
Lot, Subdivision: LOT 3, BEESLEY SUBDIVISION PIDN: 22-41-16-34-1-33-001

PROPERTY OWNER.

Name: AUSTIN AND SAGE DEGREE Phone: 312-590-8665
Mailing Address: P.O. BOX 1613 JACKSON, WY ZIP: 83001
E-mail: ADEGREE@NWKS.COM

APPLICANT/AGENT.

Name: AUSTIN AND SAGE DEGREE Phone: 312-590-8665
Mailing Address: P.O. BOX 1613 JACKSON, WY ZIP: 83001
E-mail: ADEGREE@NWKS.COM

DESIGNATED PRIMARY CONTACT.

☒ Property Owner ☐ Applicant/Agent

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

Use Permit

☐ Basic Use
☐ Conditional Use
☐ Special Use

Relief from the LDRs

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

Physical Development

☐ Sketch Plan
☐ Development Plan
☐ Design Review

Subdivision/Development Option

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

Interpretations

☐ Formal Interpretation
☐ Zoning Compliance Verification

Amendments to the LDRs

☐ LDR Text Amendment
☐ Map Amendment

Miscellaneous

Other: _____
☐ Environmental Analysis

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

Pre-application Conference #: _____ Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

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

Have you attached the following?

Y **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

N/A **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.

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

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

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



Signature of Property Owner or Authorized Applicant/Agent

AUSTIN DEPREE

Name Printed

9/9/2020

Date

OWNER

Title

Town of Jackson
Project Plan Review History
PLANNING

Project Number P20-175	Applied 9/15/2020	STOL
Project Name Variance - 505 Rancher	Approved	
Type VARIANCE	Closed	
Subtype	Expired	
Status STAFF REVIEW	Status	
Applicant Austin and Sage Depree	Owner DEPREE, SAGE LANSING & EDMUND	
Site Address 505 RANCHER STREET	City JACKSON	State WY Zip 83001
Subdivision BEESLEY	Parcel No 22411634133001	General Plan

Type of Review	Status	Dates			Remarks
Contact		Sent	Due	Received	
Notes					
Building Kelly Sluder	APPROVED	9/15/2020	10/6/2020	9/22/2020	
Fire Kathy Clay		9/15/2020	10/6/2020		
Joint Housing Dept Stacy Stoker	NO COMMENT	9/15/2020	10/6/2020	9/18/2020	
Legal Lea Colasuonno		9/15/2020	10/6/2020		
Parks and Rec Steve Ashworth		9/15/2020	10/6/2020		
Pathways Brian Schilling (10/26/2020 3:02 PM STOL) No comments from Pathways Brian	NO COMMENT	9/15/2020	10/6/2020	10/26/2020	
Planning Brendan Conboy		9/15/2020	10/6/2020		

Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Police Michelle Weber (9/17/2020 8:18 AM STOL) No comments from the police department. Thank you!	NO COMMENT	9/15/2020	10/6/2020	9/16/2020	
Public Works Floren Poliseo (10/5/2020 9:42 AM FP) Fence Variance- Approved with conditions P20-175 ADDRESS: 505 Rancher St OWNER: Austin and Sage Depree APPLICANT: Austin and Sage Depree 10/5/2020 Floren Poliseo, 733-3079 DATE OF SUBMITTAL: 9/15/2020 DATE OF MATERIALS: 9/9/2020 REVISION NO.: N/A The engineering division has reviewed your application for a FENCE VARIANCE submitted on and with application materials as dated above. CONDITIONS OF APPROVAL: 1. Height variance is approved, but the location must be outside the public right-of-way (i.e. within the private property boundary) and must meet all Planning setback requirements and other applicable LDRs/ordinances. 2. Any damage to landscaping or other owner-placed features outside the fence and within the public right-of-way as a result of normal Town operations and maintenance will not be the responsibility of the Town to replace or cover costs to replace.	APPROVED W/COND	9/15/2020	10/6/2020	10/5/2020	comments
START Darren Brugmann		9/15/2020	10/6/2020		



TOWN OF JACKSON

PLANNING COMMISSION

AGENDA DOCUMENTATION

PREPARATION DATE: October 29, 2020
MEETING DATE: November 4, 2020

SUBMITTING DEPARTMENT: Community Development
DEPARTMENT DIRECTOR: Tyler Sinclair
PRESENTER: Tyler Sinclair

SUBJECT: **ITEM P20-171:** Amendment to the text of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise Section 6.3.3 Amount of Affordable Workforce Housing Required

APPLICANT: Town of Jackson

REQUESTED ACTION

To amend the text of the Town of Jackson Land Development Regulations (LDRs), pursuant to Section 8.7.1, LDR Text Amendments, to amend Section 6.3.3 Amount of Affordable Workforce Housing Required of the Town of Jackson Land Development Regulations (LDRs) to reduce the housing mitigation requirements for non-residential uses by fifty percent (50%) of existing rates.

APPLICABLE REGULATIONS

Sec. 8.7.1. LDR Text Amendment
 Section 6.3.3 Amount of Affordable Workforce Housing Required

BACKGROUND

The FY 2021 Comprehensive Plan Work Plan includes a task to revisit the current structure and rates for Affordable Workforce Housing Mitigation required by Section 6.3.3. of the Land Development Regulations (attached).

To begin the background, staff has summarized the history of housing mitigation policy in the Town and County to provide relevant context and ensure understanding of the historical and current housing mitigation requirements in the community prior to discussion of the proposed amendments.

Housing Mitigation Standards 1995-2017

In 1995, community-wide employee and affordable housing standards were established as requirements on new development to address local affordable workforce housing issues. The regulations required residential developers to provide some affordable housing for year-round workers and nonresidential developers to provide some employee housing for seasonal workers. By 2017, the regulations in effect required that 25% of all new housing stock be made available at affordable prices. That is, 25% of all new residential units were required to be affordable through permanent deed restriction managed by the Jackson/Teton County Housing Department. For nonresidential development, the employee housing requirement was determined by calculating the number of peak season employees in need of housing, accounting for those who may already live in the community, and accounting for average wages paid by various land uses. This seasonal employee generation requirement yielded an average employee mitigation rate of 13% across industries. The rate varied by industry, depending

on an industry's reliance on seasonal vs. year-round workers. These standards were based on the Affordable Housing Needs Assessment and Seasonal Employee Housing Needs Assessment found in Appendix D of the 2012 Comprehensive Plan.

The intention of the 25% restriction on residential development was that new residential development would address the resulting permanent long-term housing needs new development. However, this approach was limited because if housing growth is slower than job growth, then the gap between job generation and affordable workforce housing construction will grow. During the time these standards were in effect, job growth did exceed affordable housing growth and the existing housing needs gap in the community expanded. Between 2007 and 2017, approximately two hundred (200) housing units were provided through housing requirements in the Land Development Regulations (LDRs), constituting about 25% of total housing units produced in that time. Between 1995 and 2017, the percentage of the workforce living locally continued to decline annually.

With the adoption of the Jackson/Teton County Comprehensive Plan in 2012, the community resolved to address its local workforce housing issue by setting a goal to house at least 65% of local employees within the community. The benefits of a locally housed workforce on protecting community character and reducing impacts of growth are extensive and important. The 2012 Comprehensive Plan and the 2015 Housing Action Plan both commit to continue using housing provision requirements in the Land Development Regulations as a tool to meet the community's 65% local workforce target through the production of affordable workforce housing.

In 2017, the community reevaluated its affordable and employee housing regulations through Engage 2017, which produced significant input from the public on issues with the existing housing program. Subsequently, the Town Council and Board of County Commissioners provided policy direction on ten policy questions that would inform an update to the LDRs on housing standards. The result of the update was adoption of Division 6.3 Affordable Workforce Housing Standards in both the Town and County LDRs on July 18, 2018 which remain in effect today.

2018 Housing Mitigation Policy

While the goal of the 2018 housing mitigation requirements remains largely unchanged from 1994, the result of the Engage 2017 process includes changes in *how* and *what amount* of housing demand generated by development is required to be mitigated. The 2018 Affordable Workforce Housing Standards are a shift from the prior inclusionary zoning approach to a mitigation strategy requiring developers to offset a percentage of the fulltime, year-round employees generated by the development and use. The intent of this shift was to ensure that housing is provided concurrently with the creation of new jobs, rather than waiting for residential development to produce the necessary affordable workforce housing. Through the Engage 2017 process, the community decided that the new development or change in use creating new jobs should be responsible for housing the new workers who cannot afford market rate housing. The decision reduced the affordable housing requirement on market rate residential development and was paired with updates to Town zoning allowances and incentives to encourage residential development in the community. Additionally, the update removed mitigation requirements for the generation of seasonal workers. This change reflected a policy decision to instead allow market housing solutions for these seasonal workers and to focus mitigation efforts on housing the year-round workforce.

The updated LDRs require developers of both residential and nonresidential projects to provide affordable workforce housing to mitigate a portion of the housing demand generated by the development for year-round employees who cannot afford market rate housing. This data and resulting mitigation rates were calculated through the 2013 Teton County and Town of Jackson Employee Generation Land Use Study ("Nexus Study") of the local workforce. The result of these changes is that housing requirements for multi-unit residential development have decreased, housing requirements for single-family residential development have roughly stayed the same, and housing requirements for nonresidential uses have increased.

The current mitigation rates were based on this policy direction shift and analysis of the increasing gap in affordability. Staff initially proposed a new mitigation rate for all types of development that would require the provision of housing for 73% of all year-round workers generated by the development. 73% was determined to

be the average percentage of local year-round workers who could not afford market housing. The number of employees generated by a development varies by industry because some industries have more year-round employees per square foot and more employees in certain industries can afford market housing. For instance, a restaurant use requires more employees per square foot than an industrial use because the Nexus Study tells us that more employees are generated by development of a restaurant than an industrial business of the same size. This initial proposal represented an increase in affordable housing required for overall development throughout the community. The proposal also required that a greater percentage of required units serve lower income residents, citing the needs identified in the 2013 Nexus Study.

Much of the discussion during consideration of staff's initial proposal weighed potential impacts of the update on physical and economic growth compared to the benefits on the quality of life and growth management common values of the Comprehensive Plan. Staff offered that this mitigation rate would allow affordable housing growth to begin to catch up with the rapid job growth and commensurate housing need over the preceding years.

During joint review of the proposed Affordable Workforce Housing Standards in 2018, both the Board of County Commissioners and the Town Council elected to reduce the proposed mitigation rate for nonresidential, nonlodging uses from the proposed 73% of year-round employees generated. The Town Council reduced the mitigation rate to 55%, while the County ultimately reduced it to 48%. The County also added a mitigation exemption for private schools and for single-family houses of 2,500 sf or less.

The table below includes a summary of the current housing mitigation requirements. The gray columns explain the breakdown of employees generated by use and by year-round vs. seasonal. About 75% of year-round employee generation is from nonresidential development, while 5% is from lodging and 20% is from residential. Overall, the current percentages of housing demand mitigation in the Town (36%) and County (33%) are nearly equal to the 1994 LDRs (33%), however, as described above, the method and distribution of the rates have shifted. For more information on the history and policy direction behind the 2018 housing requirements refer to the [Housing Requirements Project Page](http://jacksontetonplan.com/161/Housing-Requirements) on jacksontetonplan.com (direct link: <http://jacksontetonplan.com/161/Housing-Requirements>).

Comparison of Housing Demand Required to Be Supplied (Mitigation Rates)				
	Year-round Employees	Total Employees	% of Housing Demand Required to be Supplied	
			Town	County
Year-Round Employee Housing Demand	100%	60%	60%	54%
- Nonresidential	75%	45%	55%	48%
- Lodging	5%	3%	73%	73%
- Residential	20%	12%	73%	73%
Seasonal Employee Housing Demand	n/a	40%	0%	0%
Overall	n/a	100%	36%	33%

Revisiting Mitigation Rates

Upon adoption of these regulations in 2018, a few members of the Wyoming Legislature became interested in our local Housing Mitigation Program and expressed interest in prohibiting municipalities and counties from imposing affordable housing exactions. As a result, the Town and County committed to revisiting assessment of local mitigation rates. This item was listed on the FY21 Work Plan with a goal of completion prior to the 2021 Wyoming Legislative Session.

This item was introduced for discussion at the [August 3, 2020 JIM](#) where the Board of County Commissioners and Town Council provided the following direction:

- Scope: Adjustment to current mitigation rates using available data. This would allow the boards to focus only on adjustments they may want to make based upon the current Housing Nexus Study and information from the Engage 2017 update process.
- Joint coordination and discussion, with mitigation rates amended individually if consistency cannot be achieved.

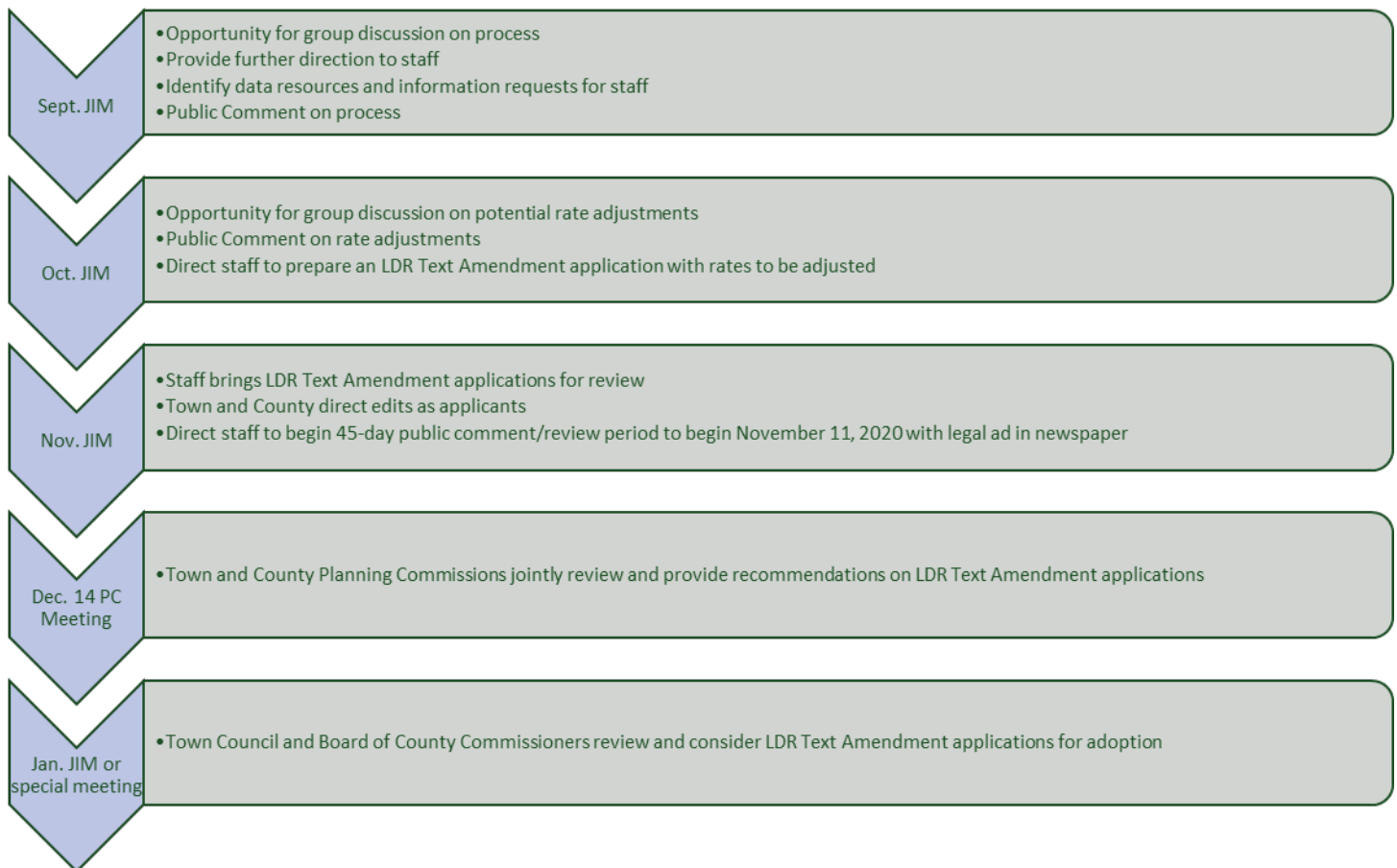
- Timeline: Complete by January 2021

And approved the following motion:

I move to direct staff to proceed with a review and update to the Town and County Affordable Workforce Housing Standards as discussed in this meeting and described below:

- *To review a short-term adjustment in non-residential mitigation rates*
- *To review opportunities to increase mitigation for larger single-family residential under the current nexus study*
- *To bring back to the joint boards for consideration*

At the September 14, 2020 JIM both the Town and County directed staff to proceed with a review and update of the County/Town Affordable Workforce Housing Standards at an October Special JIM based upon the overall review process as outlined below:



At the October 13, 2020 Joint Information Meeting the Town and County elected officials directed staff to prepare an amendment to Section 6.3.3 Amount of Affordable Workforce Housing Required) to reduce the housing mitigation requirements for non-residential uses by fifty percent (50%) of existing rates. Below staff have provided the background information provided to the elected officials at the October 13 JIM and the direction provided leading to the proposed amendment being considered in this application.

State pre-emption of Local Jurisdictions' ability to impose Housing Mitigation

Staff has not been able to determine what an acceptable amendment to our current Housing Mitigation regulations might look like to address the concerns of some members of the State Legislature. There seems to be a wide variety of opinions on why the State is interested in this largely Teton County-specific issue, ranging from local jurisdictions not having the authority from the State to impose Housing Mitigation at all, to the current Housing Mitigation rates being too burdensome to local businesses, which affects sales tax collection at

the local and State level. With this broad array of opinions as to the nature of the issue itself, the potential solution(s) to address the issue are not 100% clear. With that in mind staff presented to the Town Council and Board of County Commissioners a variety of possible amendments that attempt to address the identified issues as understood by staff, with the goal of avoiding new State legislation that would affect the use of Housing Mitigation regulations at the local level. Staff discussion and Council direction on the options provided are described below.

Non-residential Housing Mitigation Adjustments

Staff recommend a uniform percentage reduction to the current Housing Mitigation rates as the primary method to amend the current regulations to achieve the desired goal. Staff recommended this approach to retain the current nexus justification while also retaining the policy direction and public support for the current program developed through the Engage 2017 effort. In addition, by keeping the current regulatory structure in place, implementation of the amendments can be completed in a timely manner and public understanding of the regulations will not be significantly affected. Staff provided Council the below table indicating the effects of a 75% reduction (Option 1) and a 50% reduction (Option 2) to the current non-residential rates.

Town of Jackson Non-residential	2017		Current		Option 1		Option 2	
Use	Units	Associated Fee-In-Lieu (2019 \$)	Units	Associated Fee-In-Lieu (2019 \$)	75% Unit Reduction	Associated Fee-In-Lieu* (2019 \$)	50% Unit Reduction	Associated Fee-In-Lieu* (2019 \$)
3,000 sf restaurant/bar	1.800	\$459,787	3.592	\$924,427	0.898	\$187,089	1.796	\$458,596
5,000 sf retail, service, nursery or amusement	1.244	\$285,015	2.153	\$594,453	0.538	\$112,123	1.077	\$233,018
10,000 sf office	0.222	\$ 46,246	4.934	\$1,318,046	1.234	\$281,702	2.467	\$659,858
5,000 sf industrial, heavy retail/service, or transportation/infrastructure	0.067	\$13,957	1.229	\$280,251	0.307	\$63,997	0.615	\$128,475
50,000 sf private school	exempt	Exempt	ind. calc.	ind. calc.	ind. calc.	ind. calc.	ind. calc.	ind. calc.
20 – 2 bedroom short-term rentals	5.000	\$1,339,464	8.172	\$1,970,180	2.043	\$571,535	4.086	\$1,043,536
40 unit conventional hotel	3.378	\$868,861	8.172	\$1,970,180	2.043	\$571,535	4.086	\$1,043,536
10,000 sf mini-storage / warehouse	ind. calc.	ind. calc.	0.132	\$27,399	0.033	\$6,850	0.066	\$13,700
<i>*Note that Associated Fees-in-Lieu will not necessarily reflect a perfect 75% or 50% reduction and will vary based on the number, size and affordability of units required.</i>								

Staff notes that the fee-in-lieu values do not decrease perfectly proportionally with the unit decrease. This is due to the variation in cost of housing based on the number, size and affordability of units required by the regulations. In addition, staff notes that the shift in the program in 2018 from seasonal to full-time, year-round employees being housed required large adjustments in housing mitigation requirements for some uses based on the differences in full-time vs. seasonal worker generation. The adjustments in requirements can also be attributed to the variation in wages and, by extension, affordability for workers across use types. Staff provided both the unit requirement along with the associated fee-in-lieu value for ease of comparison, although the program would continue to require that units (not fee-in-lieu) be provided in instances where at least one full unit is required. In addition, staff utilized the 2019 fee in lieu calculation for all years to allow for an equal comparison of values. Staff also noted that neither reduction considers the impact of non-bricks and mortar businesses on the creation of jobs and their associated housing demand in the community. Determining this impact will require a new nexus study, scheduled to begin after the completion of this initial step, in the new year.

Town and County Elected Officials were asked to give direction on their preferred non-residential Housing Mitigation rate reduction at the meeting including feedback on the following topics:

- What amount of reduction will be easiest to explain and communicate to the State?

- What are the implications of mitigation reduction on the responsibility of other sectors (public, private, other) for the provision of units needed to meet our 65% workforce housing goal? i.e. If mitigation is lowered, another sector (public, private, other) will have to provide more workforce housing units to meet our 65% goal.
- Other?

Council direction was for staff to proceed with a text amendment to reduce the housing mitigation requirements for non-residential uses by fifty percent (50%) of existing rates.

Residential Housing Mitigation Adjustments

Staff did not recommend any adjustment to residential Housing Mitigation rates at this time. The 2018 adjustment (lowering) of multi-family development requirements and changes to Town zoning have had the desired effect of encouraging the construction of multi-family developments. The Elected Officials did provide direction in September to explore whether single family units could receive a higher housing mitigation rate. In researching this question, staff found that single family homes of all sizes are mitigating at the highest level based upon the 2013 Nexus Study. Staff presented that the only amendment that could be considered by the Town is the use of the 2,500 square foot exemption which the County allows, and the Town does not. Staff provided one additional residential amendment under Other Amendments consideration regarding additions. The below table compares the requirements of the 2017 program to the current program for the various residential unit types.

Town of Jackson Residential	2017		Current	
Use	Units	Associated Fee-In-Lieu (2019 \$)	Units	Associated Fee-In-Lieu (2019 \$)
1,500 sf single-family unit (unrestricted)	Exempt	Exempt	0.035	\$7,345
4,500 sf single-family unit (unrestricted)	Exempt	Exempt	0.132	\$27,544
8,000 sf single-family unit (unrestricted)	Exempt	Exempt	0.275	\$57,265
90 – 850 sf, 2-bedroom apartments or attached single family units (unrestricted)	20	\$4,367,099	2.625	\$692,801

Council direction was for staff to process no text amendments affecting residential mitigation rates at this time.

Change of Use Requirements affecting Small Businesses

Staff also presented options to address the affect current mitigation rates have on small businesses and, more specifically, on “change of use” requirements for non-residential development. A change of use is when an existing tenant space changes its use to another use in the Housing Mitigation rate table. For example, a current 5,000 square foot retail use changes to a 5,000 square foot restaurant use. If the new use’s Housing Mitigation rate is higher than the current use’s Housing Mitigation rate the business owner and/or property owner must pay a fee-in-lieu and/or construct a restricted unit to satisfy the additional new Housing Mitigation requirement. Staff notes that a change in use may also trigger other significant requirements including, but not limited to, Building and Fire Code, parking, and sewer capacity fees. The change of use requirement for Housing Mitigation was not a new requirement in 2018. However, the increase in overall mitigation rates for nonresidential uses, as discussed above was added in 2018 and resulted in significantly larger fees for some new or relocating businesses. In considering this issue staff identified the following three possible amendments and the potential advantages and disadvantages for consideration by the elected officials:

- 1) Exempt all existing non-residential square footage from change of use requirements

Pros

- This would allow businesses to move to different existing locations and not be subject to change of use Housing Mitigation fees.

- One additional option could be to exclude some uses (e.g. restaurant) that have a higher mitigation requirement from this exemption, but such targeted exemptions would need to pass legal scrutiny.

Cons

- This would allow new or relocating businesses with a higher mitigation rate (e.g. restaurants) to get approved at a lower rate than existing businesses were required to meet; this change may also devalue existing properties that paid for existing housing credits at a higher rate.
- Change of use on new construction and additions to existing structures completed after the date of this change would still need to be tracked, accounted, and mitigated. This could be addressed by going to one standardized Housing Mitigation rate for all existing and new uses to eliminate any need for mitigation upon change of use. Although staff finds merit to this alternative, it may be a larger amendment not within the scope of this interim stage, but one that could be considered in the future.

2) Allow for the payment of fee-in-lieu in all instances and no longer require the construction of units for change of use in existing buildings

Pro

- This amendment would ensure that a business and/or property owner would not be required to construct an actual unit in an existing building as result of a change in use.

Con

- This is largely already the case with existing regulations not requiring new units be built in existing buildings, thus the impact of this change would be minimal.

3) No change

Pro

- This would allow the current system to remain; however, when combined with the proposed overall reduction in rates, the result would be that the change of use mitigation fees would be reduced substantially.

Con

- If the overall reduction in rates is not significant enough to address the concern, businesses may still see the change of use requirement as burdensome.

Council direction was to not make any changes to the “Change in Use” Housing Mitigation requirements at this time finding that the overall 50% reduction would address this issue.

Other Amendments

In addition to the larger policy decisions listed above, staff provided the elected officials the following additional amendments for consideration now or, preferably, as part of a comprehensive revisit of the Housing Mitigation program in the future. Staff recommended deferral of these items as they would require more time and consideration by staff, the public, Planning Commissions and Elected Officials than may be possible during this interim amendment process.

- Town: Amend residential Housing Mitigation requirements to exempt additions to an existing house for the first 2,500 sf of total floor area. For example, an existing 1,600 sf house can add 900 sf without any mitigation but any new floor area added above 900 sf must be mitigated. This will incentivize reinvestment in existing homes which are less prone to speculation (full scrapes) and is a more sustainable option that preserves existing energy in existing homes
- Town and County: Allow more flexibility in the type of restriction(s) and size of unit(s) to be provided
- Town and County: Update Independent Calculation requirements to include what information needs to be provided to staff to complete the calculation

Council direction was to defer consideration of these other amendments until a future date, allowing for the completion of a new Housing Nexus Study and a comprehensive review of the overall housing mitigation program.

LOCATION

N/A

PROJECT DESCRIPTION

N/A

STAFF ANALYSIS

Staff supports the Town Council's direction to amend the Land Development Regulations to reduce the Town non-residential housing mitigation requirements by 50%. Staff finds that this interim step to address State concerns is the best course of action to hopefully ensure that the program as a whole will not be eliminated and can be further amended in the future as desired.

To accomplish this change a summary of amendments to the current text of the Land Development Regulations is provided in **red type** below. Staff have also attached a full **redlined** amendment to entire Section 6.3.3 Amount of Affordable Workforce Housing Required for review.

Required Affordable Workforce Housing	
Use	Affordable Workforce Housing Units Required
Detached Single-Family Unit (6.1.4.B.) (Non-Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-15.49 + 1.59 * Ln(sf))) / 2.176$
Detached Single-Family Unit (6.1.4.B.) (Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-16.14 + 1.59 * Ln(sf))) / 2.176$
Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.) (Non-Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-14.17 + 1.59 * Ln(sf))) / 2.176$
Attached Single-Family Unit (6.1.4.C.), Apartment (6.1.4.D.) (Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-14.82 + 1.59 * Ln(sf))) / 2.176$
Conventional Lodging (6.1.5.B.), Short-Term Rental Unit (6.1.5.C.)	0.1020204 * room
Office (6.1.6.B.)	0.0002479-0.000493 * sf
Retail (6.1.6.C.), Service (6.1.6.D.), Nursery (6.1.6.H.), Amusement (6.1.7.B.), Adult Entertainment Business (6.1.7.E.)	0.0002160-0.000431 * sf
Restaurant/Bar (6.1.6.E.)	0.0005920-0.001197 * sf
Mini-Storage Warehouse (6.1.6.G.)	0.0000070-0.000013 * sf
Heavy Retail/Service (6.1.6.F.), Industrial Uses (Sec. 6.1.9.), Transportation/ Infrastructure Uses (Sec. 6.1.10.)	0.0001230-0.000246 * sf
Outdoor Recreation (6.1.3.C.), Developed Recreation (6.1.7.D.), Outfitter/Tour Operator (6.1.7.E.), Institutional Uses (Sec. 6.1.8.)	independent calculation

STAKEHOLDER ANALYSIS

Stakeholders to this amendment are all property owners, and business owners in the Town. In addition, all residents of the Town will be affected as a reduction in the amount of housing mitigation will require other segments of the community to provide the housing for workers generated by new non-residential development that cannot afford market rate housing in the community in order to maintain our housing 65% of our workforce locally goal.

STAFF FINDINGS

Pursuant to Section 8.7.1.C of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

1. ***Is consistent with the purposes and organization of the LDRs;***
Complies. The purpose of the LDRs is to predictably implement the Comprehensive Plan. The proposed amendments are consistent with the purposes and organization the LDRs.
2. ***Improves the consistency of the LDRs with other provisions of the LDRs;***
Not Applicable. The proposed amendments are not intended to improve consistency within the LDRs and does not create any new inconsistencies.
3. ***Provides flexibility for landowners within standards that clearly define desired character;***
Not Applicable. The proposed amendments are not intended to provide flexibility for landowners within standards that clearly define required housing mitigation.
4. ***Is necessary to address changing conditions, public necessity, and/or state or federal legislation;***
Complies. The proposed amendment addresses a State concern with our local non-residential housing mitigation rates.
5. ***Improves implementation of the Comprehensive Plan; and***
Complies. The proposed amendment improves the implementation of the Comprehensive Plan by addressing the possible elimination of housing mitigation as a tool to address affordable housing called for in the Comprehensive Plan.
6. ***Is consistent with other adopted Town Ordinances.***
Complies. The proposed amendment does not conflict with any other Town Ordinances.

ATTACHMENTS

Section 6.3.3 Amount of Affordable Workforce Housing Required – Redline Amendment

LEGAL REVIEW

Complete.

RECOMMENDATION

The Planning Director recommends approval of P20-171.

SUGGESTED MOTION

I move to recommend approval of P20-171 to amend the Town of Jackson Land Development Regulations amending Section 6.3.3 Amount of Affordable Workforce Housing Required of the Town of Jackson Land Development Regulations (LDRs) to reduce the housing mitigation requirements for non-residential uses by fifty percent (50%) of existing rates, being able to find, based upon the findings as presented in the staff report, that pursuant to Section 8.7.1.C of the Land Development Regulations the application: 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances.

7. **Dormitory.** A dormitory (6.1.4.F.).
8. **Group Home.** A group home (6.1.4.G.).
9. **Daycare.** A daycare or early childhood education use.
10. **Accessory Use.** An accessory use (Sec. 6.1.11.).
11. **Temporary Use.** A temporary use (Sec. 6.1.12.).
12. **Workforce Housing Unit Incentive.** A residential unit approved pursuant to Div. 7.8., whether deed restricted or not.
13. **Public/Semi-Public Zone.** Employee generating development in the public/semi-public zone.

6.3.3. Amount of Affordable Workforce Housing Required ~~(7/18/18, Ord. 1196)~~ (P20-171)

A. Requirement

Any employee generating development to which this Division applies shall provide at least the amount of affordable workforce housing determined by the following calculations. The calculations vary by the use being proposed and are the function of the size of the proposal. The calculations are based on the analysis found in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, and assume an affordable workforce housing unit houses 1.8 local employees.

Required Affordable Workforce Housing	
Use	Affordable Workforce Housing Units Required
Detached Single-Family Unit (<u>6.1.4.B.</u>) (Non-Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-15.49 + 1.59 * \ln(sf))) / 2.176$
Detached Single-Family Unit (<u>6.1.4.B.</u>) (Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-16.14 + 1.59 * \ln(sf))) / 2.176$
Attached Single-Family Unit (<u>6.1.4.C.</u>), Apartment (<u>6.1.4.D.</u>) (Non-Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-14.17 + 1.59 * \ln(sf))) / 2.176$
Attached Single-Family Unit (<u>6.1.4.C.</u>), Apartment (<u>6.1.4.D.</u>) (Local Occupancy, A.8.)	$0.000017 * sf + (Exp(-14.82 + 1.59 * \ln(sf))) / 2.176$
Conventional Lodging (<u>6.1.5.B.</u>), Short-Term Rental Unit (<u>6.1.5.C.</u>)	0.1020 ^{0.204} * room
Office (<u>6.1.6.B.</u>)	0.000247 ^{0.000493} * sf
Retail (<u>6.1.6.C.</u>), Service (<u>6.1.6.D.</u>), Nursery (<u>6.1.6.H.</u>), Amusement (<u>6.1.7.B.</u>), Adult Entertainment Business (<u>6.1.7.F.</u>)	0.000216 ^{0.000431} * sf
Restaurant/Bar (<u>6.1.6.E.</u>)	0.000599 ^{0.001197} * sf
Mini-Storage Warehouse (<u>6.1.6.G.</u>)	0.000007 ^{0.000013} * sf
Heavy Retail/Service (<u>6.1.6.F.</u>), Industrial Uses (<u>Sec. 6.1.9.</u>), Transportation/ Infrastructure Uses (<u>Sec. 6.1.10.</u>)	0.000123 ^{0.000246} * sf
Outdoor Recreation (<u>6.1.3.C.</u>), Developed Recreation (<u>6.1.7.D.</u>), Outfitter/Tour Operator (<u>6.1.7.E.</u>), Institutional Uses (<u>Sec. 6.1.8.</u>)	independent calculation

1. **Schedule and Calculator Available.** A schedule of the requirement for employee generating development of various sizes and a calculator to use in determining the requirement are both available in the Administrative Manual. The residential requirement is a logarithmic equation because there is an exponential relationship between the size of a unit and the number of operations and maintenance employees generated.
2. **Use Not Listed.** For uses not listed, the Planning Director shall either find a use comparable to the proposed employee generating development and utilize the comparable calculation, or require the applicant to conduct an independent calculation pursuant to 6.3.3.B. to determine the requirement.
3. **Expansion.** In the case of an expansion to an existing building or use (6.3.2.A.1.), the amount of affordable workforce housing required shall be calculated based on the difference between the requirement for the proposed and existing employee generating development.

EXAMPLE: A 5,000 sf office building proposing to add 1,500 sf would be required to provide 0.379-74 affordable workforce housing units ($(0.0002479-000493 * 6,500 - 0.0004930.000247 * 5,000 = 0.740.37)$). A 3,000 sf detached single family home proposing to add 500 sf would be required to provide 0.017 affordable workforce housing units $((0.000017 * 3,500 + \text{Exp}(-15.49 + 1.59 * \ln(3,500))/2.176) - (0.000017 * 3,000 + \text{Exp}(-15.49 + 1.59 * \ln(3,000))/2.176) = 0.017)$.

4. **Change of Use.** In the case of a change of use, the amount of affordable workforce housing required shall be the difference between the requirement for the proposed use and the requirement for the existing use (6.3.2.A.1.)

EXAMPLE: A proposal to use a 2,000 sf retail space as an office would be required to include 0.124 0.062 affordable workforce housing units ($(0.000493 0.000247 * 2,000 - 0.0002160.000431 * 2,000 = -0.124 0.062)$).

5. **Unknown Use.** For the development of floor area with an unknown use, the allowed use in the zoning district with the greatest need for affordable workforce housing shall be used, except that Restaurant/Bar use shall only be required in association with a Restaurant/Bar use permit.
6. **Sf.** In the calculations "sf" is equal to the habitable floor area (in square feet), including basement, of each residential, lodging, or nonresidential unit.
 - a. The calculation for a multi-unit building shall be the sum of the calculation for each unit.
 - b. Common hallways, entryways, stairways, and other circulation areas in buildings with multiple residential or nonresidential units, that are not within any individual unit, shall not be included in the calculation.

7. **Room.** In the calculations “room” is equal to a single lodging room. In the case of a conventional lodging or short-term rental with multiple bedrooms per unit, the number of rooms used in the calculation shall be the number of bedrooms, not the number of units.
8. **Local Occupancy Restriction.** The calculation for non-local occupancy shall be applied to all residential uses. In order to utilize the local occupancy calculation, a restriction shall be placed on the unit that requires compliance with the occupancy qualification requirement of the Housing Department Rules and Regulations. Placement of an affordable restriction or workforce restriction on a unit, as defined in the Housing Department Rules and Regulations, shall exempt the unit from any requirement pursuant to 6.3.2.C.1.. However, 6.3.2.C.1. does not apply to an occupancy restriction placed to utilize the local occupancy calculation.

EXAMPLE: An applicant proposing to build 3 – 1,000 square foot attached single-family units would be required to provide 0.108 affordable workforce housing units ($3 * (0.000017 * 1,000 + \text{Exp}(-14.17 + 1.59 * \ln(1,000)) / 2.176) = 0.108$). If a workforce restriction is placed on the units, they are exempt from the requirements of this Section. If an occupancy restriction is placed on the units, 0.081 affordable workforce housing units would be required ($3 * (0.000017 * 1,000 + \text{Exp}(-14.82 + 1.59 * \ln(1,000)) / 2.176) = 0.081$).

9. **Removal of a Voluntary Restriction.** An affordable, workforce, or occupancy restriction voluntarily placed on a unit may be removed. In order to remove such a restriction, the affordable workforce housing required on the date of the removal shall be provided. In the case of removal of an occupancy restriction the affordable workforce housing requirement shall be calculated as a change of use from local to non-local occupancy.
10. **Update Requirement Regularly.** The determination of need for affordable workforce housing shall be evaluated and updated at least every 5 years to account for changes in the economic and demographic trends in the community. Updates shall be based on update to The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.

B. Independent Calculation

Where applicable, an independent calculation shall establish the amount of affordable workforce housing required. The intent of the independent calculation is to identify a requirement for an industry that is proportional to the demand for affordable workforce housing that industry generates, where the general circumstances surveyed in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, do not represent unique circumstances of the industry. The independent calculation is not intended to be business specific.

1. **Applicability**

- a. **Applicant option.** An applicant may elect to prepare an independent calculation of the required affordable workforce housing if the applicant believes the nature, timing, or location of the proposed employee generating development is likely to create less need for affordable workforce housing than otherwise required in this Section.
 - b. **Unspecified use.** The Planning Director may require an independent calculation of the need created for required affordable workforce housing if:
 - i. A calculation for the proposed use is not established in Sec. 6.3.3.A.; or
 - ii. A proposed use does not rely on floor area; or
 - iii. The proposal is a Planned Resort estimating housing need pursuant to Sec. 4.3.1.F.6.; or
 - iv. The Planning Director finds the employee generating development to be unique from the general circumstances surveyed in The Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended.
2. **Calculation Methodology.** An independent calculation shall use the methodology used in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013) to generate the calculations in Sec. 6.3.3.A. That methodology is represented by the following equation:

$$\text{Requirement (units per sf/room)} = [A/30/X*Y] + [B/X*Y] + [C/X*Y] + [D/X*Y]$$

- a. A = the number of construction workers needed to construct one sf or room of the use.
- b. B = the post-construction workers needed to operate one sf/room of the use. In the case of residential development, these are the operations and maintenance employees such as landscapers, trash collectors, and property managers. In the case of nonresidential development, these are the employees who work at the use.
- c. C = the number of fire and emergency medical personnel needed to serve one sf/room of the use.
- d. D = the number of law enforcement personnel needed to serve one sf/room of the use.
- e. 30 = the 30 year average career of a construction worker.
- f. X = the average number of workers in the household of an employee in a specific industry.
- g. Y = the percentage of workers in a specific industry that cannot afford market housing.

3. **Calculation Values.** The values in the Teton County and Town of Jackson Employee Generation Land Use Study (August 22, 2013), as amended, shall be used in the independent calculation except pursuant to the following standards.
 - a. **Values that may be altered.** In the equation for independent calculation an alternate value shall only be used for A, B, or the X and Y values associated with an altered A or B.
 - b. **Alternate values.** The alternate value proposed shall be calculated using:
 - i. Generally recognized principles and methods of impact analysis; and
 - ii. Verifiable local information and data; and
 - iii. Data that is industry specific rather than business specific; and
 - iv. In the case of B, the year-round (including dual seasonal), post-construction occupancy of the space.

EXAMPLE: A space that is leased to a raft guiding operation in the summer and snowmobile guiding operation in the winter. For a space that size, a raft guiding operation averages 10 employees and a snowmobile guiding operation averages 7 employees. “B” for that use of that space = 7.

6.3.4. Type of Affordable Workforce Housing Required (7/18/18, Ord. 1196)

The affordable workforce housing required by this Division shall comply with the following requirements to ensure its affordability and livability.

A. Unit types allowed.

A required affordable or workforce housing unit shall be a detached single-family unit (6.1.4.B.), attached single-family unit (6.1.4.C.), apartment (6.1.4.D.), or accessory residential unit (6.1.11.B.). No other residential or lodging unit type shall be required affordable workforce housing.

B. Affordability.

1. **Restriction.** Each affordable or workforce housing unit shall be subject to one of the following restrictions.
 - a. **Less than 50% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making 50% of family median income or less.
 - b. **50%-80% of Median Income.** An affordable rental restriction, as defined in the Housing Department Rules and Regulations, ensuring affordability for households making above 50% up to 80% of family median income.