Joint Information Meeting

TOWN COUNCIL & COUNTY COMMISSIONER MEETING

January 11, 2021
2:00 PM
Virtual Zoom Meeting from the Town Council Chambers
Chair: Mayor Levinson

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

To join, click the link or copy to your browser: https://us02web.zoom.us/j/83126550583?pwd=UjhXclB5TWxuU013RkZHaHZoODYrQT09
If the link does not work, join at zoom.com with Webinar ID **831 2655 0583** Password: **toj**
or join by phone **1.669.900.9128** with Webinar ID **831 2655 0583** and Passcode **232532**

II. CALL TO ORDER, ROLL CALL, AND ANNOUNCEMENTS

III. PUBLIC COMMENT

This section is reserved for comments on items that are not otherwise included in this agenda. Public comment is limited to 3 minutes. As a general practice, the Electeds will not hold discussion or debate these comments. Nor will they make any decisions presented during this time, but rather refer to staff for follow-up. If you would like to communicate with the Electeds during the meeting, please address them during this open public comment, when public comment is called for on a specific agenda item or send an email to council@jacksonwy.gov and commisioners@tetoncountywy.gov.

IV. CONSENT CALENDAR

A. Meeting Minutes:
1. November 2, 2020 JIM
2. December 7, 2020 JIM
3. December 8, 2020 special JIM
4. December 14, 2020 special JIM
5. December 29, 2020 special JIM
6. December 30, 2020 special JIM

V. DISCUSSION/ACTION ITEMS

A. Consideration of the Purchase of an Affordable Ownership Restriction at 722 W. Wind River Lane & Melody Ranch Townhome Roof Repair Update (April Norton, 15 minutes)

B. Consideration of a Housing Preservation Program (April Norton, 30 minutes)

C. Teton County Historic Preservation Board duties in Town's Historic Preservation Program (Paul Anthony / Michael Stern, 30 minutes)

D. Ecosystem Capacity and Staffing (Tyler Sinclair, 30 minutes)

E. Construction Report on Park Shop/Housing and Fire Station One (Alyssa Watkins, 30 minutes)

VI. MATTERS FROM COUNCIL, COMMISSIONERS AND STAFF

VII. PROPOSED ITEMS FOR FUTURE JOINT INFORMATION MEETINGS

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.

2/1 Housing Nexus Study (Tyler Sinclair, April Norton 30 minutes)

tbd Childcare Baseline Inventory Next Steps

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 - UNAPPROVED, REVISED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

NOVEMBER 2, 2020 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a special joint information meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 2:03 P.M. Upon roll call the following were present:

COUNTY COMMISSIONERS: *In-person* none. *via Zoom:* Chairwoman Natalia Macker, Mark Barron, Mark Newcomb, and Luther Propst. Vice-Chairman Greg Epstein joined after the roll call.

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

STAFF: Larry Pardee, Maureen Murphy, Chris Neubecker, Tyler Sinclair, Kristi Malone, Alyssa Watkins, Rian Rooney, Heather Overholser, Amy Ramage, Roxanne Robinson, Lea Colasuonno, Keith Gingery and Chalice Weichman.

II. Public Comment. None.

III. Consent Calendar. A. Meeting Minutes. To approve the meeting minutes for the October 5, 2020 and October 13, 2020 meetings as presented.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the consent calendar for today's joint information meeting that includes the minutes for the October 5, 2020, JIM meeting and the October 13, 2020 Special JIM Meeting. Chairwoman 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 approve the consent calendar for today's joint information meeting that includes the minutes the minutes for the October 5, 2020, JIM meeting and the October 13, 2020 Special JIM Meeting. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

IV.A. 2020 Amendments to the 2012 Jackson/Teton County comprehensive Plan Approval. Tyler Sinclair, Community Development Director Planning and Building Services Director, presented to the Commission and the Council for consideration the 2020 amendments to the 2012 Jackson/Teton County Comprehensive Plan.

This update to the Jackson/Teton County Comprehensive Plan is founded on accountability to the community and adaptive management of goals, principles, policies, and strategies for continued aspirational and measurable success in living shared values. This Growth Management Program review and update to the 2012 Comprehensive Plan is evidence that a living plan improves with deliberate coordination between governmental jurisdictions, stakeholders, and the public to provide a balance between diverse community interests. After 18 months and through the challenges presented by COVID-19, countless meetings, hundreds of staff hours, and an overwhelming investment of time and confidence from the public, staff is proud to present the culmination of shared efforts in this final draft of an updated Comprehensive Plan. Over the course of this project, the Board of County Commissioners and Town Council have provided direct oversight on issues ranging in scope from the desired future of specific Subareas to overall Chapter goals. At the last Joint Information Meeting on October 13, 2020, the Board of County Commissioners and Town Council directed staff to make specific edits to the previously released draft updated Plan dated July 29, 2020. Those edits have been incorporated into a final draft dated October 28, 2020 for consideration of adoption

In addition to incorporating the specific edits listed in the staff report, Staff corrected noted typos and grammatical errors and the document was reviewed for legal consistency. Staff have reviewed the proposed edits in the content of the entire plan and find them consistent and complementary to the overall document. Please see the project website for previous staff reports and presentations made throughout the review process.

On behalf of the County, a motion was made by Commissioner Propst to add a new sentence to Strategy 2.2.S.3 which would read: in partnership with Teton Conservation District and nonprofit organizations, develop with all due dispatch a comprehensive county-wide wastewater management plan.

Commissioner Barron proposed a friendly amendment to add a period after Teton Conservation District; excluding participation of other organizations.

Commissioner Newcomb and Councilmembers Stanford, Muldoon, and Jorgensen supported the original motion as stated.

Commissioner Epstein suggested changing the wording in Commissioner Propst's original motion from "nonprofit organizations" to "applicable partners."

Commissioner Propst accepted Epstein's friendly amendment.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to add to the Comp Plan Update a new sentence in Revised Strategy 1.2.S.3 that reads: In partnership with Teton Conservation District and other applicable partners, develop with all due dispatch a comprehensive countywide wastewater management plan. Chairwoman Macker called for a vote. The vote showed 4-1 with Commissioner Barron opposed, and the motion carried for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilwoman Morton Levinson to add to the Comp Plan Update a new sentence in Revised Strategy 1.2.S.3 that reads: In partnership with Teton Conservation District and other applicable partners, develop with all due dispatch a comprehensive countywide wastewater management plan. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to accept the changes to the Jackson/Teton County Comprehensive Plan as set forth herein and discussed today and to approve the Joint Resolution adopting the updated Jackson/Teton County Comprehensive Plan as the amended Master Plan for the Town of Jackson, Wyoming and amended Comprehensive Plan for Teton County, Wyoming. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilwoman Morton Levinson to direct staff to accept the changes to the Jackson/Teton County Comprehensive Plan as set forth herein and discussed today and to approve the Joint Resolution adopting the updated Jackson/Teton County Comprehensive Plan as the amended Master Plan for the Town of Jackson, Wyoming and amended Comprehensive Plan for Teton County, Wyoming. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried for the Town.

IV.B. Northern South Park Request for Proposals Award. Chris Neubecker, Planning and Building Services Director presented to the Commission and the Council for consideration the award of a consultant contract for the Northern South Park Neighborhood Plan.

The approved Fiscal Year 2021 Work Plan for implementation of the Comprehensive Plan prioritized initiating the Northern South Park Neighborhood Plan. On September 21, 2020 Planning Staff released a Request for Proposals (RFP) seeking qualified consulting firms that have considerable experience in community engagement/participation, visioning, planning, design, affordable housing, transportation, and market analysis to work with the community in developing the neighborhood plan. The Request for Proposals period ended October 19, 2020 and thirteen Proposals were received by staff from the following consulting groups (in alphabetical order):

- CIVITAS, INC.
- CTA, Inc. (Cushing Terrell)
- DPZ Partners, LLC (DPZ CoDESIGN, LLC)
- DTJ DESIGN, Inc.
- Farr Associates Architecture & Urban Design
- GGLO
- Logan Simpson
- Norris Design
- Opticos Design
- Sunlight Design
- The Image Network, Inc.
- TPUDC
- Y2 Consultants, LLC

The next step in the consultant selection process is awarding the bid for best Proposal so that staff can prepare a formal contract between the consultant and Teton County. The thirteen proposals were reviewed by a group of County and Town staff and appointed officials. This group included:

- Chris Neubecker, Teton County, Planning & Building Services Director
- Tyler Sinclair, Town of Jackson, Community Development Director
- Heather Overholser, Teton County, Director of Public Works
- Glen Esnard, Teton County, Planning Commission Chair
- Laura Bonich, Joint Housing Supply Board Member

After reviewing and scoring each proposal based on criteria listed in the RFP, the review group narrowed the list to three top firms:

1. DPZ Partners – An urban design and planning firm based in Miami, FL, with offices in Washington, D.C. and Portland, OR. Co-founder, Andrés Duany, is a national leader in new urbanism and master planned communities. DPZ Partners are one of the best-known firms in the field of neighborhood planning.

2. Logan Simpson – A landscape architecture and environmental planning firm with offices in the western U. S. including Ft. Collins, CO. Bruce Meighen with Logan Simpson is the lead consultant on the Jackson/Teton County Comprehensive Plan update and also worked on the 2012 Comprehensive Plan.

3. Opticos Design – An urban design, architecture and planning firm based in Berkeley, CA. The firm is focused on designing sustainable, walkable communities. Dan Parolek, Principal, coined the term “Missing Middle” housing, and is one of the co-authors of the book “Form Based Codes”. Staff has scheduled interviews with each firm, which are planned for Thursday October 29 and Friday October 30, 2020. Staff will provide more information and a recommendation after the interviews are completed.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to award the bid for the Northern South Park Neighborhood Plan to Opticos Design and direct staff to work with this consultant to draft a Contract to bring back to the Board of County Commissioners for consideration at their November 17, 2020 regular meeting. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilman Schechter and seconded by Councilwoman Morton Levinson to direct staff to award the bid for the Northern South Park Neighborhood Plan to Opticos Design and direct staff to work with this consultant to draft a Contract to bring back to the Board of County Commissioners for consideration at their November 17, 2020 regular meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried for the Town.

The meeting recessed at 2:50 p.m. and reconvened at 2:57 p.m.

IV.C. Technical Update to the Integrated Transportation Plan. Tyler Sinclair, Community Development Director, and Amy Ramage, Teton County Engineer, presented to the Commission and the Council for consideration a technical update to the Integrated Transportation Plan (ITP). The purpose of this item is to provide an update on the status of work completed to date and next steps on the 2015 Integrated Transportation Plan (ITP) Technical Update currently underway. This is a no action item, with the purpose to ensure the Boards are up to date of where we are in the update process, the direction that has been provided to date and an overview of next steps.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to continue Item C19-003 a technical update to the 2015 Integrated Transportation until the December 7, 2020 Joint Information Meeting. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilman Morton Levinson and seconded by Councilman Stanford to direct staff to continue Item C19-003 a technical update to the 2015 Integrated Transportation until the December 7, 2020 Joint Information Meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried for the Town.

V. MATTERS FROM COMMISSION AND COUNCIL

A. Funding for START. Mayor Muldoon reviewed the status of the START budget. There was discussion on safety standards and implementation of free fares. Larry Pardee, Town Administrator, provided a history of motions made regarding START funding.

Adjourn. On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County. The meeting adjourned for the County at 4:00 p.m.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Schechter to adjourn to executive session to consider matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(iii). Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town. The meeting adjourned to executive session for the Town at 4:01 p.m. minutes:csw

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

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Natalia D. Macker, Chairwoman

ATTEST: Maureen E. Murphy, County Clerk

JOINT INFORMATION PROCEEDINGS - UNAPPROVED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

NOVEMBER 7, 2020 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) via Zoom, streamed in the County Commissioner's Chambers located at 200 S. Willow St. at 1:33 PM. Upon roll call the following were present:

COUNTY COMMISSIONERS: In-person none. Via Zoom: Chairwoman Natalia Macker, Mark Barron, Mark Newcomb, and Luther Propst. Vice-Chairman Greg Epstein joined after roll call.

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

STAFF: Larry Pardee, Chris Neubecker, Tyler Sinclair, Keith Gingery, Maureen Murphy, Alyssa Watkins, Heather Overholser, Amy Ramage, Lea Colasuonno, Roxanne Robinson, Brady Hansen, Brian Schilling, and Chalice Weichman.

II. Public Comment. Public comment was given by Mark Houser regarding Teton County Library; by Kyra Halls, regarding Teton County Library; by Matt Stech, regarding Teton County Library; by Dawn Jenkin, regarding Teton County Library; by Anne Marie Wells, regarding Teton County Library; by Meena Fernald, regarding Teton County Library Board; by Andrew Munz, regarding Teton County Library and LGBTQ Community Involvement; by Sidney Woods, regarding Teton County Library; by Jordan Rich, regarding Teton County Library; by Sarah Burlingame, regarding LGBTQ matters in Jackson and Teton County Library and non-discrimination ordinances; by Colleen McHugh, regarding LGBTQ matters in Teton County; by Sophia Schwartz regarding Teton County Library; by Adrian Croke, regarding Teton County Library dismissals and a non-discrimination ordinance; and by Leonard Carlman, regarding Teton County Library Board.

III. Consent Calendar. Councilman Schechter requested that III.A. Past Meeting Minutes, be removed from the Consent Calendar and be voted on separately. Without objection, the Chairwoman removed the item from the Consent Calendar.

III.B. Consideration of Changes to Rental Housing Deed Restriction Template. To approve the changes.

III.C MOU Regarding Extraterritorial Law Enforcement of the Town of Jackson. To approve the Memorandum of Understanding.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to approve items two (III.B) and three (III.C) of the consent calendar that includes Consideration of Changes to Rental Housing Deed Restriction Template, and an MOU Regarding Extraterritorial Law Enforcement to the Town of Jackson. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter to approve items two (III.B) and three (III.C) of the consent calendar that includes Consideration of Changes to Rental Housing Deed Restriction Template, and an MOU Regarding Extraterritorial Law Enforcement to the Town of Jackson. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

III.A. Meeting Minutes. To approve the meeting minutes for the November 2, 2020 meeting as presented.

On behalf of the County, a motion was made by Commissioner Newcomb to approve the amended minutes for the Joint Information Proceedings of November 2, 2020 with the addition of the motion made by Councilman Schechter to ask staff for information about methods to enhance the ecosystem stewardship values expressed in our Comprehensive Plan.

Commissioner Newcomb's motion was withdrawn.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue the approval of the minutes to the next Joint Information Meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

On behalf of the Town, a motion was made by Councilman Schechter and seconded by Mayor Muldoon to Continue the approval of the minutes to the next Joint Information Meeting. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

IV. ACTION ITEMS

IV.A. Technical Update to the Integrated Transportation Plan. Tyler Sinclair, Community Development Director, presented to the Commission and Council a Resolution adopting the 2020 Integrated Transportation Plan (ITP) Technical Update

The existing Integrated Transportation Plan was jointly adopted in September 2015 by the Town of Jackson and Teton County. The Action Plan in Chapter 7 of the ITP calls for a “technical update” of the ITP within five years following adoption. Charlier Associates, Inc. has been retained to prepare the Update. The first phase of the Update pulled together data on Jackson Hole travel and traffic trends since 2015 and documented status of implementing the ITP Action Plan. This information was presented and discussed by the Boards at the November 4, 2019 Joint Information Meeting. The second phase included a policy and strategy presentation and discussion to the Boards at a Special Joint Information Meeting on December 19. The third phase of the Technical Update was completed at the January 30, 2020 Joint Information Meeting. At this meeting Jim Charlier presented and the Boards discussed and provided direction on updates to each Chapter of the ITP based upon phases 1 and 2.

On November 20, 2020, staff released a full draft of the Integrated Transportation Plan technical update for public review and comment with the goal to complete the fourth and final phase of ITP technical update with this group of elected officials before the end of the year. The release included three versions of the Plan for consideration.

Jim Charlier, Charlier Associates, answered questions from the Board.

Public comment was given by Brooke Sausser, Tim Young, and Katherine Dowson.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Mayor Muldoon to revise Chapter 7, the action plan, to include working with WYDOT on a Teton Pass Corridor Plan including the possibility of snowsheds to address safety and other concerns. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to revise Chapter 7, the action plan, to include working with WYDOT on a Teton Pass Corridor Plan including the possibility of snowsheds to address safety and other concerns. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

On behalf of the County, a motion was made by Commissioner Propst and seconded by commissioner Epstein to add element 18; to create a comprehensive corridor plan for highway 390 to balance highway speed, wildlife protection, and community character. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

On behalf of the Town a motion was made by Councilman Stanford and seconded by Councilman Schechter to add element 18; to create a comprehensive corridor plan for highway 390 to balance highway speed, wildlife protection, and community character.
Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and Seconded by Commissioner Epstein to approve the attached Resolution amending the Jackson/Teton Integrated Transportation Plan as presented with the modifications affirmed by both the Council and Commission at this meeting. Chairwoman Macker called for a vote. The vote showed four in favor with Commissioner Propst opposed and the motion carried 4-1 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Jorgensen to approve the attached Resolution amending the Jackson/Teton Integrated Transportation Plan as presented with the modifications affirmed by both the Council and Commission at this meeting. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

The meeting recessed at 3:56 PM and reconvened at 4:05 PM.

IV.B. Human Services and Resource Allocation Plan Adoption. Alyssa Watkins, Board of County Commissioners Administrator, presented to the Commission and the Council the Teton County and Town of Jackson Human Services and Resource Allocation Plan

In a January 2017 Board of County Commissioners (BCC) retreat, the BCC selected Health and Human Services as an area of focus for their work in 2017-2018. As a part of that focus, subsequent discussions centered on the development of a Resource Allocation Model for use by the BCC in making funding decisions related to human services budget requests.

Town and County staff and members of the Human Services Council worked together from January through September 2018 to discuss alternate strategies. The group developed an outline of a planning process to guide the community in a shared vision for Human Services, resulting also in the development of system outcomes and a funding model to be used by Teton County and potentially the Town of Jackson. A part of that process called for the development of a “Core Committee”. In the fall of 2018, a total of six members were appointed to the Core Committee; 2 representatives from the non-profit human services sector, 2 from the Town of Jackson, and 2 from Teton County. The Core Committee wrote and, in January of 2019, released a Request for Proposals for a consultant to provide Human Services Planning services. Seven (7) responses were received and reviewed, and the committee unanimously recommended the award of bid to Program and Policy Insight (PPI). PPI began work in the summer of 2019 to facilitate stakeholder engagement, support human service vision and mission development, and develop a Human Services and Resource Allocation plan that translated community input into recommendations for a dynamic funding environment. In addition to Core Committee guidance throughout the project, PPI solicited active community engagement through six primary activities. Key topic areas explored through stakeholder engagement included the importance of different human services, the scale of the impact of different human service issues in the community, availability of services, and the use of local public resources to address different human service needs. In addition, PPI reviewed peer community human services frameworks and funding models to inform development of the greater Teton region structure.

Public comment was given by Lou Hochheiser, and Sarah Cavallaro.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt the Teton County and Town of Jackson Human Services and Resources Allocation Plan and Appendices, and direct staff to move forward with the Implementation Plan as presented.

Commissioner Propst proposed a friendly to the motion: to excise figure 1 on page 6, and excise “resource allocation targets” on page 6.

Commissioner Barron did not accept the friendly amendment and Commissioner Propst did not make a motion to amend the main motion.

Chairwoman Macker called for a vote on the main motion. The vote showed four in favor with Commissioner Propst opposed and the motion carried 4-1 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter to continue this item to the evening Town Council meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried 4-0 for the Town.

IV.C. Housing Preservation Program. April Norton, Housing director, was prepared to present to the Commission and the Council a request to direct and authorize the Jackson/Teton County Housing Authority (“Housing Authority”) to spend up to $1,000,000 of 2019 Specific Purpose Excise Tax (“SPET”) dollars on the Housing Preservation Program to purchase deed restrictions on existing housing. However, because of the lateness of the meeting, both boards agreed that this item should be continued to a future JIM meeting.

On behalf of the Town, a motion was made by Councilman Jorgensen and seconded by Councilman Stanford to continue this item to the next available JIM meeting. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to continue this item to the next available JIM meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

Adjourn. On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to adjourn. Chairwoman 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 Councilman Stanford and seconded by Councilman Jorgensen 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 5:07 PM. minutes:csw

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

_____
Natalia D. Macker, Chairwoman

ATTEST: _____
Maureen E. Murphy, County Clerk

SPECIAL JOINT INFORMATION PROCEEDINGS - UNAPPROVED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 08, 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 9:09 AM. Upon roll call the following were present:

Commission Present: In-person: none. Via Zoom: Natalia Macker Chairwoman, Greg Epstein Vice-Chairman, Mark Barron, Mark Newcomb, and Luther Propst.

Council Present: In-person: none. Via Zoom: Pete Muldoon, Mayor, Hailey Morton Levinson, Vice Mayor, Jonathan Schechter, Jim Stanford, and Arne Jorgensen.

A. DISCUSSION ITEMS - Joint Town/County Volunteer Board Interviews. Interviews for the Airport Board, Affordable Housing Supply Advisory Board, and Parks & Recreation Board were conducted virtually.

A.I. AIRPORT BOARD (9:00 AM). The following were interviewed:

1. Jinmo Kim
2. Amy Madera
3. Ted Schweitzer

The meeting recessed at 9:44 AM and reconvened at 9:51 AM.

4. Wes Gardner
5. Valerie Brown
6. Matt Faupel
7. Andrew Apfelberg – also interviewed for Parks and Recreation Board. See agenda item A.III.

The meeting recessed at 10:49 AM and reconvened at 10:52 AM

A.II. Affordable Housing Supply Advisory Board (10:50 AM). The following were interviewed:

1. Laura Bonich
2. Christopher Beda
3. Brian Siegfried
4. Perri Stern
5. McKenzie Myers
6. Christine Christian

The meeting recessed at 12:00 PM and reconvened at 1:33 PM. Mayor Muldoon and Vice-Mayor Morton Levinson were absent.

7. Clare Stumpf
8. Kristen Mayo
9. Robert Frodeman

A.III. Parks and Recreation board (1:50 PM). The following were interviewed:

1. Andrew Apfelberg – interviewed earlier in the morning, immediately after his Airport Board interview at 10:35 AM.
2. Robert Frodeman
3. Janna Rankin
4. Daniel Ewert
5. Frank Lane
6. Michael DeLange
7. Chris Peltz
8. Robin McGee
9. Olivia Schultheis

B. EXECUTIVE SESSION.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to enter executive session pursuant to Wyoming Statute §16-4-405(a) (ii), to consider appointments to volunteer boards. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 5-0 for the County.

On behalf of the Town, a motion was made by Councilman Schechter and seconded by Councilman Jorgensen to enter executive session pursuant to Wyoming Statute §16-4-405(a) (ii), to consider appointments to volunteer boards. Councilman Stanford called for a vote. The vote showed all in favor and the motion carried 3-0 for the Town.

The meeting entered executive session at 3:42 PM.

Commission present via Zoom: Natalia Macker, Chairwoman, Greg Epstein, Vice Chairman, Luther

Propst, Mark Barron and Mark Newcomb.
Council present via Zoom: Arne Jorgensen, Jonathan Schechter and Jim Stanford.
Staff present: Maureen Murphy, via Zoom, and Chalice Weichman in-person.
Commissioner Barron left the meeting at 3:56 PM. Mayor Muldoon joined the meeting at 4:00 PM. The meeting recessed to reconnect a broken Zoom connection at 4:05 PM. The meeting reconvened at 4:10 PM.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Newcomb to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 4-0 for the County. The meeting exited executive session at 4:35 PM.

APPOINTMENTS

On behalf of the County, a motion was made by Commissioner Propst by and seconded by Commissioner Newcomb to appoint Valarie Brown to the Airport Board to serve a five-year term effective the first Monday in February 2021, which shall expire the first Monday in February 2026. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 4-0 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter to appoint Valarie Brown to the Airport Board to serve a five-year term effective the first Monday in February 2021, which shall expire the first Monday in February 2026. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 3-0 for the Town.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to appoint Laura Bonich and Clare Stumpf to serve three-year terms effective January 1, 2021, expiring December 31, 2023 on the Jackson/Teton County Affordable Housing Supply Board. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 4-0 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter to appoint Laura Bonich and Clare Stumpf to serve three-year terms effective January 1, 2021, expiring December 31, 2023 on the Jackson/Teton County Affordable Housing Supply Board. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to appoint to the Jackson/Teton County Parks and Recreation Board Robin McGee, Frank Lane, Janna Rankin, and Christopher Peltz to serve three-year terms effective January 1, 2021, expiring December 31, 2023. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 4-0 for the County.

Commissioner Epstein left the meeting at 4:39 PM.

On behalf of the Town, motion was made by Councilman Stanford and seconded by Councilman Schechter to appoint to the Jackson/Teton County Parks and Recreation Board Robin McGee, Frank Lane, Janna Rankin, and Christopher Peltz to serve three-year terms effective January 1, 2021, expiring December 31, 2023. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

ADJOURN

On behalf of the Town, a motion was made by Councilman Schechter and seconded by Councilman Stanford to adjourn. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried 4-0 for the Town.

On behalf of the County a motion was made by Commissioner Propst and seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:40 PM.
Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

_____
Natalia D. Macker, Chairwoman

ATTEST: _____
Maureen E. Murphy, County Clerk

SPECIAL JOINT INFORMATION PROCEEDINGS - UNAPPROVED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 14, 2020 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a joint information meeting (JIM) in the County Commissioner's Chambers located at 200 S. Willow St. at 10:49 AM. Upon roll call the following were present:

Commission Present: in-person: none. Via Zoom: Natalia Macker Chairwoman, Greg Epstein Vice-Chairman, Mark Barron, Mark Newcomb and Luther Propst.

Council Present: in-person: none. Via Zoom: Pete Muldoon, Mayor, Hailey Morton Levinson, Vice Mayor, Jonathan Schechter, Jim Stanford and Arne Jorgensen.

A. DISCUSSION ITEMS – Pathways Taskforce Interviews. Interviews for Pathways Taskforce, a joint Town/County Board, were conducted virtually. The following were interviewed:

1. Sarah Kraemer
2. Anna Valsing
3. Jennifer Ross
4. Miles Yazzolino
5. Joseph Lovett
6. Andree Dean

B. EXECUTIVE SESSION.
On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to enter executive session pursuant to Wyoming Statute §16-4-405(a) (ii), to consider appointments to volunteer boards. Chairwoman 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 enter executive session pursuant to Wyoming Statute §16-4-405(a) (ii), to consider appointments to volunteer boards. Councilman Stanford called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting entered executive session at 11:45 AM.

Commission present via Zoom: Natalia Macker, Chairwoman, Greg Epstein, Vice Chairman, Luther Propst, Mark Barron and Mark Newcomb.

Council present via Zoom: Pete Muldoon, Mayor, Hailey Morton Levinson, Vice-Mayor, Arne Jorgensen, Jonathan Schechter and Jim Stanford.

Staff present: Maureen Murphy, via Zoom, and Chalice Weichman in-person.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to exit executive session. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County. The meeting exited executive session at 11:57 AM.

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

On behalf of the County a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried for the County. The meeting adjourned at 12:00 PM.
Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

_____
Natalia D. Macker, Chairwoman

ATTEST: _____
Maureen E. Murphy, County Clerk

SPECIAL JOINT INFORMATION PROCEEDINGS - UNAPPROVED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 29, 2020 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a special joint information meeting (JIM) located in the County Commissioner's Chambers at 200 S. Willow Street at 9:01 AM. Upon roll call the following were present:

COUNTY COMMISSIONERS: *In-person* none. *via Zoom:* Chairwoman Natalia Macker, Vice-Chairman 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 and Jim Stanford. Jonathan Schechter joined at 9:03 a.m.

I. VOLUNTEER BOARD INTERVIEWS: START BOARD. The following applicants were interviewed:

a. Catherine Watsabaugh
b. Scott Garrison
c. Anna Kerr
d. Benjamin Goldberg
e. Stefano Daza Arango

III. EXECUTIVE SESSION.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii), to consider appointments to volunteer boards. Chairwoman 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 Councilman Jorgensen and seconded by Councilman Schechter to enter executive session pursuant to Wyoming Statute §16-4-405(a)(ii), to consider appointments to volunteer boards. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

The meeting entered executive session at 10:02 AM.

Commission present via Zoom: Chairwoman Natalia Macker, Vice-Chairman Greg Epstein, Mark Barron, Mark Newcomb, and Luther Propst.
Council present via Zoom: Mayor Pete Muldoon, Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, Jim Stanford and Jonathan Schechter.
Staff present via Zoom: Alyssa Watkins, Board of County Commissioners Administrator, Maureen Murphy, County Clerk, and (in-person) Chalice Weichman, Deputy County Administrative Clerk.
The meeting recessed at 10:03 AM and reconvened at 10:05 AM.

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

The Town exited executive session. The meeting exited executive session at 10:34 AM.

II. APPOINTMENTS

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Propst to appoint to the START Board Catherine Watsabaugh and Anna Kerr, to serve three-year terms beginning 1/1/2021 and expiring 12/31/2023. Chairwoman 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 Jorgenson to appoint to the START Board Catherine Watsabaugh and Anna Kerr, to serve three-year terms beginning 1/1/2021 and expiring 12/31/2023. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to appoint to the Pathways Taskforce Anna Valsing for a 1-year term beginning 1/1/2021 and ending 12/31/2021. Chairwoman 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 Schechter to appoint to the Pathways Taskforce Anna Valsing for a 1-year term

beginning 1/1/2021 and ending 12-31-2021. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Propst to appoint to the Pathways taskforce beginning 1/31/2021 and expiring 1/31/2024, Joe Lovett, Andree Dean, and Jennifer Ross; and for terms beginning 1/31/2021 and expiring 1/31/2023, Miles Yazzolino and Sarah Kraemer. Chairwoman 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 Schechter to appoint to the Pathways taskforce beginning 1/31/2021 and expiring 1/31/2024, Joe Lovett, Andree Dean, and Jennifer Ross; and for terms beginning 1/31/2021 and expiring 1/31/2023, Miles Yazzolino and Sarah Kraemer. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried for the Town.

III. Adjourn.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman 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 Stanford 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 10:40 AM. Minutes:cw

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

_____
Natalia D. Macker, Chairwoman

ATTEST: _____
Maureen E. Murphy, County Clerk

SPECIAL JOINT INFORMATION PROCEEDINGS - UNAPPROVED
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 30, 2020 **JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a special joint information meeting (JIM) located in the County Commissioner's Chambers at 200 S. Willow Street at 8:31 AM. Upon roll call the following were present:

COUNTY COMMISSIONERS: *In-person* none. *via Zoom:* Chairwoman Natalia Macker, Vice-Chairman Greg Epstein, and Mark Barron. Commissioner Newcomb joined after the roll call. Luther Propst was absent.

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

STAFF: Alyssa Watkins, Keith Gingery, Darren Brugmann, Larry Pardee, Lea Colasuonno, Roxanne Robinson, Maureen Murphy, and (in-person) Chalice Weichman.

I. CONSIDERATION OF START BUS CAPACITY. Darren Brugmann, START Director, presented to the Commission and the Council a request to consider a policy decision regarding the level of capacity to allow on START buses. Previously the State of Wyoming had considered START buses to be covered by State Order #2. On December 29, 2020, the State of Wyoming made an interpretation that all government operated buses were exempt from State Order #2, which had limited bus capacity to 25% of total capacity beginning December 9, 2020. With the new interpretation by the State of Wyoming that government operated buses were exempt from State Order #2, the decision regarding capacity of START buses was left to the Town Council and Board of County Commissioners.

Town and County were asked to consider the following options:

a. Follow START Board capacity recommendations of October 29th: (75% of seated capacity)
b. Remain at current capacity levels (25% of total capacity as per the current State Order #2)

Susan Mick, START Board, provided information on current capacity allowed on START busses and answered questions from the Council and Commission.

Jared Smith, START Board, answered questions from the Council and Commission.

There was no public comment.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein that the START buses, excluding those on the commuter lines, operate with a maximum rider capacity equal to 75% of the seats on the bus.

There was discussion on the motion.

Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried 4-0 for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter that the START buses, excluding those on the commuter lines, operate with a maximum rider capacity equal to 75% of the seats on the bus. Mayor Muldoon called for a vote. The vote showed three in favor with Councilman Jorgenson opposed, and the motion carried 3-1 for the Town.

III. ADJOURN.
On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0 for the County.

On behalf of the Town, a motion was made by Mayor Muldoon and seconded by Councilman Stanford to adjourn. Mayor Muldoon called for a vote. The vote showed four in favor and the motion carried 4-0 for the Town. The meeting adjourned at 9:42 a.m.

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: Affordable Housing **PRESENTER**: Stacy Stoker

MEETING DATE: January 11, 2021

SUBJECT: **Purchase of Affordable Deed Restriction for 722 W Wind River Lane and Update for Melody Ranch Townhome Roof Repair Project**

STATEMENT/PURPOSE

The Boards will consider the purchase of an Affordable Deed Restriction for 722 W. Wind River Lane.

BACKGROUND/ALTERNATIVES

On October 24, 2019 the Town Council and Board of County Commissioners voted to direct and authorize the Housing Authority Board to provide a construction loan to the permanently Affordable owners of the Melody Ranch Townhomes that will cover the costs to fix the roofs, plus displacement costs up to $160,000. Once the roof is fixed a Workforce Ownership Restriction is to be recorded and full repayment of the loan is required. The owners will have a maximum of three years to repay the loan or will be required to sell the home. The value of the homes will be raised by $160,000 to allow the owners to obtain other financing to repay the Town and County. The Housing Authority was also directed to offer to purchase deed restrictions on non-permanently restricted units spending no more than $100,000 for a Workforce Ownership restriction and no more than $160,000 for an Affordable Ownership restriction with approval on a case by case basis from the Town Council and County Commissioners.

Staff has received one request from the owner of 722 W Wind River Lane (a non-permanently restricted unit) to sell an Affordable deed restriction. On November 4, 2020, the Housing Authority Board voted to purchase an Affordable Ownership 50 – 80% MFI Deed Restriction at 722 W Wind River Lane for $160,000. The $160,000 will be paid directly to the HOA to cover the assessment for the roof repair. This item is being brought to the JIM for final approval as required.

Melody Ranch Townhome Roof Repair Update:

Phase 1 of the roof repairs at Melody Ranch Townhomes is complete and included the following:

- 9 Market homes – paid assessments on their own.
- 791 Wind River Lane was sold to a new owner and the value was raised at time of sale. The $160,000 was held in escrow by the Housing Authority and used to pay the HOA assessment for the roof repairs and displacement costs. No public funds were used.
- 795 and 758 Wind River Lane were both provided loans. 795 has repaid the loan and 758 has not repaid. Repayment is required no later than January 2022. Upon repayment, the Town will receive $72,000 and the County will receive $88,000.

Phase 2 is scheduled to begin in June of 2021 with completion by November 2021. This will conclude the entire roof repair project. Payment of the HOA assessment is due by February 1, 2021 and will include the following:

- 5 Market homes – will pay the assessments on their own.
- 1 Market home has asked to sell an Affordable restriction for $160,000.
- 1 permanently restricted home was sold to a new owner and the value was raised at the time of sale. The Housing Authority is currently holding $160,000 in escrow from the proceeds of the sale and will use it to pay the HOA assessment.
- 1 permanently restricted home is currently for sale. Funds will be held out of proceeds to pay the assessment.

- 3 permanently restricted homes will need construction loans from the Town/County. The Town will contribute $216,000 and the County will contribute $264,000. These funds are due February 1, 2021 and will be repaid within three years.

COMPREHENSIVE PLAN ALIGNMENT

Aligns with Principal 5.1 – Maintain a diverse population by providing Workforce Housing, 5.2 – Strategically locate a variety of housing types, 5.3 – Reduce the shortage of housing that is affordable to the workforce, and 5.4 – Use a balanced set of tools to meet our housing goal.

Housing Action Plan Initiative 2.C: Preserve existing housing stock to avoid leakage.

STAKEHOLDER ANALYSIS

Stakeholders include the owners of 722 W. Wind River Lane whose sunset clause recently expired making their home a market home, the Melody Ranch Townhomes HOA, and the community at large who is regaining an Affordable home to the Affordable Housing Program.

FISCAL IMPACT

The Town and County will each contribute to the purchase of the restriction.

- The Town will contribute $72,000 (45%). These funds will come from the Town's restricted (mitigation fees) account. The current balance in this account is $176,783.
- The County will contribute $88,000 (55%). These funds will come from the County's restricted (mitigation fees) account. The current balance in this account is $5,502,589.

STAFF IMPACT

Staff has qualified the owners of 722 W Wind River Lane and will manage the transfer of funds as well as payment to the Melody Ranch Townhomes HOA. The Housing Manager continues to manage the loans for all the Melody Ranch Townhomes that have borrowed money and will continue to do so until all funds are repaid.

LEGAL REVIEW

Reviewed by L. Colasuonno and K. Gingery

ATTACHMENTS

- Special Restrictions for Affordable Ownership Housing Located at 722 W. Wind River Lane Teton County, Wyoming. This is the template that has been approved by both the Town Council and County Commissioners.

RECOMMENDATION

The Town Council and County Commissioners discussed this policy at length before directing the Housing Authority to purchase restrictions on the Melody Ranch Townhome units. The community benefits by regaining an Affordable unit to the housing program for perpetuity, and the funds will give the owners the ability to pay the assessment and stay in their home. Staff recommends approval.

SUGGESTED MOTION

I move to 1) approve the purchase of an Affordable Ownership 50 – 80%MFI deed restriction on 722 W Wind River Lane in the amount of $160,000 dollars as outlined in this staff report and 2) approve the restriction document as presented.

Special Restrictions
for Affordable Ownership Housing
Located at 722 W Wind River Lane, Teton County, Wyoming

These Special Restrictions for Affordable Ownership Housing ("Special Restrictions"), are made and entered into this ___ day of _____, 2021, by the undersigned Owner ("Owner") and Teton County, Wyoming.

RECITALS:

WHEREAS, Owner holds fee ownership interest in that certain real property, located in Teton County, Wyoming, and more specifically described as follows:

> Lot 24 of Melody Ranch townhomes First Filing, Teton County, Wyoming According to that plat recorded July 3, 1997 as Plat No. 909.
>
> PIDN: 22-40-16-20-1-05-024("Land")

WHEREAS, as a condition of payment to Owner in the amount of One Hundred Sixty Thousand Dollars ($160,000.00) the Owner is required to record an Affordable Deed Restriction in the 50% - 80% Income Range.

Owner is restricting:

- *Unit 24, with 2 bedrooms with Income Range 50% - 80%.*

(hereinafter "Residential Unit" or Residential Units").

The Income Ranges are defined in the Jackson/Teton County Housing Department Rules and Regulations enforced by the Jackson/Teton County Affordable Housing Department, such Rules and Regulations are defined in Section 1 below;

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners resolved to form the Jackson/Teton County Housing Authority, a duly constituted housing authority pursuant to W.S. §15-10-116, as amended, and its successors or assigns, known as the Jackson/Teton County Housing Authority ("JTCHA");

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners further resolved to create the Jackson/Teton County Affordable Housing Department ("Housing Department") who are employees of Teton County and agents acting on behalf of the JTCHA, empowered to enforce this Special Restriction;

WHEREAS, in furtherance of the goals, objectives, requirements and conditions of the purchase of this Special Restriction, and consistent with the Teton County's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Owner agrees to restrict the use and occupancy of the Residential Unit to a "Qualified Household," which meets employment, income and asset ownership qualifications as set forth herein and as further defined in the Jackson/Teton County Housing Department Rules and Regulations;

WHEREAS, Owner desires to adopt these Special Restrictions and declare that the Residential Unit and Land shall be held, sold, and conveyed in perpetuity subject to these Special Restrictions, which Special Restrictions shall be in addition to all other covenants, conditions or restrictions of record affecting the Residential Unit and Land, and shall be enforceable by Housing Department and Teton County, Wyoming.

RESTRICTIONS:

NOW, THEREFORE, in satisfaction of the conditions in and consideration of the purchase of this Special Restriction and in further consideration of the foregoing Recitals, which are incorporated herein by this reference, Owner hereby declares, covenants and agrees for itself and each and every person acquiring ownership of a Residential Unit, that the Land and the Residential Unit shall be held, used, occupied, developed, transferred and conveyed subject to the following Special Restrictions in perpetuity.

SECTION 1. JACKSON/TETON COUNTY HOUSING DEPARTMENT HOUSING RULES AND REGULATIONS. References made herein to the "Rules and Regulations" are references to the written policies, procedures and guidelines of the Housing Department, as the same may be amended from time to time and which policies, procedures and guidelines are on file with the Housing Department or otherwise with Teton County, Wyoming, or if there are no such written policies, procedures or guidelines (or a written policy, procedure or guideline with respect to a specific matter) then the reference shall be to the current applied policy or policies of the Housing Department or its successor. Procedural and administrative matters not otherwise addressed in these Special Restrictions shall be as set forth in the Rules and Regulations. In the case of a conflict between these Special Restrictions and the Rules and Regulations, these Special Restrictions shall apply.

SECTION 2. OWNERSHIP BY QUALIFIED HOUSEHOLD ONLY.

Qualified Household. The ownership, use and occupancy of the Residential Unit shall be limited to natural persons who meet the definition of a Qualified Household for Affordable Housing, as set forth below ("Qualified Household").

1. Employment Requirement. At least one (1) member of the Qualified Household at time of purchase and during ownership must maintain an average of thirty (30) hours per week employment on an annual basis, or a minimum of one thousand five hundred and sixty hours (1,560) per year, for a local business. A "local business" means 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 the business serves clients or customers who are physically located in Teton County, Wyoming.

2. Income Restriction. The Qualified Household's gross income shall fall between 50% - 80% of the median family income in Teton County, Wyoming, as determined by the current year's published Federal Department of Housing & Urban Development median family income chart for Teton County, Wyoming ("Income Cap") at time of purchase.
3. 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 and fifty (150) miles of Teton County, Wyoming at the time of purchase or any time during ownership of the Residential Unit.
4. Determination by the Housing Department. The Housing Department shall determine whether a prospective owner is a Qualified Household. In addition to any requirements set forth in the Rules and Regulations, such determinations shall be based upon written applications, representations, information and verification as are deemed by the Housing Department to be necessary to establish and substantiate eligibility.
5. Asset Limit. The maximum asset limit for Qualified Households is two (2) times the income limit for a household size of four in accordance with the applicable income range, as further defined and clarified in the Housing Rules and Regulations.

A. No Legal Action. No Ownerof the Residential Unit, prospective purchaser of the Residential Unit, Tenant, renter or occupant, or other party shall have the right to sue or bring other legal process against Teton County, Wyoming or the Housing Department, or any person affiliated with Teton County, Wyoming or the Housing Department arising out of these Special Restrictions, and neither shall Teton County, Wyoming or the Housing Department have any liability to any person aggrieved by the decision of Teton County, Wyoming or the Housing Department regarding qualification of a Qualified Household or any other matter relating to these Special Restrictions.

B. Ownership by Housing Department. Notwithstanding the foregoing, the Housing Department may purchase and own the Residential Unit.

SECTION 3. RESTRICTIONS ON OCCUPANCY, IMPROVEMENT AND USE OF RESIDENTIAL UNITS. The provisions contained in this Section apply before and after the Initial Sale of the Residential Unit. "Initial Sale" is defined in this Agreement to be the sale of the Residential Unit from the Owner to a purchaser who shall subsequently become an 'owner'. In addition to any restrictions included in the Rules and Regulations, occupancy and use of a Residential Unit shall be restricted as follows:

A. Occupancy. Each Residential Unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each owner of a Residential Unit shall physically reside therein on a full-time basis, at least ten (10) months out of each calendar year. Except for permitted guests, no persons other than the members of the Qualified Household may occupy the Residential Unit.

B. 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.

C. Guests. No persons other than those comprising the Qualified Household shall be permitted to occupy the Residential Unit for periods in excess of thirty (30) cumulative days per calendar year.

D. Renting. No Residential Unit, or any part thereof, including without limitation, the garage, any portion of any structure, or any room within any structure, may be rented or otherwise occupied by persons other than the members of the Qualified Household.

E. 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 a homeowner's association and shall make all repairs and maintain the Residential Unit in a safe, sound, habitable, and good condition and state of repair. 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.

F. Capital Improvements. The Owner may only undertake capital improvements to the Residential Unit in accordance with the policies set forth in the Rules and Regulations, which policies may include but are 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.

G. 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.

H. Compliance with Laws, Declaration. The Residential Unit shall be occupied in full compliance with these Special Restrictions and the Rules and Regulations, 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.

I. Periodic Reporting, Inspection. In order to confirm compliance with these 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, each 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 these Special Restrictions 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 4. TRANSFER LIMITATIONS. Each Residential Unit may only be sold in accordance with Sections 5 and 6 below or transferred in accordance herewith as follows:

A. Divorce. The provisions contained in this Section apply only after the Initial Sale of the Residential Unit. In the event of the divorce of an Owner, the Housing Department may consent to the transfer of a 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. The provisions contained in this Section apply only after the Initial Sale of the Residential Unit. In the event of the death of an Owner, the Housing Department may consent to the transfer of a Residential Unit to an heir or devisee of such deceased Owner, which heir or devisee may not otherwise qualify as a Qualified Household, only upon receipt of an order issued by a Court of competent jurisdiction ordering such transfer.

C. Nonqualified Transferee. If title to a Residential Unit vests in a Nonqualified Transferee, as defined in the Rules and Regulations, the Residential Unit shall immediately be listed for sale in accordance with these Special Restrictions and the Rules and Regulations, or in the alternative, the Housing Department may exercise its option herein to purchase the Residential Unit. The following shall apply when the Housing Department determines there is a Nonqualified Transferee:

1. The Housing Department shall provide the Nonqualified Transferee a reasonable period within which to qualify as a Qualified Household.
2. If the Nonqualified Transferee does not qualify as a Qualified Household within such reasonable period, he or she shall cooperate with the Housing Department to effect the sale, conveyance or transfer of the Residential Unit to a Qualified Household and shall execute any and all documents necessary to such sale, conveyance or transfer.
3. A Nonqualified Transferee shall comply with these Special Restrictions, the Rules and Regulations, the Declaration, zoning and all Laws governing the ownership, occupancy, use, development or transfer of the Residential Unit, and further may only occupy the Residential Unit with the prior written consent of the Housing Department.

SECTION 5. SALE OF A RESIDENTIAL UNIT. An Owner desiring to sell a Residential Unit shall give written notice to the Housing Department of such desire (the "Notice to Sell"), and after receipt of such notice, the Housing Department shall determine the "Maximum Resale Price," as provided herein and in accordance with the Rules and Regulations. Upon the Housing Department's determination of the Maximum Resale Price, the sale of the Residential Unit shall be facilitated by the Housing Department and shall be completed in accordance with the procedure set forth in the Rules and Regulations, which procedure may include, without limitation: a fee (not to exceed two percent (2%) of the Maximum Resale Price paid to the Housing Department for such facilitation; requirements regarding listing the Residential Unit with the Housing Department and/or a licensed real estate agent, as the Housing Department may direct; standard terms for the sales contract; and procedure for the selection of the purchaser (which selection procedure may include a weighted

drawing process). Any such conveyance of a Residential Unit shall be subject to these Special Restrictions. Each purchaser of a Residential Unit shall execute a Buyer's Acknowledgment of Special Restrictions and Option, on a form to be provided by the Housing Department. Notwithstanding the foregoing, upon receipt of notice from an Owner of such Owner's desire to sell a Residential Unit, the Housing Department may purchase such Residential Unit. So long as such Owner is not otherwise in default as defined herein, the purchase price in such case shall be the Maximum Resale Price as calculated below and subject to adjustment as provided herein. If an Owner is in default, other provisions of these Special Restrictions may apply in determining the purchase price.

SECTION 6. MAXIMUM SALE PRICE. To further Teton County, Wyoming's goal of providing affordable housing, a Residential Unit may not be sold for a purchase price in excess of the "Maximum Sale Price." The Maximum Sale Price for an Owner is the Maximum Sale Price as calculated by the Housing Department in accordance with the Rules and Regulations. The Maximum Sale Price for an owner is the current owner's purchase price plus an increase in price of the Denver-Aurora-Lakewood CPI (if such ceases to exist then a comparable CPI Index as determined in the sole discretion of the Housing Department) or three percent (3%), whichever is lower per year of ownership compounded annually, plus the depreciated cost of pre-approved or government-required capital improvements, plus any other costs allowed by the Housing Department, less any required maintenance and/or repair adjustment, all as more fully described in the Rules and Regulations. Notwithstanding the determination of the Maximum Sale Price, the actual sales proceeds delivered to a selling Owner may be reduced to account for restoration or repair of a Residential Unit (including without limitation, replacement of carpets, painting, roof repair, siding maintenance/replacement, etc.) determined necessary in the Housing Department's sole and absolute discretion. Finally, to ensure that the sales price of any Residential Unit is limited to the Maximum Sale Price, no purchaser of a Residential Unit shall assume any obligation of a selling Owner, nor shall such purchaser pay or provide to a selling Owner any other form of consideration in connection with the sale of the Residential Unit. The calculation of the Maximum Sale Price, as made by the Housing Department, shall be final and binding on all parties.

NOTHING HEREIN SHALL BE CONSTRUED TO CONSTITUTE A REPRESENTATION OR GUARANTY THAT UPON THE SALE OF A RESIDENTIAL UNIT, OWNER SHALL OBTAIN THE ENTIRE MAXIMUM SALE PRICE.

SECTION 7. DEFAULT. Each of the following shall be considered a default ("Default") subsequent to notice and opportunity to cure that is consistent with the Rules and Regulations:

A. A violation of any term of these Special Restrictions, the Rules and Regulations, the Declaration, or any laws affecting a Residential Unit.

B. Failure to pay or default of any other obligations due or to be performed with respect to a Residential Unit which failure to pay or default could result in a lien against a Residential Unit, including without limitation, homeowner dues, property taxes, payment required by a promissory note or mortgage purporting to affect a Residential Unit. Owner shall notify the Housing Department in writing of any notification received from any lender or third party of past due payments or default in payment or other obligations due or to be performed within five (5) calendar days of Owner's or owner's notification.

C. If the Residential Unit is taken by execution or by other process of law, or if Owner is judicially declared insolvent according to law, or if any assignment is made of the property of Owner for the benefit of creditors, or if a receiver, trustee or other similar officer is appointed to take charge of any substantial part of the Residential Unit or Owner's or owner's property by a court of competent jurisdiction.

D. Fraud or misrepresentation by purchaser and/or Owner in the provision of an application, reporting requirement, inspection requirement or any other informational requirement to the Housing Department.

In the event the Housing Department believes there to be a Default, the Housing Manager, or a designee of the Housing Department, shall send written notice to Owner of such violation, the required action to cure and the timing for such cure. If Owner disputes the Housing Department's decision, Owner shall proceed in accordance with the Rules and Regulations.

SECTION 8. DEFAULT REMEDIES. In addition to any other remedies the Housing Department may have at law or equity, in the event of a Default, the Housing Department's remedies shall include, without limitation, as an exercise of its regulatory authority, the following:

A. Purchase Option.

1. The Housing Department shall have the option to purchase a Residential Unit for the lesser of the Maximum Resale Price, or the appraised value, subject to the restrictions of this Section and sections 5 and 6 herein ("Option"). If the Option is exercised on a Residential Unit prior to Initial Sale and a loan described in Section 10(A)(1) is outstanding, the purchase price for the Option shall be the outstanding principal, accrued interest and reasonable costs of such loan, regardless of any other provision of these Special Restrictions ("Purchase Price"). If the Owner has not completed the Initial Sale of all Residential Units and the Housing Department exercises the Option against some of the remaining Residential Units (those which have not had an Initial Sale), the Option Purchase Price shall be prorated. In such event, the formula for establishing the Housing Authority's Purchase Price shall be Purchase Price multiplied by [# of units to which Option is exercised / (total built - # of Initial Sales)]. By way of example only, if 16 Residential Units are built and 4 have Initial Sales and the Housing Department exercises the Option on 6 units, the formula would be: Purchase Price x [6/(16-4)]…Purchase Price x .50.

2. If the Housing Department desires to exercise its Option, the Housing Department shall provide written notice to the Owner of such election. Such notice shall include the purchase price and the timing for the closing of the purchase. The Option must be exercised within ninety (90) days from receipt of a notification of a borrower Default or the property foreclosure.

B. Forced Sale. The Housing Department may require Owner to sell the Residential Unit in accordance with the resale procedures set forth in these Special Restrictions and the Rules and Regulations. Such sale shall be subject to these Special Restrictions.

C. Whether the Housing Department elects to exercise its Option or to force a sale in accordance herewith, all proceeds, unless otherwise required by statute, will be applied in the following order:

FIRST, to the payment of any unpaid taxes;

SECOND, to the payment of any Qualified Mortgage;

THIRD, to assessments, claims and liens on the Residential Unit (not including any mortgage or lien purportedly affecting the Residential Unit which is not a Qualified Mortgage);

FOURTH, to the payment of the closing costs and fees;

FIFTH, to the two percent (2%) facilitation fee to the Housing Department;

SIXTH, to the payment of any penalties assessed against Owner by the Housing Department;

SEVENTH, to the repayment to the Housing Department of any monies advanced by it in connection with a mortgage or other debt with respect to a Residential Unit, or any other payment made in Owner's or owner's behalf;

EIGHTH, to any repairs needed for the Residential Unit; and

NINTH, any remaining proceeds shall be paid to Owner.

If there are insufficient proceeds to satisfy the foregoing, Owner shall remain personally liable for such deficiency.

D. Appointment of Housing Department as Owner's or owner's Attorney-in-Fact. In the event the Housing Department exercises its Option or requires the Forced Sale, Owner hereby irrevocably appoints the then-serving Housing Manager as such Owner's or owner's attorney-in-fact to effect any such purchase or sale on Owner's or owner's behalf (including without limitation the right to cause an inspection of the Residential Unit and make such repairs to the Residential Unit as the Housing Department may reasonably deem necessary), and to execute any and all deeds of conveyance or other instruments necessary to fully effect such purchase or sale and conveyance.

E. Limitation on Appreciation at Resale. The Housing Department may fix the Maximum Resale Price of a defaulting owner's Residential Unit to the Maximum Resale Price for the Residential Unit as of the date of an owner's Default (or as of such date after the Default as

the Housing Department may determine), and in such event, the Maximum Resale Price shall cease thereafter to increase.

F. Equitable Relief. The Housing Department shall have the right of specific performance of these Special Restrictions and the Rules and Regulations and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance. Any equitable relief provided for herein may be sought singly or in combination with such other remedies as the Housing Department may be entitled to, either pursuant to these Special Restrictions or under the laws of the State of Wyoming.

G. Enforcement. The Housing Department may, for purposes of enforcing these Special Restrictions or the Rules and Regulations, seek enforcement through the Town or County Land Development Regulations, including but not limited to Division 8.9 Enforcement.

SECTION 9. QUALIFIED MORTGAGE.

A. Only a mortgage which is a "Qualified Mortgage" shall be permitted to encumber a Residential Unit. A “Qualified Mortgage” is a mortgage that:

1. Is the primary construction financing loan and mortgage for initial construction of the Residential Unit and related project, or any refinancing of such loan and mortgage, which have a maximum loan to value ratio of one hundred percent (100%); and

2. Is an owner’s mortgage and the principal amount of such mortgage at purchase does not exceed ninety-six and one half percent (96.5%) of the purchase price, and thereafter the principal amount of such mortgage, any refinanced mortgage and/or additional mortgages combined do not exceed ninety-five percent (95%) of the then current Maximum Resale Price as the same is determined by the Housing Department at the time or times any such mortgage purports to encumber the Residential Unit; and

3. runs in favor of a “Qualified Mortgagee,” defined as:

   i. 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

   ii. 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

iii. A non-affiliated, legitimate, “finance company." In no event may such finance company be an individual or any company that is affiliated with or has any affiliation with an Owner or an owner or any family member of Owner; or

iv. JHTCA or Housing Department for any monies advanced by JHTCA or Housing Department in connection with a mortgage or other debt with respect to Residential Unit.

v. the provider or a loan as described in Section 9(A)(1)

B. Any mortgage, lien or other encumbrance executed or recorded against a Residential Unit that is not a Qualified Mortgage shall:

1. be deemed unsecured; and

2. only be a personal obligation of an Owner and shall not affect or burden, and shall not be enforceable against, such Residential Unit.

Additionally, the execution or recordation of such mortgage, lien or other encumbrance shall be deemed a default hereunder and JTCHA and/or the Housing Department may exercise any and all of its remedies hereunder or otherwise, including without limitation the right of the Housing Department to purchase and to force a sale.

C. In the event an Owner or an owner fails to make timely payment owed or otherwise breaches any of the covenants or agreements made in connection with any mortgage, lien or other encumbrance purporting to affect the Residential Unit, including without limitation a Qualified Mortgage, fails to timely make any other payment required in connection with the Residential Unit, including without limitation homeowner association dues and fees, assessments, payments to contractors, materialmen, or other vendors for work undertaken for which a lien could be filed against the Residential Unit, the Housing Department shall have (in addition to the any other remedies) the right to:

1. Cure such default and assume the payments and other obligations of Owner. In such event, Owner shall be in default of these Special Restrictions, and the Housing Department may exercise any and all of its remedies hereunder or otherwise, including without limitation its option to purchase and its right to force a sale. In addition to such remedies, Owner shall also be liable to the Housing Department for any amounts advanced.

2. Acquire the loan from the lender by paying the balance due together with reasonable accrued interest and costs, and the Housing Department shall thereafter have the right to foreclose upon the Residential Unit in accordance with the mortgage and other loan documents or take such other action as the Housing Department shall determine.

3. Purchase the Residential Unit at any foreclosure sale, and in such event, notwithstanding anything to the contrary herein, the Residential Unit shall remain subject to these Special Restrictions.

ANY LENDER BY ENTERING INTO A LOAN TRANSACTION WITH AN OWNER OF A RESIDENTIAL UNIT HEREBY CONSENTS TO THE FOREGOING AND ACKNOWLEDGES THAT ANY INTEREST ACQUIRED BY VIRTUE OF ITS LIEN OR MORTGAGE SHALL BE SUBJECT AND SUBORDINATE TO THESE SPECIAL RESTRICTIONS.

SECTION 10. TERMINATION, AMENDMENT AND CORRECTION OF SPECIAL RESTRICTIONS.

A. Termination by Teton County, Wyoming**.** These Special Restrictions may be terminated after a determination by Teton County, Wyoming that these Special Restrictions are no longer consistent with the goal of providing affordable housing.

B. Termination Resulting from Foreclosure by a Qualified Mortgagee. These Special Restrictions as applied to a Residential Unit may be terminated by a Qualified Mortgagee in the event of a lawful foreclosure of the Residential Unit by such Qualified Mortgagee, as follows:

1. The Qualified Mortgagee provided to the Housing Department copies of all notices of intent to foreclose and all other notices related to the foreclosure contemporaneously with its service of such notices upon an Owner.

2. The Housing Department did not exercise its rights as provided in Section 10, Qualified Mortgage.

3. Termination may occur only after expiration of all applicable redemption periods and subsequent recordation of a Sheriff's Deed (or other transfer document as approved by the Housing Department in its sole and absolute discretion) conveying title to a purchaser, who is not (i) Owner, (ii) a member of the Qualified Household, (iii) a person affiliated with or related to an Owner or an owner or any member of the Qualified Household, or (iv) the Housing Department.

4. In the event of a foreclosure hereunder, the Qualified Mortgagee shall pay to the Housing Department all proceeds remaining, if any, after payment of the Qualified Mortgage loan amount, interest, penalties and fees, which proceeds would have been payable to Owner of the foreclosed Residential Unit.

5. Notwithstanding the notice requirements to the Housing Department in this Section, if a Qualified Mortgagee has failed to provide the Housing Department copies of all notices of intent to foreclose and all notices related to the foreclosure contemporaneously with its service on an Owner, such Qualified Mortgagee, prior to foreclosing on the Residential Unit, shall provide the Housing Department with notice of its intent to foreclose ("Mortgagee Notice to the Housing Department"). The Mortgagee Notice to the Housing Department shall include all information

relevant to Owner's or owner's default and the actions necessary to cure such default. The Housing Department shall have forty-five (45) days from the date of the Mortgagee Notice to the Housing Department to exercise its rights under Section 10, Qualified Mortgage. If the Housing Department fails to exercise its rights within such 45-day period, the Qualified Mortgagee may foreclose on the Residential Unit as provided herein.

Nothing herein shall limit or restrict an Owner's or owner's right of statutory redemption, in which event, if an Owner redeems, these Special Restrictions shall remain in full force and effect.

C. Amendment. These Special Restrictions may be amended by a signed, written amendment executed by the Parties hereto and recorded in the Teton County Clerk's Office against the title to the Land, in whole or in part, with the written consent of Owner of the Residential Unit Complex and Teton County, Wyoming.

D. Correction. The Housing Department may unilaterally correct these Special Restrictions to address scrivener's errors, erroneous legal descriptions or typographical errors.

SECTION 11. SPECIAL RESTRICTIONS AS COVENANT. These Special Restrictions shall constitute covenants running with the Land and the Residential Unit, as a burden thereon, and shall be binding on all parties having any right, title, or interest in the Land, the Residential Unit, or any part thereof, their heirs, devisees, successors and assigns, and shall inure to the benefit of and shall be enforceable by JTCHA, the Housing Department and Teton County.

SECTION 12. NOTICES. All notices required to be served upon the parties to this Special Restriction shall be transmitted by one of the following methods: hand delivery; prepaid overnight courier; or by postage paid certified mail, return receipt requested, at the address set forth below for said party; or at such other address as one party notifies the other in writing pursuant to this paragraph. Notice shall be effective when hand delivered, one (1) day after being deposited with an overnight courier or five (5) business days after being placed in the mail. Either party may change its address in the manner provided for giving notice.

To Housing Department
Jackson/Teton County Affordable Housing Department
P.O. Box 714
Jackson, WY 83001

With a Copy to:
Teton County
P.O. Box 3594.
Jackson, WY 83001.

To Owner

Jesse and Karen O'Connor
P.O. Box 3422
Jackson, WY 83001

SECTION 13. ATTORNEY'S FEES. In the event any party shall be required to retain counsel and file suit for the purpose of enforcing the terms and conditions of these Special Restrictions, the prevailing party shall be entitled to recover, in addition to any other relief recovered, a reasonable sum as determined by the court for attorney's fees and costs of litigation.

SECTION 14. CHOICE OF LAW, FORUM, These Special Restrictions and each and every related document, are to be governed by and construed in accordance with the laws of the State of Wyoming. The parties agree that the appropriate court in Teton County, Wyoming and/or the Ninth Judicial District for the State of Wyoming shall have sole and exclusive jurisdiction over any dispute, claim, or controversy which may arise involving these Special Restrictions or its subject matter. Owner by accepting a deed for the Land hereby submits to the personal jurisdiction of any such court in any action or proceeding arising out of or relating to this Special Restrictions.

SECTION 15. SEVERABILITY. Each provision of these Special Restrictions and any other related document shall be interpreted in such a manner as to be valid under applicable law; but, if any provision, or any portion thereof, of any of the foregoing shall be invalid or prohibited under said applicable law, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable, or if such modification is not possible, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provision(s) of such document.

SECTION 16. SECTION HEADINGS. Paragraph or section headings within these Special Restrictions are inserted solely for convenience or reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

SECTION 17. WAIVER. No claim of waiver, consent or acquiescence with respect to any provision of these Special Restrictions shall be valid against any party hereto except on the basis of a written instrument executed by the parties to these Special Restrictions. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

SECTION 18. INDEMNIFICATION. Owner shall indemnify, defend, and hold the Housing Department and Teton County, Wyoming, and each entity's directors, officers, agents and employees harmless against any and all loss, liability, claim, or cost (including reasonable attorneys' fees and expenses) for damage or injury to persons or property from any cause whatsoever on or about the Residential Unit, or for Owner's or owner's breach of any provision of these Special Restrictions. Owner waives any and all such claims against the Housing Department and Teton County, Wyoming.

SECTION 19. SUCCESSORS AND ASSIGNS. These Special Restrictions shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, devisees, administrators and assigns.

SECTION 20. GOVERNMENTAL IMMUNITY. Neither Teton County, Wyoming nor the Housing Department waives governmental immunity by executing these Special Restrictions and each specifically retain immunity and all defenses available to either of them as government pursuant to Wyo. Stat. Ann. § 1-39-104(a) and any other applicable law.

IN WITNESS WHEREOF, Owner has executed this instrument on the _____ day of _____, 2021 (the "Effective Date").

OWNER:

_____
Jesse O'Connor

_____
Karen L. O'Connor

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the_____day of_____, 20____, the foregoing Special Restrictions for Affordable Ownership Housing was acknowledged before me by Jesse O'Connor and Karen L. O'Connor as Owner of 722 W Wind River Lane.

Witness my hand and official seal.

(Seal)

_____
Notary Public

TETON COUNTY BOARD OF COUNTY COMMISSIONERS

_____
, Board Chair

ATTEST:

_____
Maureen Murphy, County Clerk

8 5 2020

STATE OF WYOMING)
)
s
s.
COUNTY OF TETON)

On the_____day of_____, 2021, the foregoing instrument was acknowledged before me by _____ as Board Chair of the Teton County Board of County Commissioners, Teton County Wyoming.

Witness my hand and official seal.

(Seal)

_____
Notary
Public
My commission expires:

JACKSON/TETON COUNTY AFFORDABLE HOUSING DEPARTMENT:

_____
Stacy A. Stoker, Housing Manager

STATE OF WYOMING)
)
s
s.
COUNTY OF TETON)

On the_____day of_____, 2021, the foregoing instrument was acknowledged before me by Stacy A. Stoker, as Housing Manager of the Jackson/Teton County Affordable Housing Department.

Witness my hand and official seal.

(Seal)

_____
Notary
Public
My commission expires:

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Joint Housing **PRESENTER**: April Norton

MEETING DATE: January 11, 2020

SUBJECT: **Housing Preservation Program**

STATEMENT/PURPOSE

The Board of County Commissioners ("Board") and Jackson Town Council ("Council") will consider a request to direct and authorize the Jackson/Teton County Housing Authority ("Housing Authority") to spend up to $1,000,000 of 2019 Specific Purpose Excise Tax ("SPET") dollars on the Housing Preservation Program to purchase deed restrictions on existing housing.

BACKGROUND/ALTERNATIVES

The Housing Action Plan, approved by the Board and Council in November 2015, directs staff to "preserve existing workforce housing stock to avoid leakage" (Initiative 2.C). This initiative further directs staff to "restrict existing workforce housing, ensuring programs for households in different income categories exist".

The 2020 Housing Supply Plan, approved by the Board and Council in March 2020, identifies a Restriction Fund program that will "purchase permanent deed restrictions on existing and new housing stock". The program, as described in the Supply Plan, will "assign values to different deed restrictions and homeowners, prospective buyers, and developers may apply for funds based on the restriction they would like to sell and the value of the home".

The 2019 SPET Ballot had the following language on the ballot that was approved by the voters. This proposed program complies with the SPET ballot language, specifically that the SPET funds may be used for "the purchase of deed restrictions to house the local workforce."

> ***Community Housing Opportunities***
>
> ***$5,500,000.00*** *for the purchase of appropriately zoned land to develop permanently deed restricted housing thereon and/or the purchase of deed restrictions to house the local workforce. Funds will be placed in the Jackson/Teton County Housing Authority Housing Supply account. The Jackson Town Council and the Teton County Board of County Commissioners must authorize and direct the expenditure of these funds.*
> *This project is sponsored by Teton County.*

Today, staff presents the Housing Preservation Program and asks the Board and Council to direct and authorize the Housing Authority to spend up to $1,000,000 in 2019 SPET funds to pilot the program beginning in January 2021.

The program will allow the Housing Authority to purchase deed restrictions on existing housing stock. As presented, it is not available for new construction projects. Also, as presented, the funds will only be used to purchase **Workforce Ownership** restrictions during the initial pilot program phase.

Only households that qualify under the Workforce Program rules will be allowed to apply to the Housing Preservation Program. Single-family or vacant property located in zones with the Workforce Housing Bonus tool are not eligible for the program. Multi-family property located in these zones will be eligible for the program. (Currently, the NH-1, NM-2, DC, CR-1, CR-2, and CR-3 zones have the Workforce Housing Bonus tool.)

The Housing Authority will purchase deed restrictions in one of two ways:

1) Down payment assistance.
    a. Up to 16.5% of the cost for the home may be funded, capped at $150,000 for a Workforce restriction. The applicant must contribute at least 3.5% of the cost for the home as part of the down payment or the delta necessary to avoid a jumbo loan – whichever is more. The maximum loan to value for a purchase is set at 96.5% per the Housing Department's Rules and Regulations.
    b. Household finds a market home to purchase and seeks financial help – either for a down payment or to avoid a jumbo loan (>$765,000).
    c. Household applies to the Preservation Program for funding.
    d. If not already, the household must be "qualified" by the Housing Department (confirm at least one adult works full-time, locally, the household earns at least 75% of their income locally, do not own residential real estate within 150 miles, etc.).
    e. Housing Authority Board reviews the application and votes to approve or deny. All approvals will be contingent on the appraisal and inspection reports.
    f. If approved, the Housing Authority places funding in escrow and at closing the funds are released and a Workforce restriction is recorded on the property. The initial sales price from which the home will appreciate is the sale price minus the cost of the restriction. The Workforce restriction limits appreciation to CPI capped at 3% and the household is required to requalify annually per the Workforce Program rules.
    g. Example One:
        i. Household wants to purchase 360 N. Millward #10. A one-bedroom, one-bathroom, 405-square foot condo in Town. List price: $475,000.
        ii. Household applies to the Preservation Program for $78,375 (16.5% down payment) and agrees to contribute $16,625 (3.5%) towards the down payment.
        iii. Household is qualified by the Housing Department based on the Workforce Program rules.
        iv. Housing Authority Board reviews the application and approves the request.
        v. $78,375 is placed in escrow and a Workforce Ownership restriction is recorded at closing. The new owner requalifies annually per the Workforce Program rules. The initial sales price is set at $396,625 and the home appreciates based on that.
    h. Example Two:
        i. Household wants to purchase 2033 Dandelion Court. A three-bedroom, two-bathroom, 1320-square foot single family home in Cottonwood Park. List price: $960,000.
        ii. Household applies to the Preservation Program for $150,000 (15.625% down payment) and agrees to contribute $45,000 (4.6875% down payment), which is the amount needed to avoid a jumbo loan.
        iii. Household is qualified by the Housing Department.
        iv. Housing Authority Board reviews the application and approves request.
        v. $150,000 is placed in escrow and a Workforce Ownership restriction is recorded at closing. The new owner requalifies annually per the Workforce Program rules. The initial sales price is set at $810,000 and the home appreciates based on that.

2) Deed restriction purchase on a home that is already owned by a Qualified Household.
    a. Household owns a market home and seeks to sell a Workforce restriction.
    b. Household applies to the Preservation Program for funding. Application must include current appraisal and inspection reports.
    c. If not already, the household must be "qualified" by the Housing Department (confirm at least one adult works full-time, locally, the household earns at least 75% of their income locally, do not own residential real estate within 150 miles, etc.). If the household is retired, they will qualify if they worked full-time

locally for at least 2 years prior to retirement, they qualify to receive social security (current minimum age is 62-years old), and do not own other residential real estate within 150 miles.

d. Housing Authority Board reviews the application and votes to approve or deny.
e. If approved, the Housing Department pays the household up to 16.5% of the appraised value, capped at $150,000, to purchase a Workforce restriction. The initial sales price from which the home will appreciate is the appraised value minus the cost of the restriction. The Workforce restriction limits appreciation to CPI capped at 3% and the household is required to requalify annually per the Workforce Program rules.
f. Example Three:
    i. Household owns 360 N. Millward #10. A one-bedroom, one-bathroom, 405-square foot condo in Town. Appraised value: $475,000.
    ii. Household applies to the Preservation Program for $78,375 (16.5% of the appraised value).
    iii. Household is qualified by the Housing Department.
    iv. Housing Authority Board reviews the application and approves request.
    v. The Housing Authority pays the owners $78,375 and a Workforce Ownership restriction is recorded on the property and the initial sales price from which the home will appreciate is set at $396,625. The household must requalify annually per the Workforce Program rules unless they are a Qualified Household that is retired.
g. Example Four:
    i. Household owns 2033 Dandelion Court. A three-bedroom, two-bathroom, 1320-square foot single family home in Cottonwood Park. Appraised value: $960,000.
    ii. Household applies to the Preservation Program for $150,000 (15.625% of appraised), which is the maximum amount available for a Workforce restriction.
    iii. Household is qualified by the Housing Department.
    iv. Housing Authority Board reviews the application and approves request.
    v. The Housing Authority pays the owners $150,000 and a Workforce Ownership restriction is recorded on the property and the initial sales price from which the home will appreciate is set at $810,000. The household must requalify annually per the Workforce Program rules unless they are a Qualified Household that is retired.

Key Question One: Do the Board and Council want to authorize payment for each purchase or are they comfortable directing and authorizing the Housing Authority Board to spend up to $1,000,000 based on the parameters of the program as presented?

- Staff recommends directing and authorizing the Housing Authority Board to spend the SPET funds based on the parameters of the program. Requiring staff to bring each purchase to the Board and Council will slow down the process and potentially jeopardize deals given the current housing market.

Key Question Two: Do the Board and Council want to purchase Affordable Ownership restrictions as part of the pilot?

- Staff recommends a simpler pilot program that focuses on one restriction (Workforce Ownership) that is less restrictive and less expensive to purchase given the limited funds and staff capacity available. However, if the Board and Council want to pursue Affordable Ownership restriction purchases, staff recommends the following:
    - Household finds a market home to purchase. The household identifies the Affordable Ownership restriction they wish to sell – this will include the income range and the price will be set based on that range and the size (bedrooms) of the unit.
    - Household agrees to pay 3.5% of the sales prices towards the down payment.
    - The sales price minus the 3.5% down payment minus the maximum sales price for the Affordable income range identified is calculated. The Housing Authority agrees to pay this amount capped at:
        - $200,000 max for Affordable 80-120%
        - $300,000 max for Affordable 50-80%
    - The household must qualify under the Affordable Program rules, which include income and asset caps that are based on income ranges.
    - Example One:

    - Household wants to purchase 360 N. Millward #10. A one-bedroom, one-bathroom, 405-square foot condo in Town. List price: $475,000.
    - The household agrees to pay $16,625 (3.5% of the sales price) towards the down payment.
    - The household is willing to sell an Affordable Ownership 80-120% restriction on the unit.
    - The maximum sales prices for a 1-bedroom Affordable 80-120% unit is $269,368.
    - Household applies to the Preservation Program for $189,007 ($475,000 - $16,625 - $269,368).
    - Household is qualified by the Housing Department based on the Affordable Program rules.
    - Housing Authority Board reviews the application and approves the request.
    - $189,007 is placed in escrow and an Affordable Ownership 80-120% restriction is recorded at closing and the home value is set at $269,368 and appreciates based on the restriction.
- Example Two:
    - Household wants to purchase 2033 Dandelion Court. A three-bedroom, two-bathroom, 1320-square foot single family home in Cottonwood Park. List price: $960,000.
    - Household agrees to pay $33,600 (3.5% of the sale price) towards the down payment.
    - The household is willing to sell an Affordable Ownership 80-120% restriction on the unit.
    - The maximum sales price for a 3-bedroom Affordable 80-120% unit is $346,316.
    - Household applies to the Preservation Program for $580,084 ($960,000 - $33,600 - $346,316).
    - Household is qualified by the Housing Department based on the Affordable Program rules.
    - Housing Authority Board reviews the application and denies the request because it exceeds the maximum amount allowed.

Key Question Three: Do the Board and Council want to allow the purchase of rental restrictions, allowing an individual or business to purchase a restriction on a unit that cannot be owner-occupied, and must be rented to a Qualified Household based on the restriction?

- Staff recommends a simpler pilot program that focuses on one restriction and owner-occupied housing.

COMPREHENSIVE PLAN ALIGNMENT

Comprehensive Plan
Principle 5.1: Maintain a diverse population by providing workforce housing.
Principle 5.3: Reduce the shortage of housing that is affordable to the workforce.
Principle 5.4: Use a balanced set of tools to meet our housing goals.

Housing Action Plan
Initiative 2C: Preserve existing workforce housing stock to avoid leakage.

STAKEHOLDER ANALYSIS

Stakeholders include Town and County taxpayers, local working families and individuals, and local businesses.

FISCAL IMPACT

In 2019 voters approved $5,500,000 in SPET funds for housing. To-date, $1,259,841 has been collected. Staff proposes using up to $1,000,000 in SPET funds for this pilot program.

STAFF IMPACT

The program's development has been delayed due to the COVID pandemic and the resulting loss of funding and lack of staff capacity, but staff is prepared to move forward with a pilot program starting in January 2021. The Housing Director will oversee the program. The Housing Sales Coordinator will qualify households. The Housing Compliance Specialist will conduct annual requalifications for the new Workforce restricted properties. The Town and County Legal Departments will also help establish and execute the Program going forward.

LEGAL REVIEW

K. Gingery and L. Colasuonno

ATTACHMENTS

None.

RECOMMENDATION

Staff recommends directing and authorizing the Housing Authority Board to spend up to $1,000,000 on the Preservation Program as presented today. Staff recognizes that, as presented, the program does not provide a program for different income ranges – just the Workforce Program.

SUGGESTED MOTION

I move to direct and authorize the Jackson/Teton County Housing Authority Board to spend up to $1,000,000 of the 2019 Specific Purpose Excise Tax Proposition Community Housing Opportunities collections on the Preservation Program as presented today. I further move to direct staff to provide an update on the program at the July 2021 Joint Information Meeting.

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Town Planning Department **PRESENTER**: Paul Anthony / Michael Stern

MEETING DATE: January 11, 2021

SUBJECT: **Teton County Historic Preservation Board role in the Town Historic Preservation Program**

STATEMENT/PURPOSE

To present to the Teton County Board of Commissioners (BCC) for discussion the proposed new duties and responsibilities of the Teton County Historic Preservation Board (TCHPB) in the Town's proposed new historic preservation program scheduled to be adopted in the Town's Land Development Regulations (LDRs).

BACKGROUND/ALTERNATIVES

It is Town planning staff's understanding that the County Commission would like to get more information on the proposed new duties and responsibilities of the TCHPB in the Town's proposed historic preservation program. The Council has approved the proposed LDR changes through Second Reading of the ordinances and is now awaiting final input from the Commission before proceeding to the Third and final reading.

The TCHPB is a County-created and controlled board and so the County has a direct interest in monitoring and discussing any significant changes to the board's duties. As such, the purpose of this staff report is to provide a brief background on the Town's proposed historic preservation program and to summarize the TCHPB's proposed new duties within the program for consideration by the County and Town.

Background

The Town's proposed historic preservation program is part of the Town's larger effort to update all of the zone districts in the Town to be consistent with the 2012 adoption of the Jackson/Teton County Comprehensive Plan (Comprehensive Plan). Over the last 18-months, the Town has conducted a broad conversation with the community about its goals and preferences for protecting historic resources. While this important issue is included in the Comprehensive Plan, the community has never had an in-depth discussion regarding historic preservation and what type of, if any, standards or guidelines it would support. Public comment was gathered through multiple public workshops, online surveys (over 300 responses), multiple public hearings, and other forums. Staff also met with directly with stakeholder groups, such as developers, the Chamber of Commerce and Jackson Hole Working.

In short, the historic preservation program is a voluntary, incentive-based program. The Town cannot require preservation or unilaterally impose new standards on any historic property. Instead, owners of historic properties must first consent to list their property on the new Jackson Historic Register. Once listed on the Historic Register, the property becomes eligible for a wide range of new LDR incentives intended to provide financial and development assistance to help preserve historic structures. In addition, once a property is listed on the Historic Register, any future alterations, additions, or relocations related to that structure would need to comply with the newly adopted Historic Preservation Design Guidelines.

The TCHPB's Role in the Town's Proposed Historic Preservation Program

The TCHPB has been an important partner on this project, both financially and professionally with their expertise. For example, the TCHPB contributed approximately $43,000 to Phase 1 and Phase 2 of the project which was instrumental in getting the LDR update initiated. The TCHPB also provided detailed comments and guidance on the proposed historic preservation program as it evolved. The Town's Planning Commission, planning staff, Design Review Committee (DRC), and now Council have considered their comments closely and have responded by proposing a more integral role for the TCHPB in the new historic preservation program.

A summary of the proposed primary new duties for the TCHPB is provided below:

1. Review projects for compliance with the Historic Preservation Design Guidelines. This role requires the TCHPB to review any alterations, additions, or relocations to listed historic structures for compliance with the new Historic Preservation Design Guidelines which would require regular meetings (monthly possibly) to provide its recommendations to the Town Planning Director. The TCHPB would not be required to attend any Planning Commission or Town Council meetings. This role would be similar to the role currently provided by the Town's DRC for commercial and larger residential projects. (NOTE: the DRC recommended that the TCHPB take the lead on design review role because the DRC acknowledged that the TCHPB has much more expertise on historic preservation than the DRC.)
2. Nominate properties for inclusion on Jackson Historic Register. Along with other entities, the TCHPB would have the ability to nominate structures they believe to be historic to the Jackson Historic Register.
3. Conduct and update historic surveys on eligible properties. Before a property can be included on the Jackson Historic Register, a detailed survey of its historic qualities must be conducted by a qualified entity. Either the applicant would pay a qualified professional to conduct the survey or, when resources were available, the TCHPB could possibly pay for the survey as they currently do in certain cases (e.g., the three historic structures on the Café Genevieve Block).
4. Review Town demolition permits: The TCHPB would review all Town demolition permits for the purpose of recommending to the Town Council whether a stay of up 90 days should be considered for high-quality historic structures. It is worth noting that the Town's proposed historic preservation program does not prohibit the demolition of structures on the Jackson Historic Register except for the relatively rare case where a structure would have a preservation easement or deed-restriction requiring preservation in perpetuity.
5. General advisory/consulting/education role to landowners and public. The TCHPB would provide "on-call" advisory services to, for example, landowners considering preservation or any other entities needing expertise on historic preservation. This would not require additional resources.

The first thing to note about the above list of TCHPB duties is that only duty #1 is new — the four remaining duties (#2 - #5) are existing duties already provided to the Town/County by the TCHPB, although the exact nature and time spent on these duties could increase somewhat under the new program. The TCHPB has requested these duties and stated an ability to perform them within their current resources but continued and adequate funding will be more critical than ever to ensure the success of both the new historic preservation program and the TCHPB's ability to help implement it. The TCHPB's new part-time administrative consultant has aided greatly in making the board more productive and organized and it is strongly encouraged that this arrangement be continued on a long-term basis, especially in light of the new preservation program.

While we cannot predict the total amount of additional time required to perform the new duties listed above, (especially for a new program that has yet to be established), Town staff and the TCHPB believe that the commitment will be modest. The most time-consuming new duty will be the design review of changes to historic structures. However, even this time commitment will be limited significantly by the small number of projects that need review. For example, if we assume the Historic Register will include approximately 20 – 30 structures (and possibly fewer), the potential number of structures that might need design review in any year

will be small. As such, it would be unlikely that the TCHPB would hold more than six design review meetings in one year. Town planning staff would provide full support to the TCHPB by handling all design review applications, writing staff reports, and facilitating the review meetings so the TCHPB would only need to focus on its technical review and recommendation. In addition to these formal review meetings, the TCHPB would also receive periodic informal requests (e.g., emails) from the Town Planning Director to provide quick recommendations on minor changes to historic structures that do not require full design review. The next most time-consuming task would likely be the holding and enforcement of preservation easements. But again, the number of these easements is likely to be small, even over many years. Other than these duties, the additional time spent on new duties is anticipated to be minor.

In thinking about the role of the TCHPB as it relates to the Town and County, it is important to consider that Comprehensive Plan does not make a distinction between the Town and County but simply encourages historic preservation wherever such structures happen to be located (i.e., 80% (33 of 40) of the structures on the TCHPB's current list of historic properties are located in the Town of Jackson). For this reason, staff finds that the TCHPB's work benefits all community members and visitors, regardless of where they live.

Finally, the Comprehensive Plan also encourages the Town and County to find a more prominent public role for the TCHPB which we believe is accomplished through the Town's historic preservation program. The TCHPB current responsibilities are often ill-defined and inconsistent from year to year. But continued — and possibly increased — financial support for the TCHPB, in combination with the Town's new historic preservation program, would clearly support this Comprehensive Plan policy. And if the County thinks the Town's historic preservation program would work well in the County, then the County could certainly modify and adopt the Town's program for its own LDRs. In this way, much of the TCHPB's work with the Town might someday be of direct benefit to the County as well.

COMPREHENSIVE PLAN ALIGNMENT

The Town's proposed historic preservation program is consistent with the following Comprehensive Plan policies:

- **Policy 4.5.a: Identity and Preserve Historically Significant Structures.** The proposed historic preservation program will provide a more robust and clear program for identifying and nominating historic structures as part of a more extensive and recognized program.
- **Policy 4.5.b: Support the Historic Preservation Board.** The proposed historic preservation program will better support the TCHPB by giving it a more prominent and public role to further its mission to preserve historic structures.
- **Policy 4.5.c: Enhance Historic Preservation Education, Outreach, and Awareness.** The proposed historic preservation program will hopefully create a higher level of public awareness of and support for historic preservation while also empowering the TCHPB and the Town to work with landowners to find solutions to preserve historic structures, both large and small.

STAKEHOLDER ANALYSIS

The Town conducted an extensive public and stakeholder outreach over an 18-month period for this LDR update. Public comment was gathered through multiple public workshops, online surveys (over 300 responses), public hearings, and other forums. Staff met with directly with stakeholder groups, such as the Chamber of Commerce and Jackson Hole Working. Staff also sent a mailed notice to all landowners within the Town Square area (where many historic structures are located) to inform them of the proposed LDR changes related to historic preservation. It is staff's understanding that the Chamber also sent an email notice to all business owners in the downtown area with the same information.

FISCAL IMPACT

Town planning staff are not asking for and do not require additional resources to implement the proposed historic preservation program. The TCHPB, while it can absorb the proposed additional duties with existing resources, believes that it is critical that it at minimum maintain its current funding levels, including the current funding for its part-time consultant which it would like to keep on a long-term, on-going basis. This current funding level is higher than in previous years when no on-going consultant services were used. In terms of recent County and Town funding to the TCHPB, the County has provided approximately $20,000/year while the Town provided $12,125 in FY2020 (the Town's first contribution to the TCHPB) and $5,000 in FY2021 (reduction due to COVID-related budget cuts). The relative future funding contributions from both jurisdictions may need to be adjusted as deemed appropriate. Regardless, any increase in funding from the County and/or Town, if available, would help to ensure the long-term success of the preservation program.

STAFF IMPACT

Adoption of the proposed new historic preservation program will not require additional Town (or County) staff but will increase the amount of time existing Town staff have to dedicate to historic preservation.

LEGAL REVIEW

Gingery (County); Colasuonno (Town).

ATTACHMENTS

Ordinance M: Historic Preservation Program Second Reading
Ordinance Q: Teton County Historic Preservation Board Second Reading
Ordinance T: MuniCode 15.38 Historic Buildings Second Reading
Historic Preservation Design Guidelines Draft

RECOMMENDATION

This item is intended for discussion purposes only, so Town Planning staff would like to hear and Board of County Commissioners' comments and recommendations regarding the TCHPB's proposed role in the Town's new historic preservation program as adopted into the Town of Jackson's LDRs.

ORDINANCE M

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND ARTICLE 5 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING PRESERVATION OF HISTORIC PROPERTIES 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 2 of Town of Jackson Ordinance No. 1074 (PART) and Article 5 of the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

Div. 5.9. Preservation of Historic Properties

5.9.1 Purpose:

The Town of Jackson has a wide range of historic properties. The Town Council and the citizens of Jackson find that these properties are worthy of protection and recognition. The purpose of this Division is to:

A. Effect and accomplish the protection and preservation of the town's architecture, culture, and heritage as embodied in historic properties by appropriate regulations and incentives;
B. Enhance property values and stabilize neighborhoods with historic properties;
C. Establish the Jackson Historic Register listing of historic buildings, structures, sites and objects; and
D. Establish a mechanism whereby incentives for historic preservation may be made available.
E. Establish Historic Preservation Design Guidelines to ensure future development and redevelopment maintains and enhances the historic integrity of protected structures.

5.9.2 Establishment of Jackson Historic Register

A. The Town Council hereby establishes the Jackson Historic Register.
    1. Properties designated in the Jackson Historic Register shall be known officially as a Registered Historic Resource to recognize that the property is of special historic significance in the Town of Jackson.
    2. Properties may be listed in the Jackson Historic Register only if such property has been so designated pursuant to the procedures in Sec. 8.5.6.
    3. All properties listed in the National Register of Historic Places are eligible for the Jackson Historic Register but are not designated until approval, pursuant to this section, is obtained.

5.9.3. Applicability

This Division shall apply to all structures designated as a Registered Historic Resource as established in this Division. The provisions in this Division apply to Registered Historic Resources as follows:

A. The provisions in this Division are mandatory for a Registered Historic Resource once the property is listed voluntarily by the landowner, as specified below.
B. All properties listed on the Jackson Historic Register shall comply with the Historic Preservation Design Guidelines incorporated into the Town Design Guidelines (see Appendix A in the Town Design Guidelines).
C. For a Registered Historic Resource that utilizes a development incentive in Section 5.9.6., the provisions in this Division are mandatory in perpetuity or apply as otherwise stated in the LDRs;

i. For a Registered Historic Resource that does not utilize a development incentive in Section 5.9.6. or other financial incentive (e.g., state or federal), the landowner may opt out of the Registered Historic Resource designation at any time with proper notice to the Town as provided in this Division.

D. Structures of Merit: This Division does not apply to Structures of Merit, except for Sec. 5.9.5.

5.9.4 Designation Criteria to the Jackson Historic Register

Below are the criteria to designate a property to the Jackson Historic Register. Registered Historic Resources shall meet all three general designation criteria (A, B, and C) listed in this section. Under Criterion B, "Historic Significance," a Registered Historic Resource shall meet a minimum of two of the specific categories listed.

A. Age. Individual properties shall be at least 50 years old. However, a property may be exempted from the age standard if Council finds it to be exceptionally important.
B. Historic Significance. Properties shall be found to have historic significance in these categories in order to be considered for designation:
    1. Association with events that have made a significant contribution to history;
    2. Connection with persons significant in history;
    3. Distinctive characteristics of a type, period, method of construction, or artisan;
    4. Geographic importance; and/or
    5. Possibility to yield important information related to prehistory of history.
C. Integrity. In addition to having historic significance as outlined above, a property must be found to retain sufficient integrity. All properties shall be evaluated for their physical integrity by using the National Register bulletins to evaluate the following criteria:
    1. Location
    2. Design
    3. Setting
    4. Materials
    5. Workmanship
    6. Feeling
    7. Association

5.9.5 Structures of Merit

A. General
    1. A list of Structures of Merit is hereby established. The purpose is to recognize properties of historic significance that have not been formally designated to the Town's Historic Register. No regulation of the property as identified for properties on the Town's Historic Register applies to these properties.
B. Identification
    1. Structures of Merit are identified through professional surveys conducted by or with the assistance of the Teton County Historic Preservation Board (TCHPB)
    2. The Planning Director shall formally accept the Structures of Merit list as annually presented and periodically updated by the TCHPB.
    3. The TCHPB shall notify in writing all owners of a property listed as a Structure of Merit.
C. List of Structures of Merit

    1. The TCHPB shall maintain an up-to-date List of Structures of Merit, which shall be made publicly available.
    2. If a property on the List of Structures of Merit is subsequently designated to the Town's Historic Register, it shall then be removed from the List of Structures of Merit.

5.9.6 Incentives for Historic Preservation

A. Purpose

In recognition that requirements in the LDRs can be a barrier to the preservation of historic resources, this section provides zoning incentives to property owners. The intent is to provide financial incentives and regulatory flexibility to avoid the demolition of historic properties and to encourage context-sensitive reinvestment in and redevelopment of historic properties. Toward this end, this section provides zoning-related incentives for Registered Historic Resource properties.

B. Historic Preservation Easement Required for Certain Incentives

In order to ensure that certain incentives result in the long-term preservation of the Registered Historic Resource, these LDRs identify certain high-value incentives that can only be used if the owner concurrently records an historic preservation easement to protect the historic property in perpetuity. This preservation easement shall be held by the Teton Historic Preservation Foundation or other qualified entity. Where the LDRs do not clearly require the recordation of a preservation easement for the use of an incentive, no such requirement shall be imposed by the Town.

C. Incentives Available to a Registered Historic Property

The incentives in this section are available only to a Registered Historic Property. Many of the incentives listed in this section are located in other parts of the LDRs. In such cases, only a reference to the appropriate LDR section is provided here so the referenced section must be reviewed to find the full incentive. In other cases, the full incentive is provided in this section. In addition, outside of the LDRs, incentives for historic preservation are also available in Chapter 12 of the International Existing Building Code and through federal and state programs (see National Register of Historic Places).

1. Nonconforming Structures.

    a. Registered Historic Resource properties are allowed to increase existing nonconformities on expansions by matching existing setbacks, height, and other dimensional standards (see Sec. 1.9.2.B.1. for full text).

    b. Registered Historic Resource properties are exempted from the 20% limitation on expansion of nonconforming structures (see Sec. 1.9.2.B.3.b for full text).

    c. Registered Historic Resource properties are exempted from the limitation on replacing (and expanding) nonconforming structures (see Sec. 1.9.2.B.4.a for full text).

2. Flexibility in the Applicability of Development Standards
    a. Administrative Adjustment

        a. Structure Setbacks and Site Development Setbacks. The Planning Director may establish a lesser structure setback or site development setback of greater than 20% for a Registered Historic Resource property based on compelling information from the applicant that the lesser standard is necessary to meet the goals of this Division and will protect the character of the adjacent properties and neighborhood (see Sec. 8.8.1.B.2).
        b. The protection of a Registered Historic Resource is one justification for approving an Administrative Adjustment to provide additional flexibility for parking, LSR, setbacks, and other important standards (see Sec. 8.8.1.C.2.b for full text).

3. FAR exemption
    a. Any floor area within Registered Historic Resource structure does not count as floor area for the purpose of calculating the maximum allowed floor area (FAR) on a property. Floor area within additions made to the Registered Historic Structure subsequent to listing on the Register do not qualify for this exemption.
    b. An addition to a Registered Historic Resource structure does not count as floor area for the purpose of determining development review thresholds in each zone district (i.e., see subsection. B.10 in each zone district).
    c. A residential unit(s) that is a Registered Historic Resource structure, or that is contained within such a structure, shall not count as a dwelling unit for the purpose of maximum density limitations.
4. Minimum Lot Size
   The minimum lot size limit on a property with a structure listed on the Jackson Historic Register may be eliminated for the purpose of separating the historic property on an individual lot. However, all resulting lots shall meet all applicable requirements of the LDRs with the exception that the Registered Historic Resource may be as close as 5' from any newly created rear setback. In addition, the Registered Historic Resource shall be protected in perpetuity on the lot (repositioning allowed) by the recordation of an historic preservation easement.
5. Workforce Housing Mitigation
    a. Uses within a Registered Historic Resource are exempt from the affordable workforce housing mitigation requirements in Div. 6.3 (see Sec. 6.3.2.C.3 for full text).
    b. Any addition to a Registered Historic Resource that receives approval of a Certificate of Appropriateness shall be exempt from the affordable workforce housing mitigation requirements in Div. 6.3 (see Sec. 6.3.2.C.3 for full text)
    c. For any property with a Registered Historic Resource, the landowner may transfer or sell any unused housing mitigation credits to another property in the TS-1, TS-2, DC-1, DC-2, CR-1, CR-2, CR-3, BP, NM-2, or NH-1 zone. To calculate the amount of the credit, the Town will assume the following: 1) for a residential zone, the credit assumes 100 percent Detached Single-family development; 2) for a mixed-use zone, the credit 100% Retail development.

       Example: For a 7,500 sf property with a 1.3 FAR and existing 1,500 sf historic structure, the housing mitigation credit would be calculated as follows: 9,750 sf (total FAR) sf of credit available to be transferred (i.e., floor area of existing historic structure is not counted). This 9,750 sf now needs to be converted to a mitigation requirement assuming 100% Retail development. Using the Town's workforce housing calculator, this yields a total credit of approximately 4.2 mitigation units.

6. Transfer of Development Rights (TDR) for Historic Preservation

   Properties with a Registered Historic Resource may transfer or sell unused floor area (Transferred Floor Area) to another eligible property according the standards in this subsection.

    a. Requirements for 'Sending' properties

       A 'Sending' property is one that meets all of the following criteria:

i. The property must contain a Registered Historic Resource, except in the case of a secondary transfer of an TDR where a qualified Receiving site (i.e., a site that has already received an approved TDR) then wants to re-transfer or re-sell the TDR to another eligible Receiving site.
ii. The property must be located in the Town and may be located in any zone district.
iii. The property must have unused floor area available for transfer to another property. Unused floor area is calculated by subtracting the total amount of existing floor area on the site (not including designated historic structures) from the maximum allowed floor area as determined by the base FAR.

[EXAMPLE: On a property with a 2,000 sf historic structure and 1,500 sf non-historic structure, and where a total of 5,000 sf of development is allowed by the base FAR (i.e., without the use of any floor area bonuses), the property would be eligible to transfer 3,500 sf of floor area to a qualified receiving site].

b. Requirements for 'Receiving' properties

A 'Receiving' property must meet all of the following criteria:

i. The property must be located in the DC-1, DC-2, CR-1, CR-2, CR-3, BP, NM-2, or NH-1 zone in the Town;
ii. No variance to any development standard is required to accommodate the transferred floor area;
iii. The property must not have significant environmental or developmental constraints, such as being in the Natural Resource Overlay (NRO), the Natural Hazards Overlay, or similar hazards.
iv. No additional significant public infrastructure improvements paid by the Town are needed to accommodate the Transferred Floor Area.

c. General requirements and rules of TDR program

i. Prior to the transfer of any Transferred Floor Area, the owner of the sending property must apply for a Zoning Compliance Verification (ZCV) from the Town Planning Department to verify the amount and type of floor area available to be transferred from the Sending site and to verify that the intended Receiving site is eligible to receive a TDR.
ii. The sale or transfer of the floor area is a private transaction to be agreed upon by the affected landowners. The Town is not involved in determining the value or price of any Transferred Floor Area.
iii. Transferred Floor Area shall not count as FAR on the Receiving site.
iv. A Sending property in a residential zone may only transfer residential floor area.
v. A Sending property in a mixed-use zone may transfer either residential or non-residential floor area, at the landowner's discretion, provided it is allowed as a Basic Use. Floor area allowed as a Conditional Use or Special use cannot be transferred;
vi. Transferred Floor Area that has been transferred legally to an eligible Receiving site may be transferred again to another eligible Receiving site (i.e., the receiving site becomes a sending site) subject to the requirements of this section. This process may be repeated as many times as necessary to transfer floor area to a site intended for development.

vii. Transferred Floor Area does not expire and there is no deadline by which time the floor area must be used. Purchasers of Transferred Floor Area, however, may voluntarily expire or retire the transferred development rights by filing an instrument in the County Clerk's office that shall be signed by the Planning Director and clearly documents the location and development rights that are to be expired.

viii. In the CR-3 zone, buildings with a fourth story and 48' in height are allowed provided that the fourth story is equal to the amount of Transferred Floor Area transferred to the site using the TDR program (see Sec. 2.2.13.E.7 for full text).

ix. The designated historic resource on a Sending property may be repositioned on the Sending site consistent with the requirements of Sec. 8.5.8, but if it is moved to another site the original Sending site must comply with the retroactive requirements in Sec. 5.9.6.D.

d. Documentation required to transfer floor area under the TDR program

All Transferred Floor Area under the TDR program shall comply with the following requirements.

i. A Sending property that uses the TDR incentive shall record an historic preservation easement on the Sending property that not only preserves the Registered Historic Resource in perpetuity but clearly records the amount and type of Transferred Floor Area and the location of the Receiving site.

ii. Both the Sending property and the Receiving property shall separately record a deed restriction in the County Clerk's office that clearly identifies the following: a) the owner(s) of the Sending and Receiving properties; b) the amount and type of Transferred Floor Area, c) the amount of floor area remaining on the Sending site (Sending site only), d) a description of the Registered Historic Resource on the sending site being protected; and e) any other information necessary to provide clear notice to future property owners and the Town regarding the status of future development potential on each property.

iii. The required TDR deed restrictions on both the Sending and Receiving properties shall state that the Registered Historic Resource shall be protected in perpetuity and that an historic preservation easement has been concurrently recorded on the Sending property as required by the LDRs.

iv. The required TDR deed restrictions on both the Sending and Receiving properties shall be recorded prior to issuance of any building permit that includes use of Transferred Floor Area.

v. The required deed restriction on both the Sending and Receiving properties shall be signed by the Planning Director. Deed restrictions without the Planning Director's signature shall invalidate any related TDR transactions.

vi. When an owner of a Receiving property proposes to subdivide a property with unused Transferred Floor Area from the TDR program, the owner shall clearly allocate the unused Transferred Floor Area to the newly created lots or units prior to approval of the plat.

7. Vesting of Transferred Floor Area

Floor area that is purchased or otherwise transferred through the TDR program does not guarantee a development right or create a vested right on the Receiving site. The transferred

floor area is vested only after an approved development permit or building permit is issued that includes the TDR floor area and demonstrates that it can fit on the Receiving site while complying with all applicable LDRs.

C. Retroactive Requirement

When an incentive in this Division is used for a Registered Historic Resource but the Registered Historic Resource is subsequently removed physically or is no longer designated on the Jackson Historic Register, the benefiting property owner will be responsible to retroactively comply with, either through payment or performance, the LDR requirement that was relaxed or exempted.

5.9.7 Maintenance of Registered Historic Resource

A. The Town Council intends to preserve from deliberate or inadvertent neglect the exterior portions of a Registered Historic Resource and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee, or occupant of any Registered Historic Resource shall fail to prevent significant deterioration of the exterior of the building, structure, object, or special feature beyond the condition of such Registered Historic Resource on the effective date that the property was listed on the Jackson Historic Register.
B. No owner, lessee, or occupant of any Registered Historic Resource shall fail to comply with all applicable provisions of these LDRs.
C. Prior to beginning any enforcement action for failure to maintain the Registered Historic Resource, the Town shall notify the owner of the need to repair, maintain, or restore such property; shall assist the owner in determining how to preserve such property; and shall give the owner a reasonable time to perform such work.
D. Unsafe or Dangerous Conditions Exempt. Nothing in this section shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct an unsafe or dangerous condition of any Registered Historic Resource, or parts thereof where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the Town to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Temporary measures may be taken without first obtaining a Certificate of Appropriateness under this ordinance, but a certificate is required for permanent construction, alteration, removal, or demolition.

5.9.8 Enforcement

Registered Historic Resource properties are designated only with the consent of the property owner, thus the provisions of this Division are enforced through the Design Guidelines for as long as the property is a Registered Historic Resource or, where an historic preservation easement was required, the provisions of this Division shall apply in perpetuity.

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

BY: _____ _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
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 Q

AN ORDINANCE AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1165 AND 1196; SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART); AND DIVISION 8.10 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING THE DUTIES AND RESPONSIBILITITES OF THE TETON COUNTY HISTORIC PRESERVATION BOARD 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. 1165 and 1196; Section 2 of Town of Jackson ordinance No. 1074 (PART); and Division 8.10 the Town of Jackson Land Development Regulations are hereby amended and reenacted to read as follows:

Sec. 8.10.11 Teton County Historic Preservation Board

A. Establishment and Purpose

The Teton County Historic Preservation Board (TCHPB) is a Certified Local Government established by Teton County. As part of these Town LDRs, the TCHPB has been approved to provide its expertise in historic preservation to assist the Town in the implementation of the Town's historic preservation program. The TCHPB consists of members who are qualified by experience and training to advise and provide technical assistance to the Planning Director, Planning and Zoning Commission, Board of Adjustment, and Town Council regarding design review pursuant to Div. 5.8.

A. Powers and Duties

The TCHPB shall have the powers and duties established under the provisions of the LDRs, including:

1. To recommend changes to the Historic Preservation Design Guidelines and other Town Design Guidelines for adoption by the Town Council;

2. To hear, consider, and recommend a decision to the Planning Director, the Planning and Zoning Commission, the Board of Adjustment, and the Town Council on the following applications:

a. Certificate of Appropriateness for an alteration to Registered Historic Resource that requires review of the Historic Preservation Design Guidelines;

b. Certificate of Appropriateness for a repositioning or relocation of a Registered Historic Resource that requires review of the Historic Preservation Design Guidelines;

c. Nomination of a property to the Jackson Historic Register

3. To review demolition permits per Chapter 15.38 Demolition Standards in the Jackson Municipal Code and offer recommendations on the advisability of a stay on the demolition.

4. To make special knowledge and expertise available upon request from the Planning Director or Town Council for matters related to the implementation of the Town's historic preservation program. and authorization of the Town Council to other Town Departments; and

5. To make studies and/or surveys of the historic resources in the Town, make public such information, and to maintain a list of Structures of Merit.

C. Membership

The qualifications, appointment, terms of office, and other requirements for membership to the TCHPB are governed by Teton County and by the adopted bylaws of the TCHPB.

D. Staff

The Planning Department shall be available to provide professional assistance to the TCHPB, at the direction of the Planning Director.

E. Quorum and Voting

The quorum and voting rules and requirements for the TCHPB are governed by Teton County and by the adopted bylaws of the TCHPB. Such rules shall be followed for any public meetings required under these LDRs.

F. Meetings

1. General. Meetings of the TCHPB shall be held at least once monthly or as otherwise necessary to fulfill its duties as required by these LDRs. Meeting shall be set at a consistent time and date.

2. Special Meetings. A special meeting may be called by the Chairperson by giving notice to each member and to the official advertising newspaper of the Town of Jackson. The notice shall specify the time, place and business to be transacted, and no other business shall be conducted.

3. Location. The location of all TCHPB meetings shall be determined by the TCHPB but the location shall be located in the Town of Jackson and published to provide adequate notice to all interested parties and the public. The location shall be accessible to the public.

4. Meetings Open to the Public.

All meetings of the Committee shall be open to the public in a place accessible to the public. Public comment is not required.

C. Agenda

An agenda for any meeting required by these LDRS shall be published at least seven days prior to the meeting.

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.

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

TOWN OF JACKSON

BY: _____
Pete Muldoon, Mayor

ATTEST:

BY: _____
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 T

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF THE TOWN OF JACKSON ORDINANCE NO. 888 AND SECTION 15.38.020 OF THE TOWN OF JACKSON MUNICIPAL CODE REGARDING HISTORIC BUILDINGS 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 the Town of Jackson Ordinance No. 888 and Section 15.38.020 of the Town of Jackson Municipal Code are hereby amended and reenacted to read as follows:

15.38.020 Historic Buildings

A. General. The Town Council recognizes that many areas, improvements, buildings or structures have features with historic character or special historic or aesthetic interest or value representing architectural products of distinct periods in the history of Jackson. The Town Council also recognizes that the protection, enhancement and perpetuation of areas, improvements, buildings and structures with features having historic character or special historical or aesthetic interest or value is a public necessity and is required in the interest of the people of the Town.

For the purposes of this section, historic buildings or structures are those buildings, improvements or structures, which are on the Jackson Historic Register or are in excess of fifty (50) years old, or which are otherwise historically or architecturally significant.

Every applicant for a demolition permit shall state to the best of his or her knowledge whether a building or structure for which demolition is sought is either in excess of, or less than, fifty (50) years old as of the date of the application.

B. Authority to Enact. Authority for enacting this chapter to protect historic integrity is provided in Wyo. Stat. Section §15-1-601(d)(iv).

C. The Teton County Historic Preservation Board. The Teton County Historic Preservation Board ("TCHPB") shall be an advisory board to owners seeking to demolish historic buildings within the Town.

1. The TCHPB shall be an informational and advisory board only~~,~~ and shall advise owners or residents of buildings or structures on the historic nature, aspects and other historic preservation issues concerning the building or structure sought for demolition.

2. The TCHPB will maintain a non-exclusive list of structures which are either in excess of fifty (50) years old or are otherwise historically or architecturally significant. This list, the ~~TCHPB Building List~~Structures of Merit, will be made publicly available and will be updated from time to time. The ~~TCHPB Building~~Structures of Merit List updated from time to time serves as a guideline to building owners and Town of Jackson officials.

3. The TCHPB may present to the Town Council its findings and recommendations about any development proposal or regulation which impacts any building or structure in excess of fifty (50) years old or which are otherwise historically or architecturally significant.

D. Demolition Permit Review

1. Upon receipt of a demolition permit application pursuant to Section 105.1 of the International Building Code, the planning and building department shall refer the demolition application to the TCHPB.

2. The TCHPB shall review demolition proposals which affect the exterior of any principal or accessory building or structure which is on the ~~TCHPB Building List or the~~ Jackson Historic Register or Structures of Merit list for their impacts on historic resources. The TCHPB will make a recommendation to the planning and building department and/or Town Council within ~~twenty-one (21)~~ thirty (30) calendar days from initial submission of the demolition application to the TCHPB. The TCHPB will either determine that:

A. The building or structure is not historically or architecturally significant, or

B. That the building or structure is historically or architecturally significant and recommend a ninety (90) day stay in the issuance of a demolition permit for public comment and in order for the applicant, the TCHPB and other interested parties to explore alternatives to demolition. The TCHPB shall cite the historic preservation principles upon which it is relying to make its comments or recommendations regarding the impact of such demolition on historic preservation

~~That the building is designated as a Landmark property on the Jackson Historic Register and so should not be demolished.~~

3. All demolition permit applicants pertaining to historic buildings or structures may meet with the TCHPB, or a sub-committee thereof, to discuss the impacts of demolition on historic resources. A meeting will be scheduled during the initial ~~twenty-one (21)~~ thirty (30) day review period on applicant's request.

4. In the event the TCHPB does not make a recommendation to the planning and building department and/or Town Council within ~~twenty-one (21)~~ thirty (30) calendar days from initial submission of the demolition application, the Town will assume that the TCHPB does not have a formal recommendation, and the application shall proceed through the regular permitting process.

SECTION II.

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

SECTION III.

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Pete Muldoon, Mayor

ATTEST:

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Sandra P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

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Sandra P. Birdyshaw, Town Clerk

SECTION 2: HISTORIC PRESERVATION DESIGN GUIDELINES

These design guidelines are for the treatment of historic resources in the Town of Jackson. They address alterations and improvements to the exteriors of historic properties with the objective of preserving their historic significance. They also provide information related to new construction that may occur on a property that includes a historic resource.

Note: The Town has the regulatory authority to adopt and enforce Historic Preservation Design Guidelines. It has not been determined in the drafting of this document whether these will be voluntary, enforced or some combination of the two depending upon the type of historic resource to be reviewed. The proposed Historic Preservation Ordinance identifies two tiers of designated historic resources to be reviewed using these guidelines.

27 SECTION 2: HISTORIC PRESERVATION DESIGN GUIDELINES
28 Planning a Project for a Historic Property
28 Using the Preservation Guidelines
29 Rehabilitation Principles and Preservation Best Practices
30 Accepted Treatments for Historic Resources
31 Preferred Sequence of Actions
32 Example Design Guidelines Format
33 Historic Preservation Design Guidelines
33 Character-Defining Features
36 Building and Roof Form
37 Materials
40 Windows
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50 Accessibility
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52 Relocation of a Historic Building To Another Site
53 GLOSSARY OF TERMS

PLANNING A PROJECT FOR A HISTORIC PROPERTY

USING THE PRESERVATION GUIDELINES

The guidelines shall be applied in these ways:

- **Voluntary use:** Any property owner who owns a property that they consider to have historic significance may use these guidelines voluntarily to help plan projects that will preserve the building.
- **Use with incentives:** The town offers incentives for preservation, for which property owners may apply if they have designated their property. The town will use these guidelines to determine that the conditions have been met for providing the incentive.
- **Use with officially designated historic resources and landmarks:** Some properties may be formally designated as a Historic Resource, or Landmark by town council. A Certificate of Appropriateness (CofA) is required prior to issuing a permit for any improvements to the property.

REHABILITATION PRINCIPLES AND PRESERVATION BEST PRACTICES

When considering a rehabilitation project of a historic building for reuse, the following objectives will be met.

Respect the character of the building - Do not change the style of the building or make the structure look older than its actual age. Confusing the character by mixing elements of different styles can weaken the appearance and integrity of the structure.

Protect and maintain character-defining features - Character-defining features should be treated with sensitivity. The best practice is to maintain these features from the outset.

Repair character-defining features when possible - Use best practices when repairing character-defining features to minimize damage to the original materials.

Design an addition to respect the existing structure, and maintain its historic integrity - When constructing an addition, do not try to emulate an existing style to make the addition look older than its actual age, unless this is a *reconstruction* (see following page) of a resource. A contemporary design for an addition to an existing structure is appropriate as long as it does not destroy character-defining features, and the design is compatible with the building. Additions should relate to the original building in general massing and scale, but should appear as new.

The historic building on the left was somewhat modified inappropriately. The inappropriate modifications include: the wood shingle infill within the storefront transom; the aluminum framing; and the brick kickplate. The recent rehabilitation is an appropriate "rehabilitation" of the Jackson Drug Co. building. In this case, the altered storefront was replaced with a new storefront that represented a more traditional storefront configuration, and the contemporary canopy is a compatible replacement. The next step would be to replace the casement windows with a more traditional double-hung wood window configuration, especially in those locations that face the street.

ACCEPTED TREATMENTS FOR HISTORIC RESOURCES

The following treatments for historic properties may be considered when planning a preservation project. Much of the language addresses buildings; these treatments also apply to sites, objects and structures.

Preservation - "Preservation" is the act of applying measures to sustain the existing form, integrity and material of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Restoration - "Restoration" is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. This may apply to an entire building, or to restoring a particular missing feature.

Reconstruction - "Reconstruction" is the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific time and in its historic location. This has limited application, in terms of an entire building, but may apply to a missing feature on a building.

Rehabilitation - "Rehabilitation" is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural or architectural values. Rehabilitation may include a change in use of the building or the construction of an addition. This term is the broadest of the permitted treatments and applies to most work on historic properties.

Combining Treatments - For many projects a "rehabilitation" approach will be the overall strategy, because this term reflects the broadest, most flexible of the approaches. Within that, however, there may be a combination of treatments used as they relate to specific building components. For example, a cornice in good condition may be preserved, a storefront base that has been altered may be restored, and a missing kickplate may be reconstructed.

PREFERRED SEQUENCE OF ACTIONS

Preserving key, character-defining features is a fundamental precept of preservation. Therefore, selecting the appropriate treatment for a character-defining feature and cultural resource is important. The method that requires the least intervention is always preferred. By following this tenet, the highest degree of integrity will be maintained. The following treatment options appear in order of preference. When planning work, follow this sequence:

Step 1. Preserve:
If a feature is intact and in good condition, maintain it as such.

Step 2. Repair:
If the feature is deteriorated or damaged, repair it to its historic condition.

Step 3. Replace:
If it is not feasible to repair the feature, then replace it in kind, (e.g., materials, detail, finish). Replace only that portion which is beyond repair.

Step 4. Reconstruct:
If the feature is missing entirely, reconstruct it from appropriate evidence. If a portion of a feature is missing, it can also be reconstructed.

Step 5. Compatible Alterations:
If a new feature (one that did not exist historically) or an addition is necessary, design it in such a way as to minimize the impact on historic features. It is also important to distinguish a new feature on a historic building from the historic features, in subtle ways.

EXAMPLE DESIGN GUIDELINES FORMAT

The design guidelines in this document use a standard format. This format includes a series of five items, which are noted and described in the diagram below.

(A) Design Topic Heading

This is shown in bold, is numbered, and is always at the top of the page.

(B) Intent Statement

The intent statement follows the design topic heading. It explains the goal of the design guidelines that follow. If an application does not specifically meet one of the design guidelines, it can be reviewed using the intent statement.

(C) Design Guidelines

Design guidelines describe an intent or desired outcome. They are numbered for easy reference.

(D) Additional Information

This information is found in a bullet list that follows a design guideline, where applicable. This provides appropriate and inappropriate strategies for meeting the intent of the design guideline.

(E) Images and Illustrations

Visuals are included to clarify the intent of the guideline. Captions provide more detail about how the image is to be interpreted.

Preserve original building materials.

Appropriate and Inappropriate Solutions

In many cases, images and diagrams in the design guidelines are marked to indicate whether they represent appropriate or inappropriate solutions.

A check indicates appropriate solutions.

An "X" mark indicates solutions that are inappropriate.

(A) **MATERIALS**

(B) **Design Intent:**

Preserve traditional materials that contribute to the overall character of the building.

Design Guidelines:

(C) **1.79 Preserve original building materials and their composition.**

(D) a. Building materials are often combined to define building divisions such as the base (foundation), middle (walls), and cap (roof and/or cornice). This composition should be preserved.

(E)

HISTORIC PRESERVATION DESIGN GUIDELINES

CHARACTER-DEFINING FEATURES

Design Intent:

Preserving the integrity of a historic property and/or cultural resource is a fundamental objective. To do so, character-defining features should be preserved to the extent feasible.

Design Guidelines:

1.29 Preserve character-defining features of buildings, and cultural resources.

a. This includes details that define the building's architectural style as well as its materials, doors and windows.

b. Cultural resources can include park features, bridges and cemeteries, for example.

1.30 Retain a character-defining feature that is in good condition.

a. Repair, rather than replace a deteriorated feature, when feasible.

1.31 Avoid removing a damaged character-defining feature that can be repaired.

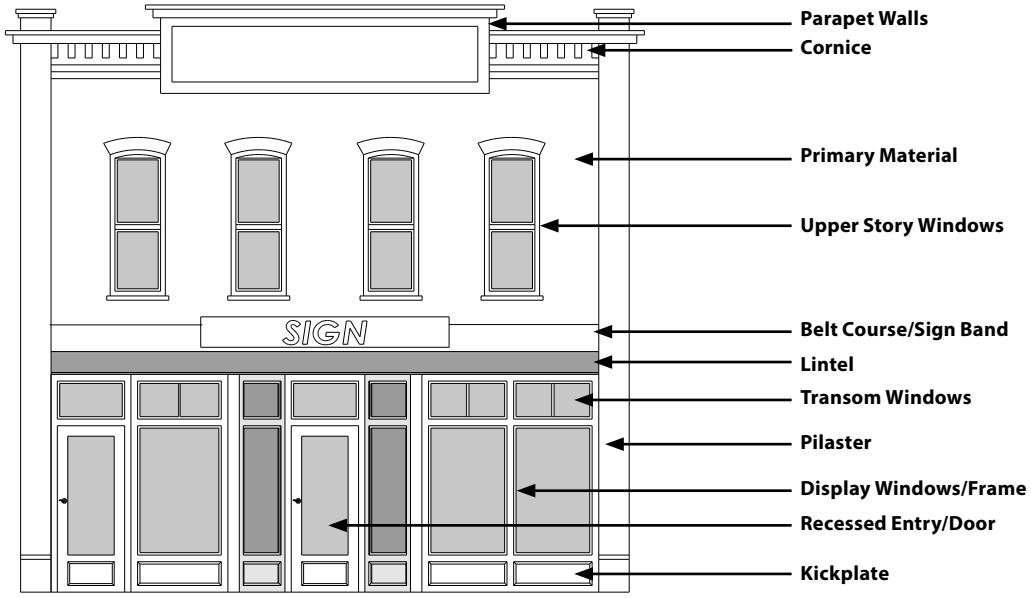
1.32 Patch, piece-in, splice, consolidate or otherwise upgrade existing materials, using best building practices.

1.33 When disassembly of a character-defining feature is necessary for its repair, use methods that minimize damage to it. Document its location so it may be repositioned accurately.

Preserving the integrity of historic and cultural resources is a fundamental objective.

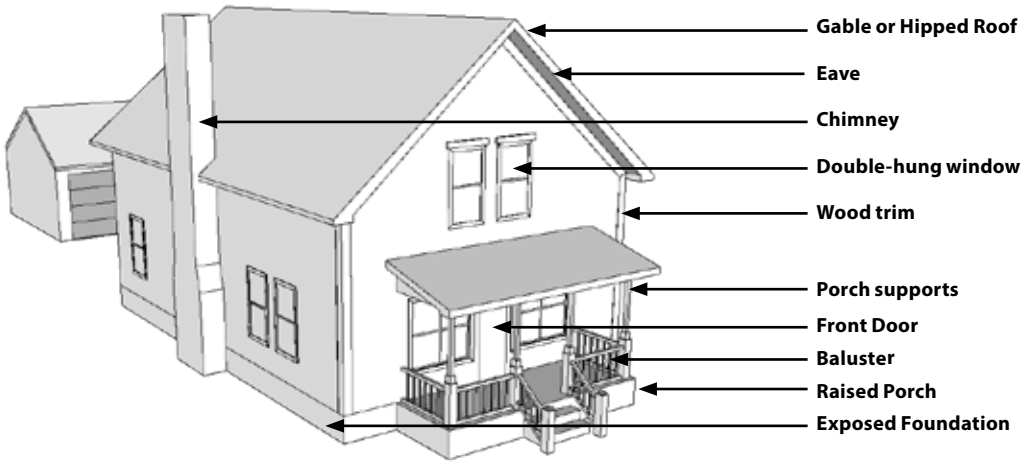
Retain a character-defining feature that is in good condition, such as this entry feature and covered boardwalk.

Character-defining features of a commercial storefront



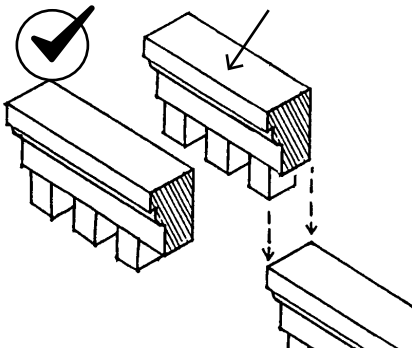
These are typical character-defining features for a historic storefront building. There are a variety of historic commercial building types in Jackson. Reference the Town of Jackson's historic survey when considering a rehabilitation project. The survey will often provide information on a building's history and identify character-defining features.

Character-defining features of a residential building

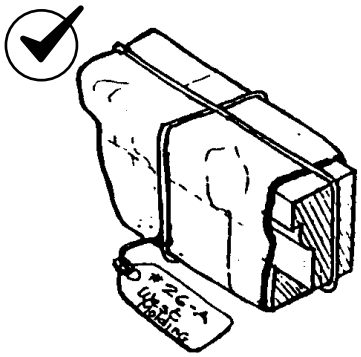


These are typical character-defining features for a historic residential building type in Jackson. Reference the Town of Jackson's historic surveys when considering a rehabilitation project. The survey will often provide information on a building's history and identify character-defining features.

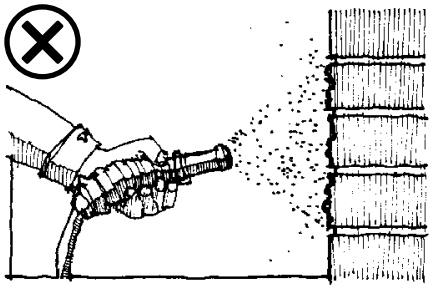
Replacement Piece



Where replacement of a character-defining feature is required, remove only those portions that are deteriorated beyond repair.



When disassembly of a historic feature is required in a rehabilitation procedure, document its location so that it may be repositioned accurately.



Do not use harsh cleaning methods on any masonry or wood surfaces.

Use procedures for cleaning, refinishing and repairing character-defining features that will maintain the original finish. These include paint removal where appropriate. Typically a test patch is completed first to evaluate the original material.

1.34 Use procedures for cleaning, refinishing and repairing character-defining features that will maintain the original finish.

1.35 Employ best practice treatments that will protect materials and details.

a. These include rust removal, caulking, limited paint removal and application of paint or stain where appropriate.

1.36 Avoid adding a new feature that is not part of the original building fabric.

a. For example, decorative millwork should not be added to a building if it was not an original feature.

For More Information:

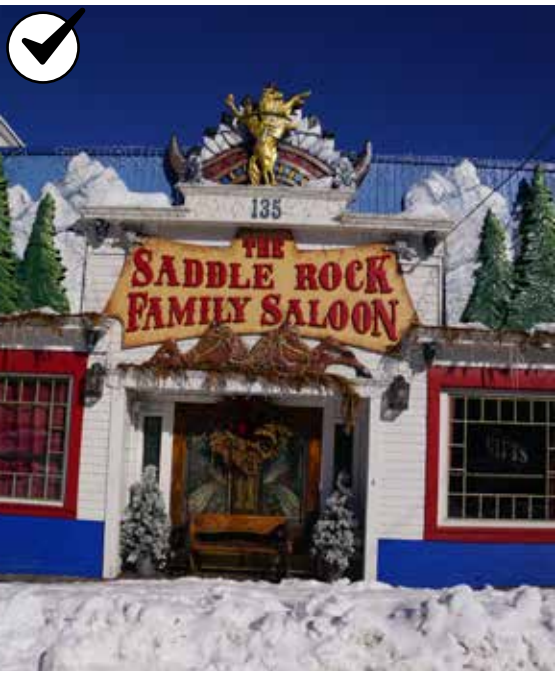
The following National Park Service preservation briefs at *www.nps.gov* provide additional information on the treatment of character-defining features.:

Preservation Brief 11: Rehabilitating Historic Storefronts

https://www.nps.gov/tps/how-to-preserve/briefs/11-storefronts.htm

Preservation Brief 45: Preserving Historic Wood Porches

https://www.nps.gov/tps/how-to-preserve/briefs/45-wooden-porches.htm



Maintain parapet walls and cornices on a flat roofed structure.

Preserve the original eave depth of a sloping roof.

BUILDING AND ROOF FORM

Design Intent:

Maintain the original building and roof form of a historic building. If replacement is needed, utilize a roof material that is in keeping with the original.

Design Guidelines:

1.37 Maintain the original building form and that of its roof.

1.38 Avoid altering the basic building form or the angle of an original roof.

1.39 Preserve the original eave depth of a sloping roof and the original parapet height on a flat roof.

1.40 Maintain parapet walls and cornices on a flat roofed structure.

1.41 Provide functional coping that is compatible with the existing building façade.

1.42 For a sloped roof, use a new roof material that conveys a scale, texture and finish which is similar to the original.

1.43 For a sloped roof, using shingles that contain embedded photovoltaic systems is also appropriate.

Maintain the original building and roof form of a historic building.

MATERIALS

Design Intent:

Preserve traditional materials that contribute to the overall character of the building.

Design Guidelines:

1.44 Preserve original building materials and their composition.

a. Building materials are often combined to define building divisions such as the base (foundation), middle (walls), and cap (roof and/or cornice). This composition should be preserved.

1.45 Avoid removing original materials that are in good condition.

1.46 Remove only those materials which are deteriorated, and must be replaced.

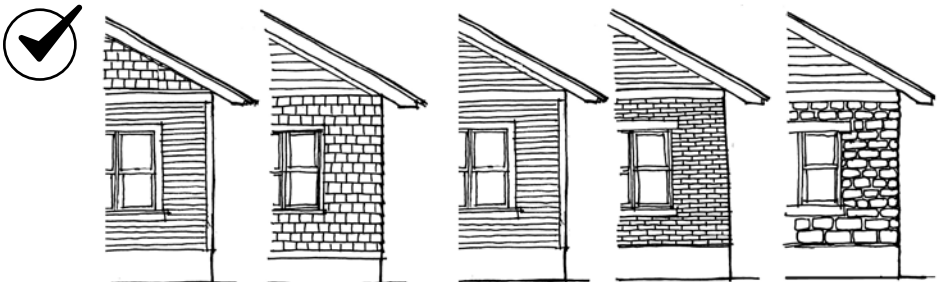
1.47 Repair a deteriorated primary building material by patching, piecing-in, consolidating or otherwise reinforcing it.

1.48 When replacing materials on a primary surface, match the original in composition, scale and finish.

a. If the original material is wood clapboard, for example, then the replacement material should be wood as well. It should match the original in size, the amount of exposed lap and in finish.

b. An alternative material may be considered if the size, character and finish conveys the appearance of the original.

Preserve original building materials.



Cap	*Wood shingle*	*Wood lap*	*Wood lap*	*Wood lap*	*Wood lap*
Middle	*Wood lap/ or log*	*Wood shingle*	*Wood lap*	*Brick*	*Stone*
Base	*Foundation*	*Foundation*	*Foundation*	*Foundation*	*Foundation*

Building materials on residential buildings are often combined to define building divisions such as the base (foundation), middle (walls), and cap (roof and or cornice). The original composition of materials should be preserved.

Consider removing later covering materials that have not achieved historic significance.

1.49 Replace only the amount required. For example, if a few boards are damaged beyond repair, then only they should be replaced, not the entire wall.

1.50 Do not strip existing painted wood surfaces to bare wood to achieve a "rustic look."

1.51 Do not use harsh cleaning methods, which can inhibit the function and appearance of the existing material.

a. For example, sandblasting is inappropriate because it can damage the protective coating and change the appearance of the material.

1.52 Covering original material with new materials is inappropriate.

a. Vinyl siding, aluminum siding and new stucco are inappropriate on historic buildings. Other imitation materials that are designed to look like wood or masonry siding, fabricated from other materials, are also inappropriate.

b. If a property already has a non-contributing building material covering the original, it is not appropriate to add another layer of new material, which would further obscure the original.

1.53 Consider removing later covering materials that have not achieved historic significance.

a. Once the non-contributing siding is removed, repair the original, underlying material.

b. If a building has a stucco finish, removing the covering may be difficult, and may not be desirable. Test it first to assure that the original material underneath will not be damaged.

For More Information:

The following National Park Service preservation briefs at www.nps.gov provide additional information on the treatment of historic materials:

Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings

http://www.nps.gov/tps/how-to-preserve/briefs/1-cleaning-water-repellent.htm

Preservation Brief 2: Repointing Mortar Joints in Historic Masonry Buildings

http://www.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm

Preservation Brief 16: The Use of Substitute Materials on Historic Building Exteriors

http://www.nps.gov/tps/how-to-preserve/briefs/16-substitute-materials.htm

Preservation Brief 26: The Preservation and Repair of Historic Log Buildings

https://www.nps.gov/tps/how-to-preserve/briefs/26-log-buildings.htm

Preservation Brief 47: Maintaining the Exterior of Small and Medium Size Historic Buildings

https://www.nps.gov/tps/how-to-preserve/briefs/47-maintaining-exteriors.htm

Using Alternative Materials on a Historic Building

The design guidelines sometimes refer to the use of alternative materials when replacing character-defining features and architectural details, such as windows, siding and molding. An alternative material is one which is different from that used originally for a specific application. Alternative materials will be reviewed on a case-by-case basis. Such materials may include:

- Aluminum siding, and some other types of metal materials such as corrugated metal roof materials.
- HardiPlank siding
- Cementatious fiber siding
- Non-wood replacement of wood columns (cast resin)
- Other non-original materials

Some common alternative materials for specific architectural features include wood, plaster, concrete and stucco for porch columns, wood for railings, asphalt shingles for roofs and wood or fiber cement for trim. These examples are not an exhaustive list; other alternative materials may be used for these architectural features and other architectural features may also be replaced with alternative materials.

Alternative materials may also include materials used to replace historic architectural details such as a resin-cast cornice used in place of a stamped metal cornice. In other cases, an alternative material may be traditional when used for other applications, but new for the particular detail being considered. Using wood to replace an original stamped-metal cornice is an example.

Alternative materials may be considered by the city on a case-by-case basis as replacement materials, or for use on a new addition, or a new building in a historic district. The city will consider factors including:

Potential Impact on Historic Significance

Removing original material diminishes the integrity of a historic property by reducing the percentage of building fabric that remains from the period of historic significance. Retaining the original material is always preferred. If this is not feasible, alternative materials may be considered. When used, an alternative material should convey the character, including detail and finish, of the original to the greatest extent feasible.

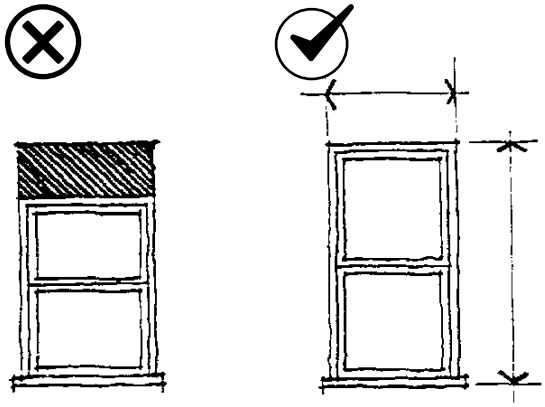
Appearance

An alternative material should also have a similar profile, texture and finish as the original material. Some synthetic siding has an exaggerated, rusticated finish that is an inaccurate representation of original clapboard. Vinyl products are also inappropriate alternative materials on contributing historic structures.

An alternative material should convey the character, including detail and finish, of the original to the greatest extent feasible (aluminum clad windows and cement board).

An alternative material should also have a similar profile, texture and finish as the original material. The cement board siding provides an appropriate profile, but the surface should have a matte finish.

Preserve the ratio of window openings to solid wall on a primary façade.



Reducing an original opening to accommodate a smaller window or increasing it to receive a larger window is inappropriate.

WINDOWS

Design Intent:

Maintain the historic alignment, spacing and dimensions of window openings. Preserve traditional windows that have distinct stylistic features, if feasible. When a new window is needed, design it to be in character with the building.

Design Guidelines:

1.54 Preserve the position, number and arrangement of existing windows in a primary building wall.

a. On a primary façade, enclosing an existing window opening is inappropriate, as is adding a new window opening.

b. If a new window is needed, consider locating it on a side or rear wall.

1.55 Preserve the ratio of window openings to solid wall on a primary façade.

a. Significantly increasing the amount of glass on a character-defining façade will negatively affect the integrity of the structure.

b. Alteration may be appropriate on side and rear walls that are less visible from the public way.

1.56 Preserve the size and proportion of an existing window opening on a primary wall.

a. Reducing an original opening to accommodate a smaller window or increasing it to receive a larger window is inappropriate.

b. Altering a window that is not visible from the street may be appropriate.

1.57 Use durable window materials.

a. Use a metal or wood frame, when possible. It should have a dimension and profile similar to those used historically.

b. Avoid using a window material that does not have a proven durability.

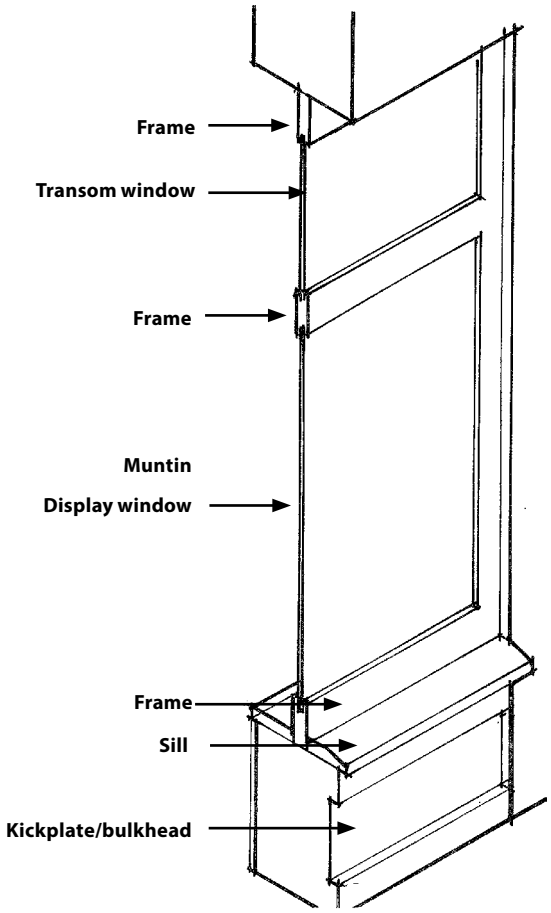
c. Avoid using a thin window frame on a primary façade.

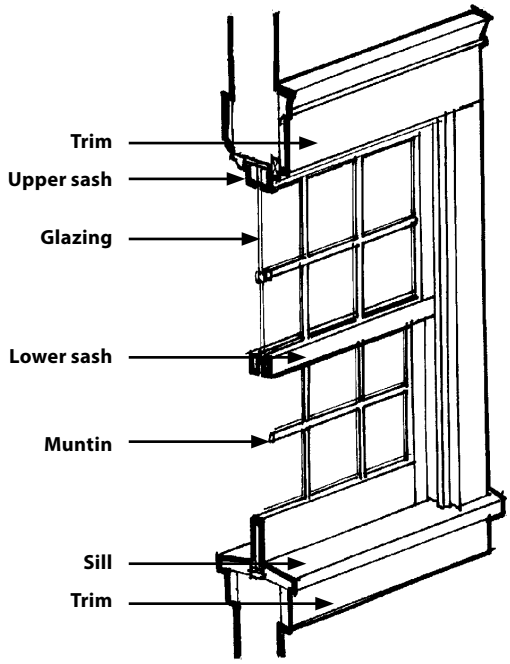
1.58 In a replacement window on a primary wall, use a material that appears similar to the original, when feasible.

a. Using the same material as the original is preferred, especially on street-facing façades. A substitute material should match the original profile.

Typical Window Types

Common original window types that may be found on historic properties are illustrated below.





For More Information:

The following National Park Service preservation briefs and National Trust for Historic Preservation article provide additional information on the treatment of historic materials:

Preservation Brief 9: The Repair of Historic Wooden Windows

http://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm

National Park Service Preservation Tech Notes (scroll down page for information on windows)

http://www.nps.gov/tps/how-to-preserve/tech-notes.htm

National Trust for Historic Preservation Article on Window Retrofits

http://www.preservationnation.org/who-we-are/press-center/press-releases/2012/new-windows-study.html#.UdshFXFsikI

Benefits of Wood Window Retrofits

Sensitive stewardship of the existing building stock significantly reduces environmental impacts. Re-using a building and its original wood windows preserves the energy and resources invested in its construction, reduces demand on landfill space and eliminates the need for producing new construction materials. Manufacturing of many new building materials uses substantial levels of energy. This can be reduced significantly if historic structures and their wood windows are retained rather than demolished.

Many historic building materials, such as a building's wood windows have long life cycles, which contribute to their sustainability. They were built for longevity in a manner that also allows for repairs. Some replacement features for a historic building, such as synthetic window materials, advertise they are: low in maintenance, inexpensive, and durable etc. In fact, they have a significantly shorter life span than historic wood windows, are difficult to repair, and are incompatible with historic building materials, and therefore not as great as advertised.

An older window is often identified as being a major source of heat loss, when other parts of a building are typically the major sources. For example, as much as 50% of the energy lost from a house is from air infiltration through the attic, uninsulated walls, and around the windows and door cavities, not through the glass in a window itself. Repairing, weather-stripping and insulating an original window is typically more efficient and much less expensive than new windows, as well as sound preservation practice. Retrofits also extend the life of existing windows, avoid production of new materials, reduce waste and preserve a home's character. Retrofits have proven to be cost effective over the long-term in national studies.

Substantial amounts of information are available that document the energy saving benefits of retaining and repairing a historic window, rather than replacing it.

For More Information:

The following National Trust for Historic Preservation article at www.preservationnation.org provides additional information on the treatment of historic materials: ***Saving Windows, Saving Money*** *(https://forum.savingplaces.org/connect/community-home/librarydocuments/viewdocument?DocumentKey=59eab0e4-f0f4-45c5-97c8-147a8def82ae&CommunityKey=00000000-0000-0000-0000-000000000000&tab=librarydocuments)*

DOORS

Design Intent:

Maintain the fundamental alignment, spacing and dimensions of door openings on a primary façade. When a new door is needed, design it to be in character with the building.

Design Guidelines:

1.59 Preserve the size, position and proportion of key door openings on the primary façade.

a. Altering a door opening on a side or rear elevation may be appropriate.

1.60 Avoid changing the position of key door openings on the primary façade.

1.61 Preserve traditional doors with distinct stylistic features, if feasible.

1.62 When replacing a key door, use one that is compatible with the building style.

Preserve the size, position and proportion of key door openings on the primary façade.

Maintain the fundamental alignment, spacing and dimensions of door openings on a primary façade. When a new door is needed, design it to be in character with the building.

ADDITIONS

Design Intent:

It is important to maintain the general appearance of a historic building, especially from key vantage points in the public way. An addition should be planned to minimize damage to the historic building by preserving character-defining features, building form, etc. Locating a new addition to the rear or the side of the historic building is the best approach, in order to reduce any negative impacts to the building. It also should be compatible with the fundamental characteristics of the historic building while appearing as a new alteration.

Impact Considerations for Additions:

- Consider impacts of the addition to the visual and physical qualities of the property and to one's ability to perceive its historic character.

Some impact-related factors to consider include:

- Is the addition visible? Locating the addition such that the historic building remains prominent is important.
- Does the addition remain visually subordinate to the historic building? Keeping it lower in scale, or separated from the historic building is important.
- Is one's ability to interpret the historic character retained? (Especially in terms of perceiving the original mass, scale and prominence of the property)
- Are alterations to key character-defining features avoided or at least minimized? Attaching the addition should not require destruction of key features on the historic building.
- Is the structural integrity of the property retained, or even improved?

For More Information:

Preservation Brief 14 New Exterior Additions to Historic Buildings: Preservation Concerns

https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm

Design Variables for an Addition

Design variables include basic scale and proportion considerations that relate to the compatibility of the addition with the primary building and surrounding historic context. Design variables to consider include:

The height of the addition.

Keeping floor heights in the range of those on the historic building, or even lower, may help keep an addition visually subordinate to the historic building.

The degree of setback.

Does the original primary façade (front) remain visually prominent? An addition should be set back from the façade and other key walls that contribute to the character of the property. The setback should be a sufficient distance such that the historic building remains prominent.

Simplicity of design.

Is the design of the addition subordinate in character? The design should be relatively simple in architectural character and detailing, such that it does not call undue attention to itself. The historic building should remain the prominent feature.

Design Guidelines:

1.63 Locate an addition to be subordinate to the original structure.

a. An addition should relate to the building in mass, scale, character and form.

b. An addition to the front of a building is inappropriate.

c. Greater flexibility on less visible façades may be appropriate.

1.64 Reflect the height of traditional commercial buildings as perceived at the street edge.

a. A significant stepback for a third floor addition is required, to maintain a sense of two stories at the street level.

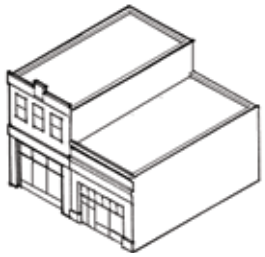
b. The third story should maintain view corridors.

Street view

Bird's eye view

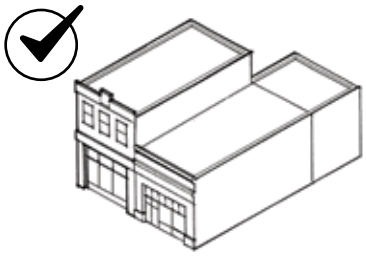
Set a roof top addition back significantly from the building front on a commercial building.

Locating an Addition to a Historic Commercial Building



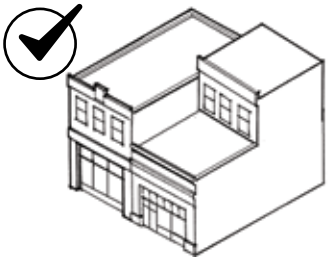
Historic Structure

The one and two-story commercial buildings illustrated above are historic.



Rear Addition

The rear addition illustrated at right is appropriate.



Rooftop Addition

The rooftop addition illustrated at right is appropriate because it is set back from the front façade.

This series of images portrays an appropriate rehabilitation of a 1) historic log cabin, 2) addition to it, and 3) a new accessory dwelling unit on the lot.

1. *Log cabin - appropriate historic building elements include:*
   - *Preservation of building form and materials (except large picture window)*
   - *New door*
   - *Paint and stain*
2. *Addition - appropriate building elements include :*
   - *Ability to interpret old from new construction*
   - *Mass and scale*
   - *Materials*
   - *Side wall inset to adjacent property*
3. *New accessory dwelling - appropriate building elements include :*
   - *Ability to interpret old from new construction using contemporary construction techniques*
   - *Mass and scale*
   - *Window and door openings that reflect historic proportions.*

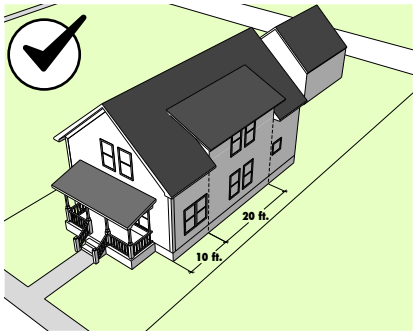
1.65 Locate an addition to retain open space patterns on the site.

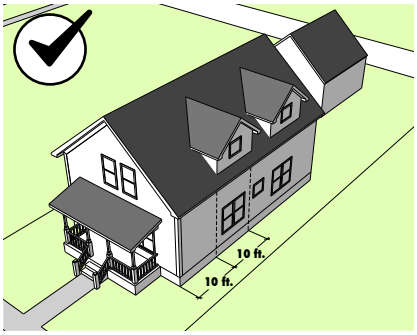
1.66 Design an addition to a historic building to respect the character-defining features of the building.

1.67 Design an addition to be recognized as current construction.

1.68 Design a dormer addition(s) to minimize impacts on the building.

1.69 Separate the mass of a larger addition from the historic building and link the two with a smaller connector.





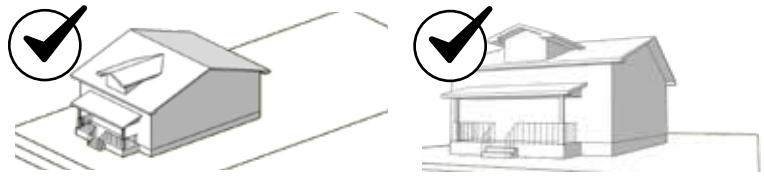
Do not visually overwhelm the historic roof with new dormers. Locate new dormers on side or rear-facing roof slopes, if possible, and below the ridge line.

Locating an Addition to a One-story Historic Residential Building

An addition to a historic residential structure should be subordinate to, and clearly differentiated from, the original historic building as illustrated below.

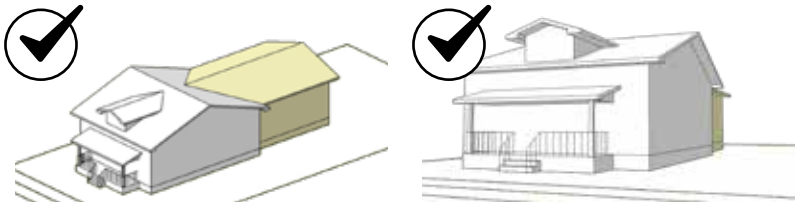
Original Structure

The one-and-a-half story bungalow illustrated at right is historic.



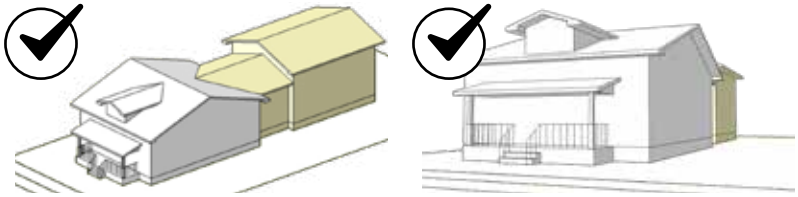
One-Story Addition

The addition illustrated at right is appropriate because it is clearly differentiated from the original structure with a change in roof plane and is nearly invisible from the street.



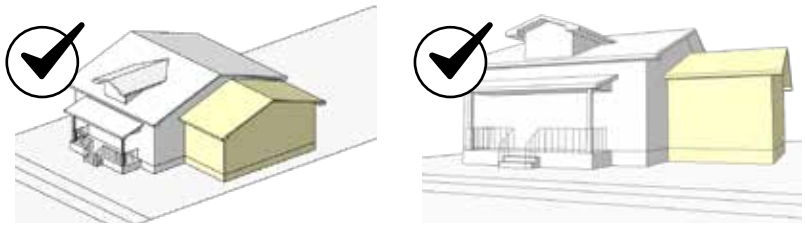
One-and-a-Half Story Addition

The addition illustrated at right is appropriate because it is set back and clearly differentiated from the original structure with a connector.



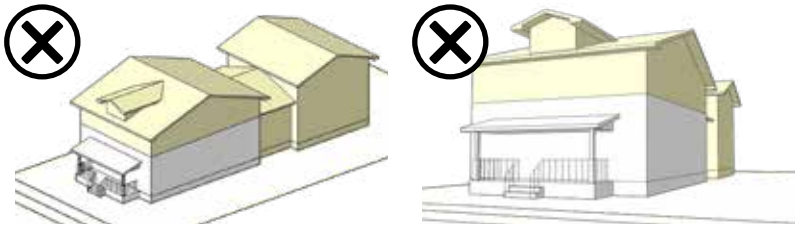
One-Story Addition to the Side

The addition illustrated at right is appropriate because it is set back and is clearly subordinate to the original structure.



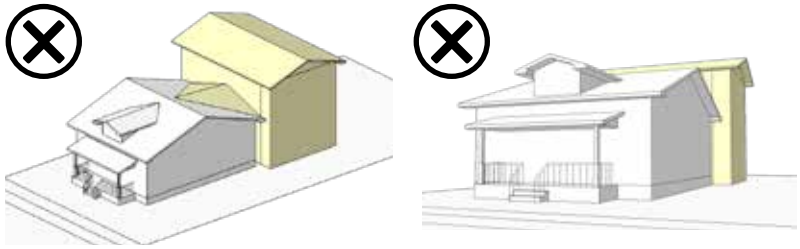
Inappropriate Two-Story Addition

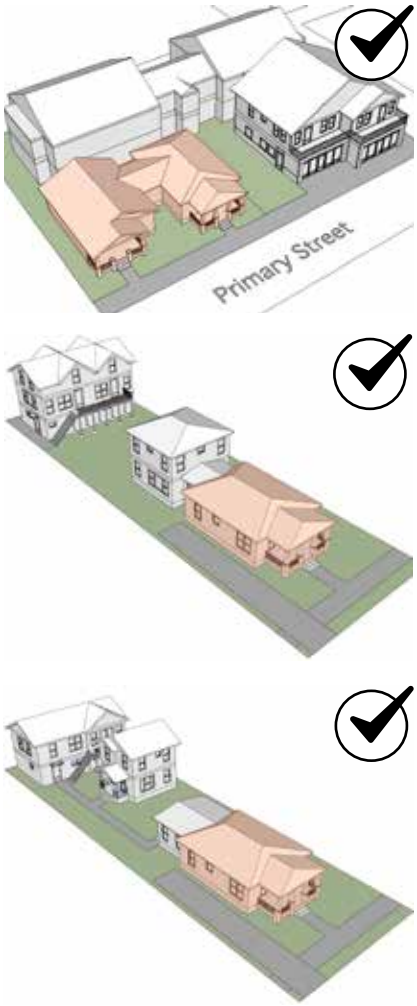
The addition illustrated at right is inappropriate because it substantially alters the primary façade of the historic structure.



Inappropriate Two-Story Addition

The addition illustrated at right is inappropriate because it does not have a connector.





Locate a new building to the side or rear of the historic structure (shown in peach), such that the historic structure remains visible as the original, primary structure.

NEW BUILDINGS ON HISTORIC SITES

Design Intent:

In some cases, a separate new building may be constructed on a site that presently has a historic building. This may occur in areas where zoning permits and where incentives for preservation encourage adding more structures to the site. When this occurs, it is important that the new building(s) be compatible with the historic character of the existing building and site. Considerations for compatibility include the location of the new building, its mass and scale, form and materials, and how it transitions to the historic building.

There may be some cases where some existing residential buildings will be on a site where more density is targeted. The goal is to preserve the historic building in place. If this isn't feasible, then relocate it on site, Finally, it may be moved to a receiving site.

Design Guidelines:

1.70 Locate a new building to be compatible with the historic building.

a. Locate a new building to the side or rear of a primary historic building, such that the historic building remains visible from the street.

b. Separate the new building from the historic structure a sufficient distance such that the character of the original remains highly visible. The larger the new building is, the greater the separation should be.

c. A secondary historic building is often located along the alley and could be the only contributing building on the property. In this case, a new building may be located in front of it and oriented to the street.

1.71 Design a new building to be compatible in mass and scale with the historic structure.

a. Keep the size less than the historic structure when feasible.

b. For a larger structure, divide it into modules that are in scale with the historic building.

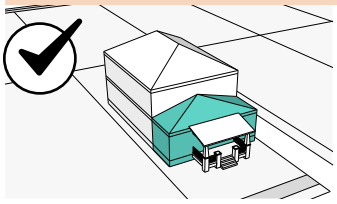
1.72 Use a building form that is compatible with the historic structure.

a. A simple rectilinear form is preferred.

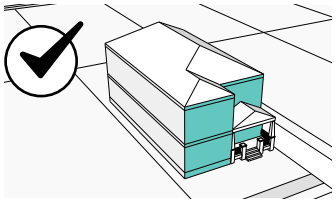
b. Avoid exotic forms that would detract from the historic resource.

The following models illustrate some ways a building mass can be articulated to reduce the perceived mass and to relate to the scale of an adjacent historic residential building and/or the neighborhood context.

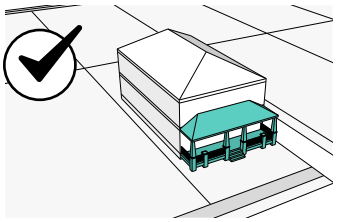
Front wall articulation methods



Front wall stepback

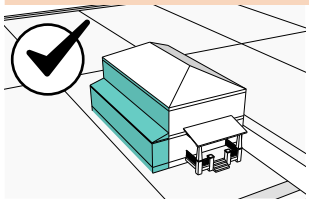


Front wall offset

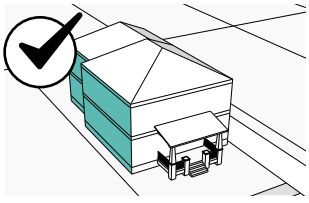


Front wall one-story element

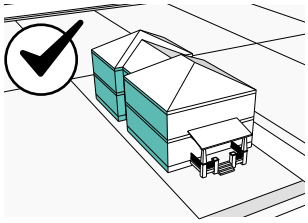
Side wall articulation methods



Side wall stepback



Side wall offset



Side wall plane change

1.73 Use building materials that are compatible with the historic structure.

a. Natural materials, including wood siding and stone are appropriate.

b. Alternative materials that have a proven durability also may be considered.

c. These should have a matte, muted finish.

1.74 Mitigate negative scale-related visual impacts to a historic building.

a. Effective treatments include:

» Scale transitions (front wall or side wall step backs, or overall height reductions)

» Increased setbacks (front, rear or side)

Generally, creating an accessibility solution that is independent from the historic building and does not alter its historic characteristics is an appropriate approach to installing a ramp.

ACCESSIBILITY

Design Intent:

Owners of historic properties should comply to the fullest extent possible with the Americans with Disabilities Act and other accessibility laws, while also preserving the integrity of the character-defining features of their buildings and sites. Special provisions for historic buildings exist in the law that allow some alternatives in meeting the ADA standards.

Design Guideline:

1.75 Generally, creating an accessibility solution that is independent from the historic building and does not alter its historic characteristics is encouraged.

a. Identify the historic building's character-defining spaces, features and finishes so that accessibility code-required work will not result in their damage or loss.

b. Alterations to historic properties that are designed to improve access for persons with disabilities should create minimal negative effect on the historic character or materials.

c. Provide barrier-free access that promotes independence for the disabled to the highest degree practicable, while preserving significant historic features.

d. Minimize impacts to a historic building; a design that is reversible is preferred.

For More Information:

Preservation Brief 32 Making Historic Properties Accessible

https://www.nps.gov/tps/how-to-preserve/briefs/32-accessibility.htm

REPOSITIONING A HISTORIC STRUCTURE WITHIN ITS PARCEL

Design Intent:

Preserving a historic building in its original location and on its historic foundation is preferred, because this helps to retain the integrity of the resource. However, in some cases, it may be appropriate to reposition a historic building on its site. (This does not involve removing it entirely from the parcel.) In either case, it is important in an arrangement that the historic building is in keeping with its historic site condition.

Some reasons that justify moving the building within the site include:

- The building is historic, but research shows that it has been relocated and therefore possesses no integrity of location.
- The historic building in question intrudes on public right-of-way.
- Shifting the historic building forward (if it is the main structure on the site) in order to accommodate compatible new construction to the rear of the property.

Design Guideline:

1.76 A historic structure may be repositioned on its site if doing so will help assure its preservation.

a. If an historic structure must be repositioned, do so in a way that maintains the general character as seen from the street.
   - » The front façade should continue to face the street.
   - » The building should be oriented in a similar direction.
   - » The front setback should remain with a range seen traditionally in the neighborhood.

b. Assure the building is stabilized from further deterioration.
   - » The historic building and its features are protected. A clear sequence of steps must be described for how the building's materials or elements will be protected, including any appendages or elements that will be removed, labeled and stored for re-assembly at the receiving site.

c. The town must have a strong assurance that the rehabilitation project will be followed through to completion and meets best historic preservation practices.
   - » Proof of secure project financing may be required.
   - » New replacement materials should be kept to a minimum in the rehabilitation process.
   - » The proposed design for the building and its site will be reviewed using the design guidelines for rehabilitation found in this document.

d. Assure the historic building will have a viable use in the development of the site that will assure its continued maintenance after the approved rehabilitation work is completed.

RELOCATION OF A HISTORIC BUILDING TO ANOTHER SITE

Design Intent:

In some cases, a historic building may be considered for relocation to a different parcel. The new parcel would be an appropriate setting for the building. In most cases, the building should be moved intact. In some situations, however, moving the entire building intact may not be feasible, and it may become necessary to move portions of the structure separately, and then re-assemble it on the new site. This process is not the same as demolition. The process of disassembly and reconstruction is designed to relocate the building and reinstate it in a condition as close to the original as is feasible. It requires special care to assure that disassembled materials are properly managed during transit and reassembly.

Some reasons that justify moving the building off the site include:

- The building is historic, but research shows that it has been relocated and therefore possesses no integrity of location.
- The building in question intrudes on public right-of-way.
- The building in question impacts the feasibility of the new project.

Design guideline:

1.77 A historic structure may be relocated off site if doing so will help assure its preservation and it meets the following criteria:

a. The original building and site condition should be accurately recorded before removing the structure from its existing site.

b. The historic building and its features are protected. A clear sequence of steps must be described for how the building's materials or elements will be protected, including any appendages or elements that will be removed, labeled and stored for re-assembly at the receiving site.

c. The relocation site provides an appropriate context for the building. The new site should convey a character similar to that of the historic site, in terms of scale of neighboring buildings, materials, site relationships and age. The building should be located on the site in an orientation similar to the original setting.

d. There is a commitment to complete the relocation and subsequent rehabilitation of the building.

e. The town must have a strong assurance that the rehabilitation project will be followed through to completion and meets best historic preservation practices.

   » Proof of secure project financing may be required.

   » New replacement materials will be kept to a minimum in the rehabilitation process.

   » The proposed design for the building and its site will be reviewed using the design guidelines for rehabilitation found in this document.

f. Assure the historic building will have a viable use in the development of the site that will assure its continued maintenance after the approved rehabilitation work is completed.

GLOSSARY OF TERMS

Alignment. The arrangement of objects along a straight line.

Alteration. Any act or process, except repair and light construction that changes one or more of the architectural features of a structure or site, including, but not limited to, the erection, construction, reconstruction, relocation of, or addition to a structure.

Appropriate. Suitable for a particular condition, occasion, or place, compatible, fitting.

Awning. An architectural projection, which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached that may be of fabric or other materials. Awnings are typically sloped.

Bracket. A supporting member for a projecting element or shelf, sometimes in the shape of an inverted L and sometimes as a solid piece or a triangular truss.

Building. A resource created principally to shelter any form of human activity, such as a house.

Canopy. A projecting, rigid structure with a roof generally suspended with tie rods, or cantilevered with some sort of support system.

Certificate of Appropriateness. Certificate issued by the Community Development Director authorizing any proposed repair, restoration, alteration, construction, relocation, or demolition of a historic property pursuant to this ordinance.

Character-defining feature. Architectural elements and stylistic details that contribute to the distinctive nature of a building or structure.

Compatible. Consistent or harmonious with location, design, setting, materials, workmanship, feeling, or association or an individual building, structure, object or site, or of surrounding properties

Cornice. A decorative band at the top of the building.

Covered boardwalk. A projecting, rigid structure with a roof that is supported by columns.

Deconstruction. The process of dismantling a building such that the individual material components and architectural details remain intact. This may be employed when a building is relocated or when the materials are to be reused in other building projects. Deconstruction may be a more environmentally responsible alternative to conventional demolition; however, it is an inappropriate treatment for a building of historic significance.

Design. The combination of elements that create the form, plan, space, structure and style of a property

Deteriorate. To diminish or impair in quality, character, function or value;t also to fall into decay or ruin.

Design guideline. A criterion with which the Design Review Commission and/or Community Development Director will require compliance when it is found applicable to the specific proposal. A guideline is subject to some interpretation when determining compliance.

Display window. The main portion of glass on a building front or within a storefront, where goods and services are displayed.

Door frame. The part of a door opening to which a door is hinged. A door frame consists of two vertical members called jambs and a horizontal top member called a lintel.

Double-hung window. A window with two sashes (the framework in which window panes are set), each movable by a means of cords and weights.

Façade. Front or principal face of a building; any side of a building that faces a street or other significant public open space.

Fascia. A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or "eaves," sides of a pitched roof. The rain gutter is often mounted on it.

Form. The overall shape of a structure (i.e., most structures are rectangular in form).

Frame. A window component. See window parts.

Head. The top horizontal member over a door or window opening.

Historic property. A district, site, building, structure or object significant in American history, architecture, engineering, archaeology or culture at the national, State or local level.

Historic Resource. A property, structure, feature, object or district that is determined to be of historic significance and is designated to the Town's Historic Register pursuant to this ordinance.

Integrity: *The ability of a property to convey its historic significance through its physical features.*

Intact historic property. These properties are those that are well preserved, or that have been restored to their historic character. Some retain original cornices, windows and storefronts. Others have had some of these features reconstructed to match or appear similar to original features. They have the highest degree of integrity. In some cases, minor alterations may still exist that slightly detract from the historic character and could be addressed in future rehabilitation work.

Kickplate. Found beneath the display windows on a storefront.

Landmark. A building, property or object that is determined to be of exceptional historic significance and value as part of the development, heritage or cultural characteristics of the city, state or nation, and is designated to the Town's Historic Register pursuant to this ordinance.

Lintel. A horizontal structural member that supports a load over an opening; usually made of wood, stone or steel; may be exposed or obscured by wall covering.

Maintenance. The work of keeping something in proper condition, upkeep. Activities required or undertaken to conserve as nearly, and as long as possible the original condition of an asset or resource while compensating for normal wear and tear. The needed replacement of materials is done in-kind.

Mass/Massing. The physical size and bulk of a structure. A building's massing is derived from the articulation of its façade through the use of dormers, towers, bays, porches, steps and other projections. These projections significantly contribute to the character of the building and, in town, the character of a street.

Masonry. Construction materials, typically bound together by mortar, such as stone, brick, concrete block or tile.

Material. As related to the determination of "integrity" of a property, material refers to the physical elements that were combined or deposited in a particular pattern or configuration to form a historic property.

Module. The appearance of a single façade plane, despite being part of a larger building. One large building can incorporate several building modules.

Molding. A decorative band or strip of material with a constant profile or section. It is generally used in cornices and as trim around window and door openings.

Muntin. A bar member supporting and separating panes of glass in a window or door.

Orientation. Generally, orientation refers to the manner in which a building relates to the street. The entrance to the building plays a large role in the orientation of a building; whereas, it should face the street.

Original. Belonging or pertaining to the origin or beginning of something, or to a thing at its beginning.

Parapet. A low protective wall or railing or wall-like barrier along the edge of a raised structure such as a roof, bridge, terrace or balcony. Where extending above a roof, it may simply be the portion of an exterior wall that continues above the line of the roof surface, or may be a continuation of a vertical feature beneath the roof such as a fire wall or party wall.

Pilasters. A rectangular column or shallow pier attached to a wall; quite frequently decoratively treated so as to repeat a classical column with a base, shaft and capital.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity and materials of a historic building, site, structure or object. Work may include preliminary measures to protect and stabilize the property, but generally focuses on the ongoing preservation, maintenance and repair of historic materials and character-defining features rather than extensive replacement and new work. Source: *Secretary of the Interior National Park Service*.

Property. A building, structure, site or object.

Reconstruction. The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Source: *Secretary of the Interior National Park Service*.

Rehabilitated historic property. These are properties that have had improvement work in which some key features have been preserved, and also may have some alterations that are distinguishable as new, but are compatible with the historic character. In many of these cases, upper portions of the storefronts retain historic features, including cornices, decorative moldings and upper story windows. Many have new storefronts that do not replicate historic details but are generally

compatible as "contemporary interpretations" of traditional storefronts. A few alterations may still exist that slightly detract from the historic character and could be addressed in future rehabilitation work.

Rehabilitation. The process of returning a property to a state that makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historical, architectural and cultural values. Source: *Secretary of the Interior National Park Service*.

Rehabilitation may include a change in use of the building or additions. This term is the broadest of the appropriate treatments and is often used in the standards with the understanding that it may also involve other appropriate treatments.

Remodeling. The process of changing the historic design of a building. The appearance is altered by removing original details and by adding new features that are out of character with the original design. Remodeling of a historic structure is inappropriate.

Restoration. The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular time period. It may require the removal of features from outside the restoration period. Source: *Secretary of the Interior National Park Service*.

Rhythm. The spacing and repetition of building façade elements, such as windows, doors, belt courses and the like, give an elevation its rhythm. The space between freestanding buildings in towns, as well as the height of roofs, cornices, towers and other roof projections establishes the rhythm of a street.

Scale. (a.) The perceived size of a building relative to the size of its elements and to the size of elements in neighboring buildings. The overall shape and massing of buildings is significant to defining character. In order to retain the character of a community, maintaining a balance between landscaping and building scale in relation to space available is essential. A building built to the legal limits established for height, building scale and setbacks may result in a building which is not compatible with the character of its neighborhood. (b.) An indication of the relationship between the distances or measurements on a map or drawing and the corresponding actual distances or measurements.

Setting. The physical environment of a historic property

Should. "Should" indicates that compliance is expected, except in conditions in which the Design Review Committee and/or city staff finds that the standard is not applicable, or that an alternative means of meeting the intent of the standard is acceptable.

Side light. A usually long fixed sash located beside a door or window; often found in pairs.

Significant. Having architectural characteristics and historical associations that make the building, structure, feature or area worthy of preservation.

Sill. The lowest horizontal member in a frame or opening for a window or door. Also, the lowest horizontal member in a framed wall or partition.

Simulated divided light window. A large piece of insulated glass with interior and exterior grilles attached by tape.

Stile. A vertical piece in a panel or frame, as of a door or window.

Substantially altered historic property. These are properties that retain some original features but are missing a substantial amount of other features. They also have later alterations that detract from the historic character. More recent storefronts that are out of proportion from the original, or that have materials that are out of character are examples. Cornices may be missing and upper story windows may be altered as well. These later alterations detract from the historic character and could be addressed in future rehabilitation work. Reconstruction of missing features, or addition of new, compatible interpretations should be high priorities for these properties.

Transom window. A small window or series of panes above a door, storefront, or above a casement or double hung window.

True divided light window. A window made up of several pieces of glass puttied into frames.

Upper-story windows: Windows located above the street level, often with a vertical orientation.

Visual continuity. A sense of unity or belonging together that elements of the built environment exhibit because of similarities among them.

Workmanship. The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory

TOWN COUNCIL

BOARD OF COUNTY COMMISSIONERS

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

PREPARATION DATE: December 19, 2020
MEETING DATE: January 11, 2021

SUBMITTING DEPARTMENT: Long-Range Planning
DEPT DIRECTORS: Tyler Sinclair & Chris Neubecker
PRESENTER: Tyler Sinclair

SUBJECT: Comprehensive Plan - Common Value 1: Ecosystem Stewardship Goals, Principles, Policies, and Strategies Implementation
(C20-003)

PURPOSE/REQUESTED ACTION

The purpose of this item is to consider how the Town and County can address the Comprehensive Plan's Common Value 1: Ecosystem Stewardship goals, principles, policies, and strategies.

BACKGROUND

At the October 13, 2020, JIM, the Town and County directed staff to create an overview of options of how the Town and County - whether separately or jointly - can develop the resources needed to address the Comprehensive Plan's Common Value 1: Ecosystem Stewardship goals, principles, policies, and strategies.

The purpose of the overview was to evaluate options ranging from relying on an informal community advisory system to hiring one or more staff positions focused on ecosystem stewardship to creating an Ecosystem Stewardship Department and/or Commission. Staff also identified dedicating additional Professional Services funding to begin work on specific strategies identified in the updated Comprehensive Plan as an additional option for consideration.

Each was evaluated to include specific responsibilities and positions, costs, logistics, capacity, feasibility, and other relevant information, including the potential for securing philanthropic funds to help catalyze the effort. Staff was directed to bring this information back for discussion at the December JIM so that it may be considered during the Fiscal Year 2022 budgeting process. This item was moved to the January JIM due to the number of items on the December JIM.

Staff finds the fundamental issue that has been identified for discussion is that although Common Value #1 Ecosystem Stewardship is the core of our community vision as stated in our Comprehensive Plan, we have no dedicated staff and/or resources to strategize, protect, monitor, or implement this Common Value. Planners are implementing the overall Comp Plan vision daily, but there are no staff that focus solely on

environmental, conservation or sustainability issues, and most planning staff are trained as planners (generalists), not scientists.

Despite ecosystem health being the Comp Plan's foundation, since 2012 neither Teton County nor the Town of Jackson have put meaningful resources into preserving and protecting the area's ecosystem. There are no staff dedicated to Common Value #1. There is no commission or board charged with overseeing local government's ecosystem preservation efforts. Perhaps most crucially, there is no consistent meaningful town or county funding devoted exclusively to ecosystem health.

In the table below, staff has provided a list of the Chapters of our Comprehensive Plan and the associated staff resources. The color coding identifies the current level of existing staff capacity and resources assigned to each chapter. Chapters in red have no dedicated staff, committees or other resources dedicated to them, chapters in yellow have some shared staff, committees and/or other resources dedicated to them, and chapters in green have dedicated staff/departments, committees, and other resources dedicated to them.

Comprehensive Plan Chapter Staff and Resource Allocation

	Full Time Dedicated Staff Resources	**Partially Dedicated Staff Resources**
Ecosystem Stewardship: Common Value 1		
• Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery	None	Long Range Planning staff Current Planning staff
• Chapter 2. Climate Sustainability through Energy Conservation	None	Long Range Planning staff Current Planning staff Other Town/County Departments
Growth Management: Common Value 2		
• Chapter 3. Responsible Growth Management	Long Range Planning staff Current Planning staff Planning Commissions Design Review Committee (Town)	
• Chapter 4. Town as the Heart of the Region - The Central Complete Neighborhood	Long Range Planning staff Current Planning staff Planning Commissions Design Review Committee (Town)	
Quality of Life: Common Value 3		
• Chapter 5. Local Workforce Housing	Housing Department staff Housing Supply Board Housing Authority Board	
• Chapter 6. A Diverse and Balanced Economy	None	Travel and Tourism Board Contract for Service
• Chapter 7. Multimodal Transportation	None	Transportation Advisory Committee Public Works Departments
• Chapter 8. Quality Community Service Provision	None	Town/County Administration

Achieving Our Vision		
• Chapter 9. Adaptive Management	Long Range Planning staff	
• Chapter 10. Administration	Long Range Planning staff	

STAFF ANALYSIS

The primary goal of identifying additional staff and/or resources would be to focus on ensuring the below Comp Plan Vision is considered in all aspects of Town and County policy, decision making and budgetary appropriations.

> *"Preserve and protect the area's ecosystem in order to ensure a healthy environment, community and economy for current and future generations."*

Overall Concept

The Town of Jackson and Teton County governments are constantly evolving to address changing community needs. Over the past few decades, local government has created departments to address the concerns of a rapidly growing and changing community. Among these have been departments focused on mass transit, recycling, pathways, and housing. Local government has also recognized the importance of other emerging issues by creating commissions and boards focused on historic preservation, design review, energy conservation, and public art, just to name a few.

The wide variety of issues addressed by these departments and boards makes it surprising that there has not been a department or significant staff dedicated to Common Value #1. With the exception of the now-defunct Natural Resources Technical Advisory Board (a body with a very limited mandate), there has never even been a committee, board, task force, or other organized body focused on pursuing Common Value #1.

The overall concept suggests the creation of an Ecosystem Stewardship Department (ESD) and Commission (ESC), by the Town and County to put resources into Common Value #1 and acknowledge how important preserving and protecting the area's ecosystem is to ensuring a healthy environment, community, and economy for current and future generations.

The ESD could include staff and resources to assist the community in the implementation of the goals, policies, principles, and strategies called out in Chapters 1 and 2 of the Plan (see attached) including the following areas:

- Water Resources
- Public Lands Coordination
- Sustainably and Climate Change
- Ecology
- Scenic Preserve Trust
- Wildlife

The ESD would have four primary duties:

1. Collect and evaluate metrics indicating the ecosystem's health.
2. Evaluate threats to the ecosystem's health, and opportunities for helping preserve and protect it.
3. Develop and oversee efforts related to duties #1 and #2.
4. Deliver an annual report to the community regarding the health of the ecosystem, threats to that health, and efforts to preserve and protect the ecosystem.

The conceptual proposal put forth here would be for the Town and County to initially hire an ESD director with a second staff member, a senior ecologist, hired in the initial 2 years. This option is discussed as option 1 below. In addition, as requested, staff have provided options 2-6 for consideration of alternative ways to provide additional staff and/or resources in this area.

The primary duties of new staff and/or other resources once created would be to develop the department's direction, specifically around the two foundational questions at the core of the Comp Plan:

1. In the context of the Comp Plan's Vision, what is a healthy ecosystem?
    - **Strategy 1.G.S.1**: Identify appropriate indicators that measure the status of, and progress towards, the Chapter 1 goal. For example, measuring stewardship of natural resources may include establishing indicators for percent change of site development within the Town and County, or tracking contaminant loading from wastewater discharge at the Town of Jackson treatment facility.

2. What metrics indicate the ecosystem's health, and how should they be collected and evaluated?
    - **Strategy 1.G.S.2**: Establish an Ecosystem Stewardship target for an Adaptive Management Program that will be used to track the Town and County's progress toward goals related to this chapter.

To assist and guide the ESD in its efforts, the Town and County could also create a joint Ecosystem Stewardship Commission, which will function in a fashion similar to the nine other town/county joint boards. The ESC's efforts will be supported by the ESD staff, and most of its membership will be people with solid expertise in subjects related to ecosystem stewardship.

In doing its work, the ESD will foster relationships with other entities interested in preserving and protecting the area's ecosystem, including federal, state, and local agencies, nonprofit organizations, and other community groups. Where it makes sense, the ESD will serve as a catalyst and/or nucleus for collaborative efforts aimed at preserving and protecting the area's ecosystem.

Staffing and Resource Options

1) Ecosystem Stewardship Department (ESD) and Commission (ESC)

- Description: Initially hire an ESD director with a second staff member, a senior ecologist, hired in the initial 2 years.
- Qualifications: The ideal department director would have both significant administrative experience and a solid background in a field related to ecosystem stewardship (education, work experience, or ideally both). Initially, his or her primary job will be administrative: establishing the department, setting its goals, and developing operating systems. The senior ecologist would be responsible for overseeing the day-to-day projects resulting from the goals.
- Funding Options: Joint Town and County, County only, Town only
- Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding the position(s).
- Pros: As a Town or County department it would be involved in every aspect of the organizations' day-to-day or long-range planning and policy decisions independent from other departments. Hiring and assignment of tasks/work product would be directed by the Town and County.
- Cons: Ability of the Town and/or County to hire and attract a qualified candidate. If only one position is hired there may be a lack of focus and ability to achieve all the efforts described in Chapters 1 and/or 2.

2) **Staff Ecologist(s)**
   - Description: Comp Plan Strategy 1.1.S.9 states the Town and County should explore hiring a staff ecologist and/or adding staff infrastructure and capacity to promote the implementation of strategies and plans called for in Chapter 1 (see attached). This position(s) could also be called upon to lead implementation of Chapter 2 (see attached).
   - Qualifications: Degree in Biology, Ecology, or other related field of study, experience ensuring public policy decisions are informed by the best available science.
   - Funding Options: Joint Town and County, County only, Town only
   - Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding the position(s).
   - Pros: As a Town or County position it would be involved in every aspect of the organizations' day-to-day or long-range planning and policy decisions. Hiring and assignment of tasks/work product would be directed by the Town and County.
   - Cons: Ability of the Town and/or County to hire and attract a qualified candidate. If only one position is hired there may be a lack of focus and ability to achieve all the efforts described in Chapters 1 and/or 2.

3) **Sustainability Coordinator**
   - Description: The Town and County could explore hiring a sustainability coordinator and/or adding staff infrastructure and capacity to promote the implementation of strategies and plans called for in Chapter 2 (see attached). This position(s) could also be called upon to lead implementation of Chapter 1 (see attached). Sustainability would focus more generally on projects that impact the environment and the community, which might include renewable energy, sustainable transportation, and efficient buildings, in addition to wildlife and natural resource programs. A similar position to this was previously jointly funded by the Town and County.
   - Qualifications: Degree in Biology, Ecology, Sustainability or other related field of study, experience in the development and implementation of Climate/Sustainability Action Plans desired.
   - Funding Options: Joint Town and County, County only, Town only.
   - Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding the position(s).
   - Pros: As a Town or County position it would be involved in every aspect of the organizations' day-to-day or long-range planning and policy decisions. Hiring and assignment of tasks/work product would be directed by the Town and County.
   - Cons: Ability of the Town and/or County to hire and attract a qualified candidate. If only one position is hired there may be a lack of focus and ability to achieve all the efforts described in Chapters 1 and/or 2.

4) **Contract for Services**
   - Description: The Town and County could explore hiring an independent contractor to assist in the implementation of strategies and plans called for in Chapter 1 and/or Chapter 2 (see attached). Similar contracts are currently utilized by the Town and County to provide staffing for the Travel and Tourism Board and Energy Conservation Works.
   - Qualifications: see above
   - Funding Options: Joint Town and County, County only, Town only.
   - Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding the position(s). This may be a more attractive structure to attract outside funding than alternatives 1 and 2 above.

- Pros: The Town and/or County would not be hiring a new FTE with ongoing reoccurring expenses, including salary, benefits, office space, etc. but would be able to secure additional "staff" resources on a more permanent basis than a limited contract for services. This option could attract more qualified applicants who would have the opportunity to maintain a variety of contracts for service at once.
- Cons: Limited time dedicated to the Town and County, possibly not a full-time job. Not involved in the organizations' day-to-day or long-range planning and policy decisions.

5) Professional Services Contract – Chapter 1

- Description: The Town and County could prepare a scope of work and release a request for proposals to complete the two critical strategies listed above for Common Value 1 and Chapter 1. The scope of work would be managed by the Joint Town/County Long Range Planning Division. The use of contract for services with private consulting firms is the typical approach to completing tasks identified in the Comprehensive Plan Annual Work Plan.
- Qualifications: Would be specified in the scope of work and focused on completion of the first two critical tasks described above.
- Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding this specific scope of work. This may be more attractive structure to attract outside funding than the hiring of staff.
- Pros: The Town and/or County would not be hiring a new FTE with ongoing reoccurring expenses, including salary, benefits, office space, etc. Town and County may have the ability to utilize contract specialized expertise to complete a specific scope or work before considering permanent staffing for Common Value 1.
- Cons: As a specific scope of work with a short-term completion date, there would be no staff added to the Town/County that would be involved in the organizations' day-to-day or long-range planning and policy decisions related to Common Value 1.

6) Professional Services Contract – Chapter 2

- Description: The Town and County could prepare a scope of work and release a request for proposals to complete the two critical strategies listed above for Chapter 2. The scope of work would be managed by the Joint Town/County Long Range Planning Division. The use of contract for services with private consulting firms is the typical approach to completing tasks identified in the Comprehensive Plan Annual Work Plan.
- Qualifications: Would be specified in the scope of work specific to the completion of the first two critical tasks described above.
- Philanthropic potential: Town/County could solicit nonprofit and/or private funding to assist in funding this specific scope of work. This may be more attractive structure to attract outside funding than the hiring of staff.
- Pros: The Town and/or County would not be hiring a new FTE with ongoing reoccurring expenses, including salary, benefits, office space, etc. Town and County may have the ability to utilize contract specialized expertise to complete a specific scope or work before considering permanent staffing for Common Value 1.
- Cons: As a specific scope of work with a short-term completion date, there would be no staff added to the Town/County that would be involved in the organizations' day-to-day or long-range planning and policy decisions related to Common Value 1.

RECOMMENDATION:

Staff have not provided a recommendation at this time until further discussion of the goals and purpose of the position/department have been defined.

ATTACHMENTS

- Public Comment
- Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery
- Chapter 2. Climate Sustainability through Energy Conservation

STAKEHOLDER ANALYSIS

The entire Jackson Hole community.

PUBLIC COMMENT

See attached

FISCAL IMPACT

There is no Town or County funding currently budgeted for this task in FY21. Staff has identified two alternatives to move forward. The first would be to include the preferred option for consideration in the FY22 Comprehensive Plan Work Plan and associated budget process, meaning no work could be completed until funding was available after July 2022. The second would be to amend the FY21 budget to include funding so work under the preferred option could begin immediately upon approval.

As conceptualized above, the Ecosystem Stewardship Department and Commission would operate at an annual cost of $300,000. This would pay for 2 full-time employees and provide additional capital for operations.

Options to consider for funding the ESD could be:

1. Joint funding by the Town and County
2. Funding by the Town or County

As mentioned above in the identified options philanthropic funds could be utilized to offset the cost to the County and/or Town in initial years of the department. The funding allocations for the Town and County would need to be defined in a Joint Powers Agreement or other agreement with philanthropic funds being used to offset costs only. For example, as the following table indicates, the ESD could become increasingly less reliant on philanthropic offsets each year, and the Town and County would pay equal shares.

Jackson/Teton County Ecosystem Stewardship Department: Example Annual Funding Formula				
	Town	***County***	***Total***	***Philanthropy Offset***
FY 2021	$75,000	$75,000	**$150,000**	$100,000
FY 2022	$150,000	$150,000	**$300,000**	$200,000
FY 2023	$150,000	$150,000	**$300,000**	$150,000
FY 2024	$150,000	$150,000	**$300,000**	$100,000
FY 2025	$150,000	$150,000	**$300,000**	$50,000
FY 2026	$150,000	$150,000	**$300,000**	$0
Total	$525,000	$525,000	**$1,650,000**	$600,000

STAFF IMPACT

Staff finds that the Long-Range Principle Planner recently hired by Teton County along with the County Planning Director and Town Community Development Director have the expertise, experience and capacity to lead the creation of the ESD. Although the Long Range Principle Planner position is currently only funded by Teton County, it is staff's understanding that the County may be supportive of this position working on joint Town and County projects until such time the Town may be able to return to jointly funding this position in FY22.

LEGAL REVIEW

Gingery
Colasuonno

SUGGESTED MOTION

I move to direct staff to include Option _____ as described above for funding consideration in FY22 Town and County budgets.

January 4, 2021
Jackson Town Council
Teton County Board of County Commissioners

RE: The need for Ecosystem Stewardship staff and a new Department

Dear Chair Macker, Mayor Morton-Levinson, Commissioners, and Councilors,

Our community has invested significant time and resources into two Comprehensive Plan priorities – housing & transportation – and we have measurable goals, action plans, and staff. We do not have the equivalent for our priority of Ecosystem Stewardship. While many Town and County programs and services directly or indirectly benefit our ecosystem stewardship goals (e.g., investments in pathways and transit, stormwater infrastructure, smart land-use planning), they are not enough. The myriad threats to our wildlife, water quality, and wild lands will continue to intensify as our community grows. **Please add a dedicated ecosystem stewardship staff position to your FY 2021-2022 budget.**

The town and county need a new staff person to address water quality, wildlife and habitat, climate change mitigation, land conservation initiatives, and state and federal agency proposals. We need professional staff, such as a senior ecologist or natural resource director, to prevent further loss and degradation of our natural resources and address the critical gaps in existing government programs, such as the Teton County Scenic Preserve Trust. Hiring a dedicated ecological staff person could save money by preventing expensive after-the-fact fixes like water treatment in Hoback. They would also coordinate with individual residents, non-profit groups, agency personnel, and other departments to provide an ecological perspective, analytical tools, and responsible alternatives for relevant policies, plans, and projects. A full-time conservation professional would have the authority to present recommendations to you and the public for better decision-making.

In order to honor our conservation legacy and support a vibrant human community in balance with the natural world, **the conservation staff person should be hired into a newly formed department, dedicated to natural resources and ecosystem stewardship**. A new department would focus on the ecosystem as its priority, bringing balance with other departments' priorities. Please create this department, even if it is a department of only one professional staff initially. The new department should focus on four areas of protection: land, water, wildlife, and climate, which we outline below.

We believe that investing in ecosystem stewardship staff will save time, money, and resources in the future by providing efficiency, oversight, and planning. We also recognize your tight budgets, and our organizations will help explore other public or philanthropic funding options for a dedicated staff person and an ecological stewardship department. We will work hard to engage our constituents and the whole community to support this position.

We believe dedicated ecosystem stewardship staff in an independent and empowered department is necessary to "preserve and protect the area's ecosystem" and to incorporate natural resource considerations as a standard practice in all local government activities.

Examples of potential responsibilities of a new stewardship-focused department:

Water: Our drinking water supply is compromised; our public water systems lack the most basic protections. Water quality issues are now at the forefront of public concern. Timely implementation of the water quality strategies included in the Comp Plan updates will require significant new resources and dedicated staff time to complete. Roles could include:

- Lead the development of a water quality enhancement plan
- Oversee the implementation of the Comprehensive County-Wide Wastewater Management Plan, update local regulations
- Coordinate with Public Health on monitoring contaminants in public water systems
- Develop stormwater management best practices
- Identify tools to protect our sole source aquifer, including the creation of an Aquifer Protection Overlay, Source Water Assessments and Protection Plans, etc.
- Develop a river and levee management plan
- Engage with state and federal agency's on planning and rulemaking processes
- Engage in water resource management (e.g., Wild and Scenic Rivers)

Land: Conservation of both private and public lands are essential for ecosystem functionality. Your departments of planning and building services, public works, parks and recreation, and health make daily decisions with far reaching environmental repercussions; these lack input from a dedicated ecological staff person. We need ecosystem stewardship staff to guide internal processes within Town and County, and to partner with federal/state agencies and represent the vision of our community. Responsibilities could include:

<u>Private Land Plans, Projects, and Policies:</u>

- Ecosystem Monitoring: updating Natural Resource LDR's, exploring restoration efforts
- Define ecosystem stewardship goals and metrics, as called for in the Comp Plan
- Develop an Ecosystem Action Plan and implement strategies outlined in the Comp Plan (e.g., a cumulative impact study)
- Development Proposals: Provide structure/criteria/guidelines for formal review of new development, transportation, and land management projects
- Develop improved tools and incentives for open space preservation in the county

<u>Public Lands Plans, Projects, and Policies:</u>

- Review new plans, actions, and policies of state and federal agencies for their alignment with community goals (e.g. proposed Targhee expansion, Elk Feedgrounds)
- Manage existing easements in the Teton County Scenic Preserve Trust (TCSPT), and identify and acquire new strategic easements
- Shepherd high-value land transfers (BLM parcels, State Trust Lands)

Wildlife: With reduced water quality and quantity, lost and degraded habitat, and severed corridors, wildlife populations of all kinds and sizes are threatened directly and indirectly. We lack coherent policies and programs to reduce these individual and cumulative impacts. A professional natural resource manager could:

- Implement the Wildlife Crossings Master Plan

- Develop tools and partnerships with landowners to mitigate human-wildlife and wildlife-livestock conflicts, like Chronic Wasting Disease
- Measure/monitor landscape permeability for wildlife, critical habitat, and connectivity
- Review and promote "living with nature" programs and regulations (bear-proof trash cans, wildlife friendly fencing, fire prevention in wildland urban interface)

Climate Action / Sustainability: Climate change is a cross-cutting threat to our wildlife and ecosystem, wild lands and vegetation, and community character. We have a responsibility to reduce our impact on the global climate crisis felt even here in the Greater Yellowstone Ecosystem. Jackson Hole has an outsized impact on the national and international policy debate on climate, and while we can't prevent climate change alone, we can be part of the solution rather than the problem. We appreciate the addition of a new goal for climate action and a Climate / Sustainability Action Plan in the Comp Plan Update, and we believe this project would fit well in the new ecosystem stewardship department.

It is our community's responsibility, and a top priority, to preserve our natural resources. This requires staffing and funding beyond what is currently allocated. **Please vote to fund this position and department in the FY 2021-2022 budget.**

Sincerely,

The following members of the Systems of Conservation collaborative:

Chelsea Carson
Conservation Program Manager
Jackson Hole Conservation Alliance

Frances Clark
Program Coordinator
Teton Plants

Renee Seidler
Executive Director
Jackson Hole Wildlife Foundation

Sharon Mader
Senior Grand Teton Program Manager
National Parks Conservation Association

Dan Leemon
Executive Director
Protect Our Water Jackson Hole

Dan Heilig
Senior Conservation Advocate
Wyoming Outdoor Council

Peggie dePasquale
Associate Director
Wyoming Wilderness Association

Haley Mortimer
Wyoming State Director
The Nature Conservancy

Chris Colligan
Wildlife Program Coordinator
Greater Yellowstone Coalition

Kristin Combs
Executive Director
Wyoming Wildlife Advocates

Why is Ecosystem Stewardship a Common Value?

The Greater Yellowstone Ecosystem – the largest intact ecosystem in the lower 48 states – transcends the physical boundaries of Jackson and Teton County. Our Vision stresses preserving and protecting the ecosystem, the core of our character. The quality of this ecosystem has attracted numerous visitors and is the primary reason many residents live here; our Quality of Life depends on the continued health and viability of the ecosystem. Similarly, making suitable places for development in one of the most sensitive places in the world is the core of our Growth Management Common Value.

With this Plan, the community further commits to our legacy of responsible Ecosystem Stewardship to ensure that the abundant wildlife, quality natural resources and scenery, open space, and climate that we experience today last long into the future. While our community's popularity and location in this rare ecosystem heighten the importance of Ecosystem Stewardship, they provide an opportunity to globally lead in implementing strategies for climate sustainability and protection of wildlife, natural resources, and open space.

Our community will lead by example to show how local efforts can positively affect entire ecosystems. The community's stewardship of our surrounding ecosystem has been and will continue to be our legacy to future generations.

How are we going to achieve Ecosystem Stewardship?

Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery

- Maintain healthy populations of all native species (Principle 1.1)
- Preserve and enhance surface water and groundwater quality (Principle 1.2)
- Maintain the scenic resources of the community (Principle 1.3)
- Protect and steward open space (Principle 1.4)

Chapter 2. Climate Sustainability

- Reduce the consumption of non-renewable energy (Principle 2.1)
- Reduce greenhouse gas emissions through land use (Principle 2.2)
- Reduce greenhouse gas emissions through transportation (Principle 2.3)
- Increase energy efficiency in buildings (Principle 2.4)
- Conserve energy through waste management and water conservation (Principle 2.5)

Chapter 1. Stewardship of Wildlife, Natural Resources and Scenery

> Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.

What does this chapter address?

Principle 1.1 - Maintain healthy populations of all native species

Principle 1.2 - Preserve and enhance surface water and groundwater quality

Principle 1.3 - Maintain the scenic resources of the community

Principle 1.4 - Protect and steward open space

Why is this chapter addressed?

Our abundant wildlife, natural, and scenic resources are internationally renowned. These resources symbolize our community's ecological, social, and economic character and their preservation and protection is at the core of our Vision. Most members of the community live in the area because of the access to wildlife, natural resources, and outdoor recreation. The community recognizes that our policies regarding development, transportation, recreation, and energy consumption have both direct and indirect impacts on the entire ecosystem. The community will continue to preserve and protect our wildlife, natural, scenic, and open space resources by supporting and maintaining our historic stewardship, conservation, and agricultural ethic.

The community is located in the Greater Yellowstone Ecosystem—the largest intact ecosystem in the lower 48 states. Our location in this ecosystem sets the Town of Jackson and Teton County apart from other resort and rural communities, particularly with our abundance of wildlife. Although 97% of Teton County is publicly owned (see Appendix B), our ecosystem does not conform to jurisdictional boundaries. This makes wildlife susceptible to the impacts of our decisions. 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

Ecosystem

can be defined as a biological community of interacting organisms and their physical environment.

water quality, and human introduction of invasive species can disrupt the ecosystem. To act as stewards of this ecosystem, our policies focus on adaptive management, emission reduction, improved water quality, and efficient transportation.

Privately owned lands in the county continue to provide critical habitat for many species. The community respects landowners' private property rights while acknowledging that effective stewardship of wildlife requires protecting essential areas from the impacts of development. Preserving habitat quality is necessary to dampen the effects of global climate change and aid wildlife in adapting to an altered climate.

Human-caused degradation of natural and scenic resources is not always immediately apparent. While direct local impacts can usually be identified and mitigated, it is the sum of direct and indirect effects that, over time, threaten the health of the ecosystem at a regional scale. The human populations in Jackson Hole, Star Valley, and Teton Valley, Idaho, will continue to have impacts on the ecosystem at a local and regional level that must be addressed.

The protection of wildlife, natural, and scenic resources provides for the economic wellbeing of the community. Abundant wildlife, daily interactions with nature, and panoramic scenic vistas are cornerstones of the Quality of Life of our residents and visitors.

The international desire to live in or visit Jackson Hole is dependent upon the continued stewardship of wildlife, natural, and scenic resources. Jackson Hole's stewardship of wildlife and natural resources is part of our history. Our Plan provides the opportunity for us to set a positive Ecosystem Stewardship and energy conservation model for over 3 million visitors a year.

Of the 76,000 acres of private land in Teton County, conservation efforts through 2011 resulted in approximately 22,000 acres of permanently protected and actively stewarded open space; while, in 2012, 36,000 acres remained as agricultural open space (see Appendix B). Moving forward, we realize that it is in the best interest of the ecosystem and our community character to act as stewards of wildlife, scenic, and natural resources.

Principle 1.1—Maintain healthy populations of all native species. For future generations to enjoy the ecosystem that exists today the community must manage our impacts to wildlife, wildlife habitat, and wildlife movement corridors on private and public land. The prevalence of wildlife that is central to our ecological, social, and economic character requires an intact ecosystem that supports all native species. Therefore, efforts to protect wildlife must extend to all native species.

Policy 1.1.a: Protect focal species habitat based on relative critical value

Protecting wildlife requires protecting wildlife habitat and wildlife movement corridors. Our Natural Resource Overlay (NRO) protects wildlife habitat and wildlife movement corridors, will consider the importance and abundance of habitat types, and will be based on a set of focal species that indicate the health of all native species including culturally and economically significant species. The most abundant and visible wildlife species are not necessarily indicative of overall ecosystem health. Likewise, while a specific habitat type may be important, it may also be abundant, and therefore, only relatively critical, while another important habitat may be declining and/or disappearing due to development and climate change, and is therefore, absolutely critical. As our NRO and other programs to protect wildlife habitat from the impacts of development and transportation evolve, they should be updated to reflect the best available data on the relative critical value of different habitat types for identified focal species.

Since 1994 elk, moose, mule deer, bald eagle, and trumpeter swan crucial winter habitat; elk and mule deer migration corridors; bald eagle and trumpeter swan nesting areas; and cutthroat trout spawning areas have defined the NRO and have been protected by the Town and County.

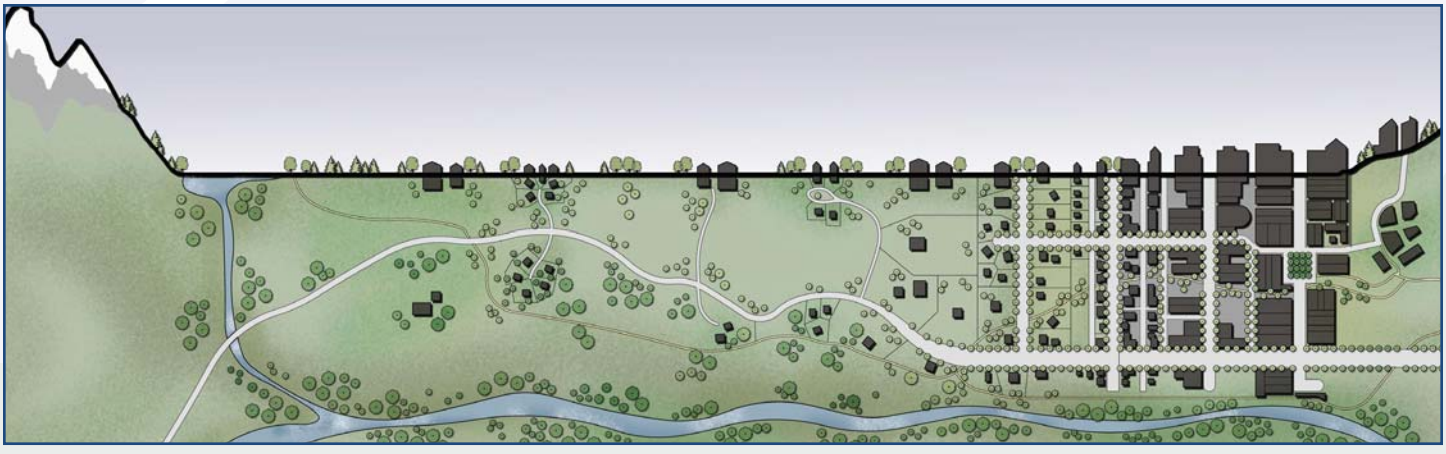
Until NRO definitions are updated to reflect the relative critical value of different habitat types for identified focal species, these previously identified habitats will continue to define the NRO and be protected using the best available science and data.

Policy 1.1.b: Protect wildlife from the impacts of development

The community is committed to protecting the wildlife, wildlife habitat, and wildlife movement corridors that exist on private land. Redundancy of different habitat types and movement corridors is important as wildlife adapts to a changing landscape and climate. However, it is necessary to respect the development rights of private property owners and the need for certain transportation network infrastructure. When such development occurs, it should be sized, located, and designed to avoid or limit impacts to wildlife.

A tiered system of protection should be established so that the most critical habitat and movement corridors (as defined by Policy 1.1.a) receive the highest level of protection and site-specific study. Applicable tiers of protection should respect property rights, previous approvals, and community-wide clustering efforts. For example, a stricter tier of protection will likely apply along the Snake River than would apply in downtown Jackson. Limits to impacts from development within each tier may address density, intensity, building size, location and consolidation of development, alteration of the natural landscape and wildlife permeability.

wildlife protection tiers



TIER I *TIER II* *TIER III*

Policy 1.1.c: Design for wildlife permeability

Whether small or large, development and transportation corridors should be designed to accommodate wildlife movement. Protecting critical habitat is important, but equally essential is ensuring that wildlife can move between areas of habitat. The tiered system of protections described in Policy 1.1.b should include the best management and design practices for wildlife permeability. Best practices may include wildlife-friendly fencing, pet control, building clustering, landscape modification and clearing, and wildlife roadway crossings.

Policy 1.1.d: Limit human/wildlife conflicts

Limiting impacts to wildlife, wildlife habitat, and wildlife movement corridors include limiting wildlife/human conflicts. Designing for wildlife permeability is necessary, but attracting wildlife into the built environment can be dangerous for both wildlife and humans. Human/wildlife conflicts, especially those involving large predators, can result in human injury and/or relocation or killing of the animal. The tiered system of protections described in Policy 1.1.b should consider measures to limit wildlife attractants near the built environment, such as palatable vegetation and accessible trash.

Policy 1.1.e: Understand the impacts of development on wildlife and natural resources

It is a goal of the community to better understand the effects of development on wildlife. In complex situations, such as understanding the cumulative impacts of individual developments on an entire ecosystem, science cannot provide precise answers in the timeframe of a particular project because baseline study and years of data are needed. Through the Natural Resource Technical Advisory Board, the Town and County will gather the necessary baseline information to create and implement a system to monitor the impacts of growth and development on wildlife, wildlife habitat, and wildlife mobility over time. As we gain a greater understanding of our impact on wildlife, our protection measures should be updated to ensure we are maintaining healthy populations of all native species.

Policy 1.1.f: Require mitigation of unavoidable impacts to habitat

While avoidance of impacts to the most critical habitat types resulting from development and transportation projects is preferable, where it cannot be achieved, the Town and County will require mitigation. These impacts are inevitable as humans live, work, and play in the community; however, they should be mitigated to maintain healthy populations of all native species. Direct impacts are more easily quantified; however, programmatic steps consistent with Policy 1.1.e should also be taken to identify and mitigate indirect and cumulative effects.

Policy 1.1.g: Encourage restoration of degraded areas

The community supports public, private, and cooperative efforts on public and private lands to restore areas with habitat potential. Beyond protecting existing critical habitat and corridors, there are also opportunities to enhance the ecosystem by increasing the wildlife habitat and/or corridor value of some degraded areas. The Town and County will work with private and public landowners and managers to identify degraded areas with wildlife habitat or connectivity potential and direct off-site mitigation and restoration efforts to those areas.

Policy 1.1.h: Promote the responsible use of public lands

Stewardship of wildlife, wildlife habitat, and wildlife movement corridors cannot be achieved through the management of growth and development on private lands alone; it must also be pursued through the responsible enjoyment of State and Federal lands. If recreationists and other users do not enjoy public lands responsibly, the health of our intact ecosystem will suffer, and State and Federal land managers will likely have to further regulate and restrict public use and access. The Town and County will work with State and Federal agencies to promote stewardship and responsible use of public lands; preserve and steward existing authorized access points to rivers, creeks, and State and Federal lands; and eliminate unauthorized access points.

Policy 1.1.i: Protect against and mitigate for invasive and nonnative species

Invasive species threaten the health of native populations by outcompeting or preying on native species. Protecting our ecosystem against the impacts of invasive species will require a coordinated effort between multiple agencies and organizations, including the Town and County, Teton County Weed and Pest, and others. Beyond protection from invasive species, mitigating the impact of existing invasive species is a critical component of ecosystem stewardship that will allow native species to thrive.

Policy 1.1.j: Strive to continually improve our ecosystem stewardship

Add and refine Ecosystem Stewardship principles, policies, and monitoring to guide continual improvement related to County-wide Ecosystem Stewardship. A continual focus on enhancing our ecosystem stewardship methods will ensure the Town and County stay up-to-date with emerging technologies and efforts aimed at enhancing, preserving, and promoting the environment that makes us who we are as a community.

Principle 1.2—Preserve and enhance surface water and groundwater quality. Clean water is one of the most basic requirements of a healthy ecosystem and community. Protecting the water quality of Jackson and Teton County is essential to the ecosystem and scenic beauty that residents and visitors enjoy. In addition, the public has the right to clean, affordable drinking water. Stewardship of surface water bodies of all sizes, the Snake River Sole Source Aquifer, wetlands, riparian areas, and groundwater, is vital to sustaining healthy populations of native species and for the health and safety of the human community. Preservation of water quality includes water features, from small creeks to large systems, including the Snake River Sole Source Aquifer, due to its importance as the community's water source. Among other measures, it is integral to minimize pollution from wastewater and stormwater that cause water quality impairment and threaten overall ecosystem health.

Policy 1.2.a: Buffer waterbodies, wetlands, and riparian areas from development

In the interest of ecosystem and community health, the Town and County will protect the functionality of water bodies, wetlands, and riparian areas as development occurs. Wetlands and riparian areas are more important to wildlife and ecological health than any other habitat type. They also provide natural flood protection, sediment control, and nutrient filtration, all of which improve water quality. Clean surface water is essential to high-quality aquatic habitat, clean potable water supplies, and better functioning wetlands and riparian areas. Development will be designed to include buffers around water bodies, wetlands, and riparian areas to preserve their ecological function.

Policy 1.2.b: Require filtration of runoff

In cases where natural filtration systems such as wetlands, floodplains, and riparian areas cannot effectively protect surface water quality, best management practices should be employed to enhance the function of natural systems. Land development causes changes to the natural quantity and quality of stormwater that drains into the area's water bodies. The Town and County will promote innovative stormwater and snowmelt collection, storage, and diversion systems to reduce the amount of sediment and pollution entering our local water bodies. This is especially applicable in developed areas along waterways such as Flat Creek, Cache Creek, and Fish Creek.

Policy 1.2.c: Coordinate water quality monitoring with Teton Conservation District and other partners

Maintaining quality surface and groundwater is essential to ecosystem and public health. Because the extent of human impact on water quality in the community is not quantitatively known, it will be important to monitor the cumulative impacts of human actions on water quality and the effectiveness of mitigation efforts as part of the monitoring system established by Policy 1.1.e. To maintain and enhance water quality in the area, the Town and County should strive to exceed State and Federal requirements for 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.

Policy 1.2.d: Protect the Snake River Sole Source Aquifer

The community's drinking water comes from a sole source, the Snake River Aquifer. The public health importance of protecting the quality of our only water source is recognized by the EPA through its sole source designation. Protecting the water quality of the aquifer and the community's drinking water will require implementation of best management practices in wastewater treatment, groundwater protection, and public water system protection planning. All protection efforts should meet or exceed local, state, and federal regulations, and other applicable guidance.

Principle 1.3—Maintain the scenic resources of the community. Scenic resources, natural landforms, and dark skies are vital to the community's natural character. Mountains, moraines, meadows, and other natural viewsheds provide residents and guests with a constant reminder of their location within the Greater Yellowstone Ecosystem. Interruption of these natural forms by the built environment detracts from Teton County's scenic character and should be avoided.

Policy 1.3.a: Maintain natural skylines

Buttes, ridgelines, and mountains are the most prominent aspects of our landscape. Development along butte tops and ridgelines will be avoided or mitigated so that key skyline viewsheds retain a natural appearance uninterrupted by built forms. Skyline viewsheds protected by Scenic Resource Overlay (SRO) development restrictions and mitigation requirements should be enlarged to include more areas of the Town and County than under the 1994 Plan to the extent that the expansion does not prohibit the development of property rights or cause greater impact to wildlife habitat or wildlife movement.

Policy 1.3.b: Maintain expansive hillside and foreground vistas

Views of expansive forested hillsides and foreground meadows are essential to the rural and scenic character of the community. Development on hillsides and in the scenic foreground should be avoided or mitigated to protect the appearance of vast, uninterrupted natural vistas. Hillside and foreground viewsheds protected by Scenic Resource Overlay (SRO) development restrictions and mitigation requirements should be enlarged to include more areas of the Town and County than under the 1994 Plan to the extent that the expansion does not prohibit the development of property rights or cause greater impact to wildlife habitat or wildlife movement.

Policy 1.3.c: Maintain natural landforms

The scenic character of the community is defined by the vast valley, out of which rise buttes, moraines, and mountains. To avoid the appearance of a manmade landscape, natural landforms should be maintained or emulated. Town and County regulations on grading and landform modification will ensure that final contours appear to be naturally occurring, are consistent with surrounding features, and do not obstruct protected viewsheds.

Policy 1.3.d: Maintain dark night skies

The prominence of nature over the built environment should extend beyond daytime viewsheds. The lighting of individual developments cumulatively impacts the ability to see dark and starry night skies. Although illumination is required for public safety, especially along pedestrian corridors, non-essential lighting should be limited, and all lighting will be designed to meet dark skies best practices. Existing development will also be encouraged to implement best practices.

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Principle 1.4—Protect and steward open space. Protecting open space preserves habitat and scenery and maintains our western agricultural heritage. Avoiding development in critical wildlife areas and providing recreational opportunities that reduce pressure on habitat help maintain a healthy ecosystem. Agriculture, conservation easements, and other methods to protect open space from development while providing active stewardship of the land should continue to be encouraged.

Policy 1.4.a: Encourage non-development conservation of wildlife habitat

Avoiding development in critical wildlife habitat and wildlife movement corridors is a central goal of the community. Large, contiguous expanses of habitat that provide connectivity between critical areas enable migration and reduce human conflict are most valuable to wildlife. However, small areas can also provide critical habitat and may be just as important to ensuring countywide habitat connectivity. Past public and private efforts have been successful in permanently preserving such strategic habitat lands. The community will continue to seek incentives and partnerships that respect property rights and permanently protect from future development of valuable open space for wildlife.

Policy 1.4.b: Conserve agricultural lands and agriculture

The conservation of agriculture and agricultural lands also conserves open space. Historically, the agricultural community has provided much of the stewardship of the natural and scenic resources valued by the community. Conservation of open space via agriculture protects the historic western character of the community and can support wildlife movement corridors, natural resources, and scenery. Regulations that are generally applicable to development may functionally or procedurally impede the continuation of agricultural operations. The County will evaluate the impacts of its regulations on active agricultural operations that conserve significant open space and continue to provide exemptions to requirements that preclude continued agricultural stewardship of large tracts of open space. The County will also explore other incentives to support and encourage continued agricultural conservation of open space.

Policy 1.4.c: Encourage rural development to include quality open space

It is the community's primary goal to permanently protect and actively steward wildlife habitat, habitat connections, scenic viewsheds, and agricultural open space. Because of 35-acre State subdivision exemptions and existing parcel configurations, continuing to offer development incentives that allow clustering of development away from sensitive areas in exchange for permanently protected and actively stewarded open space may be necessary to achieve the community's stewardship goals. The incentive program should be designed to achieve a more functional web of wildlife habitat and connectivity than is possible through State exempt subdivisions. Possible incentives may include density bonuses as well as house size, location, guesthouse, and other options.

Policy 1.4.d: Establish a funding source for open space

The community should explore the establishment of a dedicated funding source for conservation easements and other measures that protect the wildlife habitat, habitat connectivity, and scenery valued by the community. Critical habitat, habitat connections, and scenic viewsheds are often located on valuable private land. A dedicated funding source would allow the Town and County to work with conservation groups and private landowners to permanently protect from development and actively steward lands valuable to the community. The funding source could also be leveraged for wildlife protection efforts such as wildlife highway crossings in the Town and County.

Policy 1.4.e: Conserve open space to promote the responsible use of public lands

Providing alternative locations for recreational activities can reduce impacts on wildlife and scenery in sensitive areas. As the community grows, so will the recreational use of State and Federal lands and the associated effects on valuable wildlife habitat and corridors. The Town and County should increase collaboration with public land managers to address these impacts. Trails, parks, pathways, dog parks, and other public recreational opportunities should also be pursued on Town and County lands as part of our conservation strategy. The community would also benefit from open space that facilitates the management of access to public lands in coordination with State and Federal land managers.

Strategies (✓ = complete as of 2020)

The community should undertake the following strategies in the initial implementation of the policies of this Common Value. This list is only a starting point and is not all-inclusive. As strategies are completed and/or new best practices, technology and information become available, the community may pursue additional strategies. Prioritization of the strategies to be implemented will occur annually in a work plan, as described in Policy 9.2.b.

1.G.S.1: Identify appropriate indicators that measure achievement of the Chapter goal. For example, measuring stewardship of natural resources may include establishing indicators for percent change of site development within the Town and County, or tracking contaminant loading from wastewater discharge at the Town of Jackson treatment facility.

1.G.S.2: Establish an Ecosystem Stewardship target for an Adaptive Management Program that will be used to track the Town and County's progress toward goals related to this chapter.

Strategies to maintain healthy populations of all native species (Principle 1.1)

✓ **1.1.S.1:** Create a vegetation cover map that can be used to help inform the identification of relative criticalness of habitat types. In the interim, as focal species are being identified, work with Wyoming Game and Fish and other partnering agencies and entities to update the mapping that provides a general indication of the location of the Natural Resources Overlay (NRO), based on current protection of critical "species of special concern" habitat.

✓ **1.1.S.2:** Identify focal species that are indicative of ecosystem health and determine important habitat types for those species. Evaluate habitat importance, abundance, and use to determine relative criticalness of various habitat types.

1.1.S.3: Establish a monitoring system for assessing the singular and cumulative impacts of growth and development on wildlife and natural resources. Implement actions in response to what is learned to provide better habitat and movement corridor protection.

1.1.S.4: Evaluate and amend wildlife protection standards for development density, intensity, location, clustering, permeability, and wildlife-human conflict.

1.1.S.5: Evaluate mitigation standards for impacts to critical habitat and habitat connectivity and update as needed.

1.1.S.6: Identify areas for appropriate ecological restoration efforts.

✓ **1.1.S.7:** Identify areas appropriate for roadway underpasses, overpasses, speed reductions, or other wildlife-vehicle collision mitigation measures in heavy volume wildlife-crossing areas.

1.1.S.8: Develop an ecosystem stewardship education program to further the goals of the community and establish community buy-in.

1.1.S.9: Explore hiring a staff ecologist and/or additional staff infrastructure and capacity to promote the implementation of strategies and plans.

Strategies to preserve and enhance surface water and groundwater quality (Principle 1.2)

1.2.S.1: Evaluate and update natural resource protection standards for waterbodies, wetlands (including jurisdictional and non-jurisdictional) 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 and commits to joint Town and County coordination. The plan should include a water quality monitoring program. The plan should also incorporate or complement existing and future source water assessments, source water protection plans, river and lake management plans, watershed management plans, and other water quality protection efforts.

1.2.S.4: Implement and periodically update the Flat Creek Watershed Management Plan.

1.2.S.5: Investigate updates to the Land Development Regulations and other County resolutions and Town ordinances to provide further protection for Public Water Systems, surface water, and groundwater, including, incentives for wastewater system best management practices, facility regulations, monitoring wells, and buffering distances.

1.2.S.6: Enhance existing water quality protection tools and explore the development of new tools such as an aquifer protection overlay or a water quality commission.

1.2.S.7: Educate our community on the importance of water quality protection and our sole source aquifer.

1.2.S.8: Encourage and support all public water suppliers in establishing or updating source water assessments and protection plans.

Strategies to maintain the scenic resources of the community (Principle 1.3)

1.3.S.1: Evaluate and remap the Scenic Resources Overlay based on the accumulated knowledge of potential visual impacts and identify expanded viewsheds to which the SRO will apply.

1.3.S.2: Evaluate and amend lighting standards based on dark skies best practices.

1.3.S.3: Update the public lighting standards to match the dark skies standards adopted in the Land Development Regulations.

Strategies to protect and steward open space (Principle 1.4)

1.4.S.1: Update the Planned Residential Development (PRD) tool to better protect wildlife resources. Reconsider applicability of the PRD tool on smaller (35- to 120-acre) parcels. Consider incentives in addition to density bonuses, including house size, locations, guesthouses, and other options.

1.4.S.2: Evaluate and update agricultural exemptions and incentives to encourage continued agricultural conservation of open space. Support exemptions and provide incentives to enable the continuation of agriculture.

1.4.S.3: Explore non-development incentives for the permanent protection of open space.

1.4.S.4: Explore the establishment of a dedicated funding source for the acquisition of permanent open space for wildlife habitat protection, scenic vista protection, and agriculture preservation.

1.4.S.5: Evaluate and update the definition of publicly valuable open space to include the provision of active recreation opportunities in less critical habitat to relieve recreation pressure in areas of more critical habitat, and manage public lands access.

1.4.S.6: Reevaluate the purpose and staffing of the Teton County Scenic Preserve Trust to provide full-time management for the organization and consider the adoption of higher operational standards.

1.4.S.7: Revisit the rural conservation development options (Rural PRD, Floor Area Option) to ensure conservation, housing and transportation goals are met and to explore new tools.

1.4.S.8: Evaluate private land recreation needs and management to relieve the impact on public lands.

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Chapter 2. Climate Sustainability

Emit less greenhouse gases than we did in 2012.

What does this Chapter address:

Principle 2.1 - Reduce consumption of non-renewable energy

Principle 2.2 - Reduce greenhouse gas emissions through land use

Principle 2.3 - Reduce greenhouse gas emissions through transportation

Principle 2.4 - Increase energy efficiency in buildings

Principle 2.5 - Reduce greenhouse gas emissions through waste management and water conservation

Why is this chapter addressed?

The contribution to climate change from greenhouse gas emissions is a perfect example of how seemingly insignificant individual actions can add up to a measurable impact at a larger scale. Global climate change cannot be addressed by our community alone, but the local, regional, and global impacts of climate change are inconsistent with our Common Values of Community Character and the community has chosen to address them to the greatest extent possible. In 2005 Jackson became a part of the US Mayors Climate Protection Agreement.

A changing climate threatens the Greater Yellowstone Ecosystem by altering or eliminating habitats, making it harder for native species to survive. A decline in moose population numbers and loss of pine trees due to pine beetle and blister rust have already been attributed to climate change. Temperature dependent life cycles (e.g. pollination) and species (pika, wolves, native fish) are expected to decline in the near future. (Bloom & Riginos, 2018, p.17, *Mosaic*)

We will also experience local impacts to our Growth Management and Quality of Life Common Values as food, potable water and habitable land diminish across the world. The cost of bringing food into our remote location, demand for our water, and pressure to develop our valued open space will all increase.

Sustainability

is a system of practices that are healthy for the environment, community and economy and can be maintained for current and future generations.

While the community is planning for climate change, it is not hopeless. The community sees climate change as an opportunity as much as a threat. Our stewardship legacy and international recognition provide the perfect chance for us to set an example of how the global issue of climate change can be addressed at the community level. We can become a model for emissions reduction and energy independence for over 3 million visitors every year. We have hydro, solar, wind, and geothermal zero-emission energy resources available to us. Through the development and use of zero-emission resources and improved energy conservation we can limit our dependence on greenhouse gas emitting energy resources.

Climate sustainability is included in this Plan because transportation and buildings constitute 95% of the community's energy consumption. To meaningfully address our climate impacts in the long-term, energy consumption (see Appendix B), land use, and transportation planning must be holistically addressed. The transportation and infrastructure required to sustain a sprawling development pattern result in far more energy consumption than a compact, connected series of Complete Neighborhoods where services and infrastructure already exist and residents can walk, bike, or ride the bus to move within and between built areas. Our buildings can also be designed to be much more energy efficient than they are today.

Beyond reducing our contributions to climate change, energy conservation also makes economic sense for the community. Reliance on diminishing non-renewable resources will cause the cost of energy to increase. This will further increase the cost of living in our community and have detrimental effects on our Quality of Life. If we can reduce the amount of motor vehicle travel needed to move around the community, we will be less affected by rising gas prices. If we consume less power in the operation and construction of our public and private buildings and our management of waste, we can continue to have some of the lowest priced and most renewable power in the country. As we become a true example of sustainable energy consumption, visitors may be attracted to the area for our climate stewardship alone. The behavior and impacts of tourism and resorts should be consistent with, and in support of the community's sustainability goals.

Awareness of the importance of energy conservation was high in 2012 with an initiative to reduce Town and County energy consumption by 10% over the previous five years and the completion of a communitywide emissions inventory through an unprecedented cooperative commitment between the Town, County and Lower Valley Energy. These, and similar future efforts will assist in meeting the community's emission reduction goals. Moving forward, we realize that it is in the best interest of the ecosystem and the community to continue promoting climate sustainability.

Principle 2.1— Reduce consumption of non-renewable energy. To reduce the emission of greenhouse gases that contribute to climate change, the community should reduce its consumption of energy from non-renewable sources. The Town and County will lead by example and encourage reductions in energy demand and the use of renewable energy sources. However, it is the daily responsibility of the entire community to reduce greenhouse gas emissions whether for climate, financial or other reasons.

Policy 2.1.a: Shift community energy consumption behavior

The community commits to shifting its behaviors to consume less energy. Reducing energy demand is the simplest way to consume fewer nonrenewable energy resources. Achieving communitywide energy conservation requires reducing individual consumption of energy with every decision. The Town, County, and partnering organizations, such as Energy Conservation Works and Yellowstone-Teton Clean Cities will educate the community on best available methods for reducing energy demand and facilitate and encourage each community member to reduce personal energy consumption.

Policy 2.1.b: Encourage energy conservation through energy pricing

The Town and County will work with local energy providers to price energy to encourage conservation. Money is a significant motivator in all decisions, including energy conservation. The pricing structure should be set up to reward energy consumers contributing to the community goals of conservative and efficient use of energy without punishing households that cannot afford to upgrade energy inefficient structures.

Policy 2.1.c: Increase local use and generation of renewable energy

Using solar, wind, geothermal, and/or hydro energy that has less impact to the climate is the community's preference. The community will work with local utilities and other agencies, non-profits, and businesses to identify local renewable energy generation opportunities so that it is not necessary to add non-renewable energy sources to the community's energy portfolio. Integration of renewable energy into the community's energy portfolio should be done consistently with the community's Vision. The Town and County will continue to include photovoltaic solar panels and solar thermal systems as part of its public infrastructure. In 2019 the EPA recognized the Town as a Green Power Partner.

Policy 2.1.d: Allow and encourage onsite renewable energy generation

Production of energy from renewable sources on individual properties should be allowed and encouraged. The transmission of electricity is extremely inefficient. Reducing that component of our energy infrastructure could result in a large cumulative decrease in demand for non-renewable energy. Exemptions to Town and County regulations should be considered to facilitate the installation of on-site renewable energy sources. The community will also explore incentives for on-site renewable energy, utilizing best available practices.

Principle 2.2— Reduce greenhouse gas emissions through land use. Land use patterns have a great effect on the community's overall energy consumption and should be designed with energy efficiency in mind. Complete Neighborhoods require less energy consumption for travel within and around the community; and compact mixed use infill and redevelopment requires less energy in the provision of services and infrastructure.

Policy 2.2.a: Enhance suitable locations as Complete Neighborhoods

Principle 3.2 details the community's policies to encourage development, infill, and redevelopment that enhances suitable locations as Complete Neighborhoods that contain: defined character and quality design; public utilities; quality public space; a variety of housing types; schools, childcare, commercial, recreation and other amenities within walking distance; and connection by complete streets. Complete Neighborhoods contain the greatest potential for low emission living because of the proximity of residences to services and jobs. Complete Neighborhoods in the Town and County will lead to energy conservation through a reduction in vehicle miles traveled and consolidation of waste disposal and other infrastructure.

Policy 2.2.b: Direct growth out of habitat, scenery, and open space

Principles 1.4 and 3.1 detail the community's commitment to conservation of wildlife habitat, habitat connections, scenic viewsheds, and open space. Development of these areas would not only negatively impact wildlife and scenery but also require far more energy to install and maintain infrastructure and transport people and energy around the community. As the climate changes, preserving open spaces from development will also ease the pressure on wildlife as they adapt to a changing ecosystem.

Policy 2.2.c: Improve air quality

Also 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 may include: reducing vehicle miles traveled through a shift to alternative modes of travel, reducing wood-burning emissions, reducing dust from unpaved roads and large construction sites, and offering incentives for the use of new technologies and practices that reduce carbon emissions.

Principle 2.3— Reduce greenhouse gas emissions through transportation.

Transportation accounts for approximately 80% of the total carbon emissions in the community (see Appendix B) and should be a focus of the community's efforts to reduce energy consumption. Reducing fuels consumed for transportation and using renewable fuels has the greatest potential to reduce the community's overall carbon emissions and consumption of non-renewable resources.

Policy 2.3.a: Meet future transportation demand through the use of alternative modes

Principle 7.1 details the community's policies to promote the use of alternative modes over use of the single occupancy motor vehicle. The use of single occupancy motor vehicles is the least energy efficient mode of transportation, as only one person is transported and road and parking infrastructure is required for each individual.

Policy 2.3.b: Create a safe, efficient, interconnected multimodal transportation network

Principle 7.2 details the community's policies to provide a multimodal network to meet our future transportation demand. The community will develop an integrated transportation management plan that will look at all modes of travel and the most effective solutions for transportation in the community, considering long-term impacts such as consumption of non-renewable fuels and the energy costs of transportation infrastructure.

Principle 2.4— Increase energy efficiency in buildings. It is the community's goal to achieve carbon neutral buildings by 2030. Increasing the energy efficiency of buildings and reducing the energy used for the construction of buildings will greatly increase the community's energy conservation efforts, as the construction and operation of buildings accounts for close to 15% of energy use in Jackson and Teton County (see Appendix B). Publicly funded construction projects will lead by example in implementing this policy, and incentives will be provided to reduce the energy demand of new and existing private buildings.

Policy 2.4.a: Construct energy efficient buildings

The community should improve the energy efficiency of its buildings. Buildings with tight building envelopes that minimize the loss of energy are more energy efficient because they require less energy yet provide the same level of comfort as buildings with other designs. The Town and County should adopt the most recent energy codes or similar regulations to maximize the energy efficiency of new construction and improvements to existing buildings. Additionally, the Town and County will explore requirements and incentives for building design that employ best practices for energy efficiency in new and retrofitted buildings.

Policy 2.4.b: Renovate and reuse existing buildings

Where appropriate, the community should renovate, reuse, and repurpose existing buildings. The energy required to extract, produce, transport, and assemble building materials is known as the "embodied energy" of a building. The easiest way to reduce the energy consumption of a structure is to reuse a structure that already exists. The community will encourage the reuse, repurposing and renovation of existing buildings where a safe, energy efficient building can be achieved without constructing a new building.

Policy 2.4.c: Use and reuse construction material sustainably

Where it is not practical to renovate an existing building as described in Policy 2.4.b, the embodied energy of a building should be reduced through the recycling and reuse of building materials or use of sustainable, local materials. The Town and County should lead by example when constructing public buildings and subsidized housing units by giving preference to recycled and local materials and local contractors, within reasonable performance and cost limits. The Town and County should also explore providing locations for materials recycling that make it more cost-effective to recycle than to dispose of material.

Policy 2.4.d: Use energy efficient building systems and appliances

Practices to reduce energy consumption should continue throughout the use of a building, regardless of the energy efficiency of a building's design or the amount of energy initially used to create the building. The Town and County will provide standards for high efficiency heating, ventilation and air conditioning (HVAC) equipment, lighting fixtures, appliances, and other building systems. Where possible, programs will encourage the use of the best available energy efficiency technology for building systems and appliances.

Policy 2.4.e: Encourage smaller buildings

The Town and County will encourage the construction of smaller, energy efficient buildings to improve energy conservation communitywide. Energy efficiency and the amount of energy required to construct a building is directly related to overall building size. Smaller buildings require less material to achieve high energy efficiency and contain less volume to condition, light, and maintain. The community will explore regulations and incentives to encourage the construction of smaller buildings.

Principle 2.5—Reduce greenhouse gas emissions through waste management and water conservation. The community will reduce the amount of energy required to distribute, clean, and dispose of water and waste through conservation efforts. Our current water consumption and waste management practices will have long-term adverse impacts on the ecosystem and the community's energy demand if conservation measures are not pursued.

Policy 2.5.a: Encourage water conservation

While our community is lucky to have abundant water supplies, water conservation should still be pursued to conserve energy and maintain water quality. As fresh water resources are depleted, the energy required to provide potable water increases. Conservation of water saves aquifer supplies for future generations, protects habitat, and respects downstream users. To better encourage water conservation, municipal pricing should reflect the true long-term cost of production and encourage water conservation. The Town and County will also encourage practices that demand less water, such as landscaping with native species.

Policy 2.5.b: Manage our waste stream for sustainability

The community will minimize the amount of solid waste it directs to landfills with a goal of "zero waste" by increasing efforts such as recycling and composting of waste. The Strategies in the Road to Zero Waste Plan are guiding the community's implementation of its zero waste goal. Disposing of solid waste in landfills requires energy for waste transportation, land moving, and other landfill operations. Landfill disposal also requires increased disturbance of otherwise open spaces due to the length of the decomposition process. The community will increase opportunities for recycling, reuse, and composting and seek productive uses for solid waste such as waste-to-energy solutions to minimize the solid waste that must be placed in a landfill. In addition, the Town and County will lead by example by using products that can be recycled or composted and encouraging all members of the community to do the same.

Strategies (✓ = complete as of 2020)

The community should undertake the following strategies in initial implementation of the policies of this Common Value. This list is only a starting point, and is not all inclusive. As strategies are completed and/or new best practices, technology and information become available, the community may pursue additional strategies. Prioritization of the strategies to be implemented will occur annually in a work plan, as described in Policy 9.2.b.

2.G.S.1: Update Chapter 2 with a revised statement of principles and policies around emissions reduction and climate change adaptation to establish the Town and County's position as a leading sustainable and adaptable community. As part of the Chapter Update, consider updating the Chapter Goal. Also, consider the impacts and opportunities presented by our our tourism-based economy.

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. The Plan should outline implementation responsibilities, and include adaptation measures specific to the potential impacts of climate change on our economy.

2.G.S.3: Promote community-wide and targeted education about methods and techniques that can be applied at individual and organizational levels to reduce impacts on our environment, and ensure the inclusion of resorts and visitors in that outreach.

Strategies to reduce consumption of non-renewable energy (Principle 2.1)

2.1.S.1: Coordinate with the wide range of organizations working on energy conservation to educate the community about the benefits of reducing consumption of energy from non-renewable sources.

✓ **2.1.S.2:** Work with partners to distribute technological devices, such as home area networks, into the community to raise awareness of the amount of energy being consumed and opportunities for reduced consumption.

2.1.S.3: Partner with organizations such as the Yellowstone-Teton Clean Cities to educate residents and guests about the negative impacts of vehicle idling.

2.1.S.4: Work with local energy providers to develop a sliding scale energy pricing structure where unit cost increases with total energy consumption.

2.1.S.5: Evaluate and update land use regulations to support renewable energy generation in the community.

2.1.S.6: Coordinate education efforts to avoid private Codes, Covenants & Restrictions (CC&Rs) that prohibit on-site renewable energy generation and other sustainable practices.

2.1.S.7: Create a personal emissions responsibility program to raise awareness and promote reduced consumption.

Strategies to reduce energy consumption through land use (Principle 2.2)

See Strategies 3.1.S.1 through 3.1.S.4 and 3.2.S.1 through 3.2.S.8.

Strategies to reduce energy consumption through transportation (Principle 2.3)

See Strategies 7.1.S.1 through 7.1.S.11 and 7.2.S.1 through 7.2.S.6.

2.3.S.1: Promote and incentivize the increased use of electric modes of transportation (bikes, buses, cars).

2.3.S.2: Develop a County Energy Mitigation Program that addresses the induced transportation demand required to maintain certain site designs or features.

Strategies to increase energy efficiency in buildings (Principle 2.4)

2.4.S.1: Adopt the most recent International Energy Conservation Code or similar regulation.

2.4.S.2: Develop a comprehensive sustainable building program that includes requirements and incentives for government operations and new private construction to use energy efficiency best practices.

2.4.S.3: Develop a program of incentives and financing options for owners of existing buildings to participate in a communitywide energy retrofit program.

2.4.S.4: Develop a program to facilitate the reuse and recycling of building materials and raise awareness of the benefits of the use of sustainable construction materials.

2.4.S.5: Develop a program to encourage the use of the most energy efficient building systems and appliances.

2.4.S.6: Evaluate and update regulations on building size to encourage smaller, more energy efficient buildings and consume less energy.

2.4.S.7: Explore a policy commitment that every public building and vehicle will be zero-emission.

2.4.S.8: Update the County Energy Mitigation Program to encourage energy conservation in buildings.

Strategies to conserve energy through waste management and water conservation (Principle 2.5)

2.5.S.1: Implement a sliding scale water pricing structure.

2.5.S.2: Increase awareness and opportunities for recycling, reuse, and composting, including communitywide curbside recycling.

2.5.S.3: Develop a program to guide waste reduction in the County

2.5.S.4: Update landscaping LDRs to encourage water conservation.

2.5.S.5: Reduce energy consumption in wastewater treatment through the use of the most energy efficient treatment methods and technology to discharge effluent that exceeds the quality of the receiving waters. We will continue to build on the significant reduction in energy consumption that has been achieved since 2010.

BOARD OF COUNTY COMMISSIONERS

TOWN COUNCIL

JOINT INFORMATION MEETING
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Administration **PRESENTER**: Alyssa Watkins

MEETING DATE: January 11, 2021

SUBJECT: Park Shop/Housing and Fire Station 1 Construction Projects Review

STATEMENT/PURPOSE
Presentation of the Park Shop/Housing and Fire Station 1 Construction Project "After Action Report."

BACKGROUND/ALTERNATIVES
Following discussions among the Board of County Commissioners and the Jackson Town Council, an After Action Review (AAR) Committee was convened to review the Park Shop/Housing and Fire Station 1 construction projects. The goal of the committee's work was to examine each project from inception to current status, identify the challenges and successes in each, and distill recommendations to drive more successful outcomes for future projects.

This is not an action item but serves as a report out on the committee's work and findings.

STAKEHOLDER ANALYSIS
Committee membership is detailed in the attached report.

FISCAL IMPACT
Although there is no direct fiscal impact of the committee's work, application of the recommendations is intended to minimize future fiscal risk and missteps.

STAFF IMPACT
Staff involved in large-scale construction projects will benefit from the committee's recommendations and the checklist developed to guide future efforts.

LEGAL REVIEW

ATTACHMENTS
Park Shop/Housing and Fire Station 1 Construction Project Review – "After Action" Report
Capital Construction Checklist

RECOMMENDATION
There is no recommendation as this is not an action item.

SUGGESTED MOTION
There is no suggestion motion as this is not an action item.

Park Shop/Housing and Fire Station 1 Construction Project Review

"AFTER ACTION" REPORT

REPORT DATE	PREPARED BY
11/20/2020	AAR Committee

STATUS SUMMARY

This report is in final form for distribution.

AAR COMMITTEE MEMBERS

NAME	ENTITY	TITLE
Arne Jorgenson	Town of Jackson	Jackson Town Council
Greg Epstein	Teton County	Vice-Chair, Teton County Board of County Commissioners
Luther Propst	Teton County	Teton County Board of County Commissioners
Larry Pardee	Town of Jackson	Town Manager
Roxanne Robinson	Town of Jackson	Assistant Town Manager
Floren Poliseo	Town of Jackson	Director of Public Works
Steve Ashworth	Teton County/Town of Jackson	Director of Parks and Recreation
Brady Hansen	Teton County/Town of Jackson	Fire Chief
Heather Overholser	Teton County	Director of Public Works
Sarah Mann	Teton County	Director of General Services
Alyssa Watkins	Teton County	BCC Administrator

PROJECT OVERVIEW

The AAR Committee met multiple times between August and November of 2020 to discuss the Park Shop/Housing and Fire Station 1 construction projects. The goal of the committee's work was to examine each project from inception to current status, identify the challenges and successes in each, and distill recommendations to drive more successful outcomes for future projects.

RECOMMENDATIONS – VISIONING/INCEPTION

CHALLENGES AND ISSUES IDENTIFIED	SUCCESSES AND RECOMMENDATION(S)
Who is the lead agency (agency that owns land, will own building, will operate in building, etc.)?	• Determine the answers to these questions in advance, and consider establishing a precedent or criteria for reference
Inefficiency of the "JIM" as a client, inefficiency of 2-year election cycles, result in ongoing changes to projects in response to changing visions, priorities, and opinions which drives up costs and extends timelines.	• Ensure that visioning does not bleed into future stages of the project • Advance project planning/design/construction as much as possible prior to elected officials' departure
Extended timelines generally which result in a lack of consistency. Park shop was 10-12 years in the making, Fire Station 1 will be about 10 years as well, Rec Center already 14 years in the making and still changing to this day. Vision for the project changes over time, much money spent pursuing different iterations of visions that are then abandoned (e.g., Park Shop/Housing project fully redesigned 3 different times, "final" design then went through numerous tweaks (e.g., basement)). Elected officials required changes to reduce the scope of the project, consider alternative building methods. All drive increases in costs – both new design fees and increased construction costs due to inflation. In the end we have a smaller, less effective building at the same cost as if we had constructed the original building at the onset. Park Shop/Housing project over $500,000 in redesign fees due to changes over the years.	• Have OPRs established that drive consistency in some foundational elements of projects. • Consider efficiency of space planning from the start. • Consider long-term payout of initial sustainability investments. • Help electeds to follow a pre-established process and adhere to initial vision, understanding that constant change undermines forward progress and the ROI of a hole in the ground is zero.
Staff assuming project management roles outside of their capacity and/or expertise. Staff not being candid with elected officials regarding viability of requests (e.g., schedule, budget, capacity, expertise, etc. related considerations).	• For all projects over $1M, evaluate need for professional expertise from the inception of projects – CMAR, project manager, owner's representative, commissioning agent, etc. Had great success with owner's rep and project manager for ISWR's Horsethief Canyon project. Consider things such as complexity or size, specialized rather than typical installations/components (e.g. green roof, splash pad, climbing wall, on-site stormwater management or power generation, etc.), staff work plans or workload allocations/capacity, etc. • Staff must be willing to be candid and say "no" to elected officials when appropriate
Complexity of mixed-use and multi-agency projects. Experts (e.g., architects, builders, etc.) not familiar with all uses and not able to provide sound guidance. Ended up with mixed use as a result of trying to solve many problems with a single project and this is likely to continue given the prohibitive cost of land and the resulting need to maximize use of land available.	• Increased awareness of these issues in future projects • Interdepartmental coordination and communication paramount, must happen early and result in clear direction/decisions/agreement • Public Engagement
Complexity of remodels versus new construction	• Consider value/complications of remodels versus new construction, add extra contingency funding to budget for remodels
Public scrutiny affected the decision-making processes in ways that were not always constructive (e.g., should be able to build for $x/sq. ft. drove unrealistic expectations and resulted in value engineering that hurt the effectiveness and efficiency of the final design).	• Increased awareness of these issues in future projects: o Fluctuating or market-driven values of materials/labor o Limitations of public knowledge (could address through increased public outreach/education, or citizen review committees comprised of people with expertise in relevant areas)

	○ Level of transparency or information availability that is allowed/possible related to project-specific budgeting, etc.
Interim needs not considered or well-vetted early on – e.g., location for temporary fire station	• Increased awareness of these issues in future projects
Drive for lower cost projects and other competing interests at times changed projects in a way that resulted in ultimately less-than-beneficial outcomes related to the long-term use of the facility.	• Need to consider the incorporation of value-related elements (e.g., energy efficiency, housing, livability features, etc.) that may raise project cost but have value beyond the immediate ROI • Consider use of standard rating systems to identify opportunities to create lasting financial/environmental/social benefits and document intent behind certain design decisions (i.e. LEED for occupied buildings or Envision for civil/municipal infrastructure)

RECOMMENDATIONS – PLANNING AND DESIGN / PRE-CONSTRUCTION

CHALLENGES AND ISSUES IDENTIFIED	SUCCESSES AND RECOMMENDATION(S)
Lack of consistent documentation and processes (e.g., RFPs, contract documents, etc.)	• Utilize newly established templates • Continually or periodically update templates and create new ones as needs are identified
Staff assuming project management roles outside of their capacity and expertise. Contractor and design team not working together as a team.	• For all projects over $1M, evaluate need for professional expertise from the inception of projects – CMAR, project manager, owner's representative, commissioning agent, etc.
Building officials changed four times throughout projects and information received regarding design obligations changed along with each one. "Informal" communications drove design elements. Need clarity around plan review process, permitting process, inspection process, as these drove many costly changes right up through completion of the projects. Code changes affect projects that are strung out over this long of a long timeframe, going back through the process and updating drawings to meet new codes results in time delays and increased costs.	• Have third-party plan review accomplished prior to releasing bid set, building permit submittal (e.g., at 75% complete for construction / 60% complete for infrastructure). Note that this may affect project schedule. • Avoid informal conversations with Building Official, seek formalized, written direction and/or decisions preferably through the appropriate permits, pre-application meetings, etc. • Continually update permit application forms and checklists to reflect current LDRs, Muni Code, processes for approval/execution of specific types of contract docs, agreements, permits, etc. • Develop standard criteria or SOPs for each design milestone indicating what elements/systems the plan set should include and to what level of detail
Fire and electrical inspections did not identify issues at the onset (plan check review). Many issues identified at midpoint and final reviews that required significant and costly modifications; had these issues been identified at the onset, resolution would have been significantly faster and less expensive.	• Initial review letters now identify where code is not being met, make disapproval more clear • Consider 3rd party review for projects that reach a certain stage of complexity/require specialized expertise – may be triggered by owner and/or entity tasked with the inspection • Ensure third-party design reviews include multi-discipline system interference reviews

Facilities and IT not always involved at design inception	• Involve Facilities and IT at design inception (consider both Town and County staff as appropriate). Success with this effort on Park Shop/Housing project • Department director and staff using the facility need to be involved in space "programming" as well.
Availability and predictability of funding source directly impacts success of the project.	• Identify funding sources early in the project and set clear expectations around budget and intent if funds prove to be insufficient for the project as initially envisioned • Identify and pursue applicable grants as much as possible given project timelines and staff availability • Identify potential funding partners (Conservation District, Land Trust, etc.) or other alternative funding options (government loans, environmental impact bonds, land swaps, etc.) - even if these are not included in the initial project funding, they could be fallback sources to explore if project begins to show signs of exceeding anticipated costs
Changes in project over time drove changes in bid sets, which became progressively less detailed with each iteration; allowed for contractor to develop solutions that did not meet owner's expectations or meet industry standards.	• Ensure both initial and subsequent bid sets receive same degree of scrutiny prior to release and are finely detailed, down to product code whenever possible • When significant design approaches are decided, document the alternatives discussed and rationale for decision, including how it relates to the pre-set project goals/outcomes
Lack of expertise on the part of project team related to specialized projects and uses resulted in oversights, lack of quality guidance, and the need for ongoing redesign (e.g., ADA requirements for commercial/public buildings).	• Weigh value add of local firms – understanding of local market, relationships with local subcontractors, etc. against need for specialized experience • Consider requirement for respondents who don't have directly relevant expertise to pair with a firm that does • Include in the RFP that project team expert individuals be identified for specialized components • Evaluate contract language that assigns work (i.e. to subcontractors or joint venture partners) to ensure it meets expectations • Identify risks during design phase so that existing condition evaluations can be completed in time for 60%/75% design to improve design completeness and construction cost estimating
Challenges in getting competitive bids on projects, often a small number of bids received (i.e., 1-2) and/or bids vastly different in cost (e.g., >50% higher from low to high). Challenges of being bound to the low bid on construction contracts.	• Whenever possible, in addition to local dissemination, use platforms for RFP and RFQ releases that will facilitate a far reach (e.g., Public Purchase) • Consider alternate delivery methods that allow for qualifications-based selection criteria (e.g., CMAR, design-build) • Need to critically evaluate all respondents' skill sets and ability to perform effectively on the project in question • Determine whether outlier bids should be disqualified as non-responsive, incomplete, etc. based on content submitted, as statutorily permitted. • Identify specific reasons for large cost spreads among bids and whether these can be resolved through contract negotiation. For example, is it because one contractor uses in-house trade workers versus subbing out at mark-up, has a discount relationship with certain materials suppliers, miscalculated cost based on units and unit price, etc.?

RECOMMENDATIONS – CONSTRUCTION

CHALLENGES AND ISSUES IDENTIFIED	SUCCESSES AND RECOMMENDATION(S)
Staff assuming project management roles outside of their capacity and/or expertise.	• Consider removing staff from lead project management roles and incorporating professional expertise from the inception of projects of like complexity and/or scale – CMAR, project manager, owner's representative, commissioning agent, etc. • Estimate the time commitment required of the project, and compare that with staff work plans or workload allocations to determine whether it fits or exceeds availability and skill. (Develop staff work plans or workload allocations if these do not exist.)
Projects ran over budget due to multiple change orders. ADA requirements applied "after the fact", site conditions not as expected, plan sets lacked essential details and specificity, especially those that had been through multiple iterations due to project changes.	• Require third party plan review for projects approximately $1M and greater. • Cost-blind procurement process (County has implemented this since projects began) helps to avoid requirement to contract with low bidder, who may lack essential experience or expertise. • 3-D modeling to identify design issues in advance. • Take detail down to product code on bid sets • Ensure permits, code verifications, and other approvals or agreements are current and official/documented
Contractor's lack of familiarity with local market – guessed at subcontractor costs and assumed they could find subs to do the work. Resulted in project delays when pool of resources was insufficient to meet project timeline and costs vastly exceed expectations.	• Consider throwing out low and high bids and evaluating what remains. This can be difficult when we already have challenges getting a reasonable number of competitive bids. Also may conflict with statutory requirements, although alternate delivery methods may be a way around this. • Need to consider benefit of local expertise balanced against what is often the substantially higher cost of local firms. E.g., Non-local firms may require greater support from staff. Local firms may need to leverage staff expertise. Local firms may also need to leverage non-local knowledge for specialized or uncommon projects/components. • Consider requirement for respondents who don't have directly relevant expertise to pair with a firm that does – evaluate contract language that assigns work to ensure it meets expectations • Need to critically evaluate all respondents' skill sets and ability to perform effectively on the project in question • Include financial or other incentives/penalties in the contract for meeting/failing to meet schedule milestones
Subcontractor (Mecho) went out of business in the middle of the Park Shop/Housing project. Required much time trying to get to completion while identifying what had and had not been done, going back to redo things that were missed, etc.	• Include protections in the contract(s) indicating mitigations for agreed work not being performed or if contractor goes bankrupt, out of business, etc.
Site conditions proved to be not as expected, not as drawn in original plans, required significant and costly redesign.	• Consider increased project contingency in cases of remodel • Consider destructive testing or other vetting of existing site conditions for remodel projects • Identify risks during design phase so that these evaluations can be completed in time for 60%/75%

	design to improve design completeness and construction cost estimating
Design proved unworkable in reality (e.g., steel in the way of electrical chases).	• Require 3-D modeling of design docs. Great success with this at START facility, saved a significant amount of money and avoided issues that would have required additional design work and/or workarounds. • Ensure third-party design reviews include multi-discipline system interference reviews

RECOMMENDATIONS – MISCELLANEOUS

CHALLENGES AND ISSUES IDENTIFIED	SUCCESSES AND RECOMMENDATION(S)
SPET generally – inconsistency of funding stream, funding in phases (i.e., design then construction) not effective or efficient if future phases don't get funded in a timely manner	• Opportunity to consider more predictability in SPET funding cycles • Draft and adhere to comp plan capital project list rather than allowing outside projects and "popular" projects to fill the ballot. • Allocate some capital budget funds to SPET projects to help cover gaps in anticipated SPET revenues while project progresses
Easy guidance on project management not available	• Consider designing checklist to help guide future projects

Capital Construction CHECKLIST

- Required consideration for all projects with a projected cost approaching or exceeding 1M

- Recommended for projects under the $1M threshold

VISIONING / INCEPTION

- ☐ Identify and document clear goals and desired outcomes for the project.
- ☐ Consider the incorporation of value-related elements (e.g., energy efficiency, housing, etc.) that may increase project cost but have value beyond the immediate ROI.
- ☐ Apply standard rating system(s) (e.g., LEED, STAR, Envision, etc.) to identify opportunities for triple-bottom-line benefits.
- ☐ For mixed-use projects, weigh the value-added components versus the additional challenges of complexity.
- ☐ Identify ideal project timeline – look to past projects to inform a realistic projection.
- ☐ Identify the appropriate lead agency from design to completion – Teton County or the Town of Jackson.
- ☐ Identify the agency that will own and the agency who will operate the asset once completed, and engage those stakeholders in goal setting
- ☐ Review standard Owner's Project Requirements (OPRs) and identify any areas of exception or addition for project under consideration.
- ☐ Identify potential funding sources and ballpark/preliminary cost estimates with inflationary factors for time delays.
- ☐ Identify project requirements related to specific funding sources (i.e. requirements related to the use of federal funds).
- ☐ Vet project against Comprehensive Plan "Major Capital Project List."
- ☐ Consider likely focus of public scrutiny related to the project and use this to inform presentations to decision-makers.
- ☐ Consider if and when public outreach and engagement is appropriate and develop a plan.
- ☐ Provide regular project updates to the responsible elected body/bodies.
- ☐ Prepare a narrative summary of the visioning/inception phase for the project and present at the next project update (to include significant decisions, successes, challenges, lessons learned, etc.).

PLANNING AND DESIGN / PRE-CONSTRUCTION

- ☐ Use Town- or County-provided templates for RFPs, RFQs, contracts, etc.

- ☐ Secure project funding.
- ☐ Evaluate project delivery methods and choose the one most appropriate for the project.
- ☐ Secure Owner's Representative services, if applicable, prior to beginning design.
- ☐ Secure Commissioning Agent services, if applicable, prior to beginning design.
- ☐ Secure CMAR, Project Manager, or the like, if applicable, prior to beginning design
- ☐ Involve Department Director and staff who will occupy/utilize the space at the start of and throughout facility planning and design.
- ☐ Involve IT and Facilities at the inception of facility planning and design – both Town and County departments - as applicable.
- ☐ Apply standard rating system(s) (e.g., LEED, STAR, Envision, etc.) to identify opportunities for triple-bottom-line benefits.
- ☐ Pursue 3-D modeling to identify design issues prior to third-party review and release of bid set.
- ☐ Accomplish third-party plan review prior to releasing bid set.
- ☐ Ensure bid sets are sufficiently detailed (e.g., to product code). Pay equal attention to new sets created as project progresses.
- ☐ Include increased construction contingency in budget for all remodel projects.
- ☐ Ensure all project communications are documented (i.e., written).
- ☐ Identify opportunities for phasing, if appropriate.
- ☐ Identify pros and cons related to value engineering opportunities (i.e., ensure changes align with the foundational project goals).
- ☐ Set clear expectations surrounding budget and intent if funds prove to be insufficient for the project as initially envisioned.
- ☐ Consider value add of local firms – understanding of local market, relationships with local subcontractors, etc.
- ☐ Consider the need for specialized experience on the project team.
- ☐ Consider destructive testing or other vetting of existing site conditions for remodel projects.
- ☐ Review bid submission with contractor to ensure accuracy and validity prior to signing contract.
- ☐ Provide regular project updates to the responsible elected body/bodies
- ☐ Prepare a narrative summary of the planning and design/preconstruction phase for the project and present at the next project update (to include significant decisions, successes, challenges, lessons learned, etc.).

CONSTRUCTION

- ☐ Ensure sufficiency and detail of construction documents.
- ☐ Ensure weekly OAC meetings are attended by all internal stakeholders, to include Facilities Maintenance Manager and/or Director of General Services, Department Director or designated staff contact, etc.
- ☐ Provide regular project updates (no less than once per month) to the responsible elected body/bodies and owning and operating agencies.
- ☐ Be prepared for site conditions to be other than expected.
- ☐ Identify pros and cons related to value engineering opportunities (i.e., ensure changes align with the foundational project goals).
- ☐ Prepare a narrative summary of the construction phase for the project and present at the next project update (to include significant decisions, successes, challenges, lessons learned, etc.)

MISCELLANEOUS

- ☐ Post-construction/project close-out: Require as-built drawings and distribute/file them with all relevant stakeholders
- ☐ Maintain completed Capital Construction Checklist as a part of the project file
- ☐ Note deviations from the checklist in the project file, with narrative explanations for each. Share deviations with elected officials during regular project updates.