

AGENDA

Planning and Zoning Commission

June 2, 2021 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of June 16, 2021 or to a special meeting scheduled by the Commission.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. NEW PUBLIC COMMENT OPTIONS

I Link to Zoom

. meeting: <https://us02web.zoom.us/j/83186846054?pwd=cG9GMXZua2hTSWZSd1hSRkVwSmczQT09>

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. April 7, 2021

6. OLD BUSINESS

7. NEW BUSINESS

I. P21-093 LDR Text Amendment 2.2.6.D and 2.2.6.E

8. BOARD OF ADJUSTMENT

9. PLANNING COMMISSION

10. MATTERS FROM THE COMMISSION

11. AGENDA FOLLOWUP

12. MATTERS FROM STAFF

13. ADJOURNMENT

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

Your options for watching or participating in public meetings:

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

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

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

Instructions to join a meeting via Zoom:

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

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

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

**MINUTES
SPECIAL MEETING
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
APRIL 7, 2021**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 04/07/2021, via ZOOM.

ROLL CALL:

☒ Anne Schuler, ☒ Wendy Martinez, ☒ Katie Wilson, ☒ Abby Petri, ☐ William Gale,
☒ Thomas Smits, ☒ Amanda Lawson

STAFF: Paul Anthony

MATTERS FROM THE PUBLIC: None

APPROVAL OF MINUTES:

December 2, 2020

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

OLD BUSINESS: None

PLANNING COMMISSION

ITEM P20-233: REQUEST FOR A VARIANCE FROM THE FENCE HEIGHT STANDARD FOR SIDE AND STREET YARDS IN THE COMMERCIAL-RESIDENTIAL - 1 (CR-1) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 265 EAST BROADWAY AVENUE.

STAFF PRESENTATION: Paul Anthony

APPLICANT PRESENTATION: None

PUBLIC COMMENT: None

PC DISCUSSION: None

MOTION:

I move to approve Item P20-233 Based upon the findings for a Variance as presented in the staff

report related to 1) Special conditions and circumstances exists; 2) Not result of applicant; 3) Strict application deprives reasonable use; 4) Minimum Variance; 5) Not injurious to neighborhood; and 6) Harmony with LDRs as presented by the applicant and staff for Item P20-233, I move to **approve** a Variance to the 4-foot height maximum standard for fences in the street yard and side yard in the CR-1 zone to allow a 6-foot security fence for the property addressed as 265 East Broadway Avenue, subject to the departmental reviews attached to this staff report dated April 2, 2021, and the following conditions of approval:

1. The 6' fence shall be constructed of a neutral color such as black, green, brown, or dark bronze, non-reflective iron and be of a transparent design as shown in the applicant's submittal. Any changes to this fence design shall be approved by the Planning Director prior to installation of the fence.
2. The 6' iron fence shall be located at least 3' from the street property lines on East Broadway and Deloney Avenues.

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

MATTERS FROM COMMISSION: None

AGENDA FOLLOWUP: None

MATTERS FROM STAFF:

Staff gave a brief update on the following topics: Paul noted that there's very little in town for sale, a lot of redevelopment, but not a lot of new big projects yet; there is a special Joint PC Meeting on Monday, April 26, going over the Indicator Report and Work Plan for the next fiscal year; the JH Alliance has proposed to change the definition of a Family for housing purposes; TC has asked for the review of the scale, mass, and demographics of homes in residential neighborhoods; the LDR's have been updated including Town Square/Historic Preservation; Received first application to add a structure to the National Historic Register –the John Wort House; getting a contract with Kimley-Horn for a downtown parking plan for TC review and consideration; we are in the process of getting a new permit tracking system called SmartGov; sidewalks update; affordable housing projects update.

ADJOURN:

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

STAFF REPORT



MEETING DATE & TITLE: June 2, 2021, Regular Planning Commission Meeting

SUBMITTING DEPARTMENT: Planning

PRESENTER: Tyler Valentine

SUBJECT: ITEM P21-093: Request for a Land Development Regulation (LDR) Text Amendment to Section 2.2.6.C, 2.2.6.D, 2.2.6.E & 6.1.1.F. to add Attached Single-Family as an allowed use in the Neighborhood Low Density – 5 (NL-5) Zoning District if deed restrictions are provided.

PUBLIC COMMENT: Yes

PURPOSE & POLICY CONSIDERATIONS:

All LDR Text Amendments require review and recommendation by the Planning Commission according to LDR Section 8.7.1. The Town Council makes the final decision on all LDR Text Amendments.

REQUESTED ACTION:

The applicant, Jackson / Teton Affordable Housing Department, is requesting approval of an LDR Text Amendment which would allow Attached Single-Family units (condominiums and townhomes) in the Neighborhood Low Density – 5 (NL-5) zoning district provided that the resulting ownership units are permanently deed restricted with a Jackson/Teton County Housing Department, Jackson/Teton County Housing Authority, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area Special Restriction, Deed Restriction, and/or Ground Lease.

The proposed text amendment would modify the following sections of the LDRs: Section 2.2.6.C.1 - Allowed Uses and Use Standard, Section 2.2.6.D.1 - Allowed Subdivision and Development Options, Section 2.2.6.E - Additional Zone-specific Standards & Section 6.1.1.F - Use Table.

RECOMMENDATION:

The Planning Director recommends **approval** of LDR Text Amendment (P21-093) to allow Attached Single-Family units in the NL-5 zoning district provided that all resulting units are deed restricted to the satisfaction of the Jackson/Teton County Housing Department, subject to this staff report and the department reviews attached hereto.

BACKGROUND:

In 2018, the NL-5 zoning district replaced Auto-Urban Residential (AR) zoning which was in place since 1994. From a use standpoint, AR zoning allowed one detached single-family home with up to two (2) Accessory Residential Units (ARUs) which were intended to be rentals. In addition, all three allowed units were required to be under single ownership (i.e., the units could be sold separately as condominiums or townhomes). However, while the base AR zoning did not allow condominiums or townhomes, the AR zone allowed owners to use the Planned Unit Development (PUD) tool to create condo/townhouse projects for sites composed of three or more standard-sized lots (7,500 sf). The PUD was a useful tool in creating both rental and ownership affordable and workforce multi-family housing.

As part of the 2018 rezone, the Town deleted the PUD tool in all zones because, among other things, it was subjective and we wanted to focus larger multi-family developments in the Transitional subareas rather than the Stable subareas,

such as the neighborhoods with NL-5 zoning . For example, as a replacement to the PUD, the Town built many of the development incentives from the PUD into the base zoning of some of the new residential zones in Transitional subarea (i.e., NM-2 & NH-1). This provided more predictability in the LDRs and reduced barriers to providing affordable and workforce housing. With that being said, condominiums and townhomes were not included in the NL-5 zoning district as a means to keep the zone limited to mostly rentals which were, and still are, a needed housing product.

General Description of Project

The applicant, Jackson / Teton County Housing Department, is requesting approval of an LDR Text Amendment which would allow Attached Single-Family unit (condominiums and townhomes) in the NL-5 zoning district provided that all resulting ownership units are permanently deed restricted acceptable to the Jackson/Teton County Housing Department. Acceptable deed restrictions would likely include standard restrictions from the Jackson/Teton County Housing Authority, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area. In addition, a qualifying Ground Lease where ownership of the underlying land and dwelling units is legally separated may also be used to restrict a property consistent with this amendment.

The applicant explains that the PUD tool that existed from 1994 up until 2018 was a beneficial tool in creating deed restricted ownership units and that the proposed text amendment will reinstate a use that is consistent with the desired character of the NL-5 zone. The proposed text amendment will not change or affect any applicable development standards (i.e. FAR, setbacks, density, height, parking, etc.) and all development will be required to fully comply to the LDRs. The following sections in the LDRs would need to be amended: Section 2.2.6.C.1 - Allowed Uses and Use Standard; Section 2.2.6.D.1 - Allowed Subdivision and Development Options; Section 2.2.6.E - Additional Zone-specific Standards; & Section 6.1.1.F - Use Table.

- Section 2.2.6.C - Allowed Uses and Use Standards**

1. Allowed Uses				2. Use Requirements	
Use	Permit	Density (max)	Individual Use (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	B	n/a	n/a	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.) (E.1.)	Y	E.1.	8,000 sf habitable-excluding basement	2/DU	$0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$
Apartment (6.1.4.D.) (E.2.)	B	E.1.		1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	exempt
Dormitory (6.1.4.F.)	C	n/a	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt

Attached Single-Family (6.1.4.C)	B	E.1.	8,000 sf Habitable-Excluding basement	1/DU if < 2 bedrooms and < 500sf; otherwise, 1.5/DU	$0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$
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Condominium/Townhouse	n/a	(Sec. 7.2.4)
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1. **Single-Family Detached, Apartment, or ARU.** No more than 3 units of any combination are permitted on the lot.
2. **Apartment and ARU Occupancy.** Occupancy of an apartment or ARU shall be restricted to persons employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations or the occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children, or intermittent, nonpaying guests

3. Condominium or Townhouse. Condominium or Townhouse subdivision is only allowed if all units on the property are permanently deed restricted to the satisfaction of the Jackson/Teton County Housing Department. The Restriction must permanently restrict use and occupancy of each dwelling unit to those households who work locally and occupy the unit as their primary residence.

- **Section 6.1.1.F - Use Table**

Use Schedule: Town Character Zones															
USE CATEGORY	Complete Neighborhood Zones													Rural Area Zones	Def/ Stds
Specific Use	NL-1	NL-2	NL-3	NL-4	NL-5	NM-1	NM-2	NH-1	DC	CR-1	CR-2	CR-3	OR	n/a	
Open Space															6.1.3
Agriculture	B	B	B	B	B	B	--		--	--	--	--	--	--	6.1.3.B
Outdoor Recreation	--	--	--	--	--	--	--	--	--	--	--	--	--	--	6.1.3.C
Residential															6.1.4
Detached Single-Family Unit	Y	Y	Y	Y	Y ^z	Y	Y	Y	--	--	--	--	--	--	6.1.4.B
Attached Single-Family Unit	--	--	--	--	B ^z	B	B ^z	B	B	B	B	B	B	--	6.1.4.C
Apartment	--	--	--	--	B ^z	B	B ^z	B	B	B	B	B	B	--	6.1.4.D
Mobile Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	6.1.4.E
Dormitory	--	--	--	--	C	C	B	C	C	C	C	B	C	--	6.1.4.F
Group Home	C ^z	C ^z	--	--	C	C	B	C	C	C	C	C	C	--	6.1.4.G

STAFF ANALYSIS:

Staff is supportive of the proposed LDR text amendment as presented and is able to make all 6 findings as required by the LDRs. Staff agrees that the AR-PUD tool historically allowed for a variety of housing types, including condominiums and townhomes, and was a well-used tool in developing affordable and workforce housing. Reintroducing condominiums and townhomes into the NL-5 zone, provided they are deed restricted, is consistent with how the zone has historically operated in the case of PUDs. In addition, the proposed text amendment will further help preserve affordable housing stock by placing an ownership deed restriction that will ensure units remain in the local workforce in perpetuity. This text amendment will require that all existing and new units on a lot, property or parcel be deed restricted if subdivided into condominiums or townhomes. In addition to preserving workforce housing, staff finds that the proposed text amendment will provide a variety of housing options, including more affordable ownership opportunities, and reduce barriers to providing workforce housing which are both policy goals in the Comprehensive Plan that help achieve the overall goal of housing 65% of our workforce locally.

As proposed, each of the three affordable housing organizations would be able to use their deed restriction even though they are slightly different. For example, the Jackson/Teton County Housing Department will accept either a workforce or affordable deed restriction. Allowing all three affordable housing organizations to participate in this amendment provides flexibility and fairness, especially considering each housing organization serves a different income group. Additionally, this amendment will allow any affordable housing organization to record ground leases against the property which is currently what the Housing Trust and Jackson/Teton County Housing Department do for their affordable projects.

From a neighborhood compatibility standpoint, the majority of zoning that surrounds NL-5 is multi-family and mixed-use (i.e. NM-1, NM-2, NH-1, Snow King Resort Master Plan, OR and CR-3), all of which already allow condominiums and townhomes. Thus, the proposed text amendment would allow similar uses to what currently surrounds NL-5. In other cases, some areas of NL-5 zoning abut zones that do not allow condominium and townhomes, such as the NL-2, NL-3 & NL-4. Even so, staff finds that allowing deed restricted ownership units in the NL-5 zone is still in line with the desired future character because these units will be owned and occupied year-round by the local workforce as opposed to market units which can often result in second home ownership or costly rentals. In addition, the proposed amendment does not increase the number or size/massing of dwelling units in the NL-5, it merely allows the ownership use in exchange for the public good of guaranteeing workforce housing. Staff anticipates that the proposed text amendment will most likely be utilized in a public/private partnership scenario involving an affordable housing provider or similarly committed individual. For example, this text amendment would pave the way to potentially allow a new affordable ownership development on the Brown properties (now owned by Teton County) located along East Kelly Avenue just west of Mike Yokel Park. In the near future, Habitat for Humanity plans to propose a 100% deed restricted ownership development to the Town assuming this text amendment is approved.

As with many LDR text amendments, there are usually some nuances in the application of a new rule or standard. This amendment is no different and has some nuances at it relates to sites with existing development. Staff see no concerns with the proposed text amendments when developing a vacant piece of land, because development is starting with a clean slate. However, when developing on lots with existing development it could present some limitations. Below are a few scenarios relating to this topic:

- Scenario #1 - On a lot with existing dwelling units, an owner can subdivide the existing units into condominiums or townhomes provided that all units conform to all physical development standards such setbacks, height, FAR

etc. However, if one or more of the existing units is nonconforming to any physical development standard, the unit cannot be subdivided according to LDR Section 1.9.2.C.2 unless the unit is brought into compliance.

- Scenario #2 – On a lot with a conforming detached single-family home, if an owner develops a new attached or detached condominium or townhome, the owner will be required to deed restrict the existing single-family home. This amendment requires that all units are deed restricted, existing and new.
- Scenario #3 – On a lot with a conforming detached single-family home that has nonconforming site conditions (i.e. driveway that doesn't meet setbacks, driveway that is too wide, not enough LSR, fencing too tall, etc.), an owner can develop a detached condominium or townhome but will be required to fix the nonconforming site conditions according to LDR Section 1.9.2.C.4.

COMPREHENSIVE PLAN & PRIORITY ALIGNMENT:

Staff Findings

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

1. Is consistent with the purposes and organization of the LDRs;

Complies. One of the primary purposes of the LDRs is to implement the community's housing goals. The proposed text amendment will accomplish this goal by helping to remove barriers to developing deed restricted ownership housing which is consistent with meeting the goal to house 65% of the workforce locally.

2. Improves the consistency of the LDRs with other provisions of the LDRs;

Complies. The NL-5 zone was created as a replacement for the AR zone. Historically the AR zone included a PUD option that was the most frequently used tool for affordable and workforce housing development. Staff finds that the proposed text amendment reinstates a version of that tool, allowing for affordable and workforce housing ownership units which is historically consistent with the zoning district.

3. Provides flexibility for landowners within standards that clearly define desired character;

Complies. Staff finds that the proposed text amendment provides flexibility for owners to develop permanently deed restricted ownership units. This amendment does not exempt the development from compliance with all other applicable LDRs.

4. Is necessary to address changing conditions, public necessity, and/or state or federal legislation;

Complies. Staff finds that the proposed text amendment encourages development of permanently deed restricted ownership housing in neighborhoods currently undergoing significant change with the development of large single-family homes that are not providing local workforce housing. The proposed amendment will help meet the public need for options in providing safe, affordable ownership housing.

5. Improves implementation of the Comprehensive Plan; and

Not Applicable per Wyoming State statute.

6. *Is consistent with other adopted Town Ordinances.*

Complies. The proposed amendment does not conflict with any other Town Ordinances.

FISCAL IMPACT:

None.

STAFF IMPACT:

Staff impact was typical of a project this size which included review of the proposal and writing this report. The total estimated time was 6-7 hours.

ATTACHMENTS OR LINKS:

- Department Reviews
- Applicant Submittal

SUGGESTED MOTION:

Based upon the findings as presented in the staff report and made by the applicant for an amendment to the text of the Land Development Regulations (Item P21-093), I move to make findings 1-6 in Section 8.7.1.C of the Land Development Regulations related to 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances, and to recommend **approval** to the Town Council of the requested text amendments subject to this staff report and the departmental reviews attached hereto.

PLANNING

Project Number	P21-093	Applied	4/16/2021	AL
Project Name	LDR Text Amend -2.2.6.D & 2.2.6.E	Approved		
Type	LAND DEV REGS	Closed		
Subtype	TEXT AMENDMENT	Expired		
Status	STAFF REVIEW	Status		

Applicant April Norton

Owner

Site Address

City

State

Zip

Subdivision

Parcel No

General Plan

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact Notes					
Legal Lea Colasuonno	NO COMMENT	4/20/2021	5/26/2021	5/6/2021	

Planning Tyler Valentine	APPROVED	4/20/2021	5/4/2021	5/28/2021
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PLANNING PERMIT APPLICATION
Planning & Building Department

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

For Office Use Only

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

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

PROJECT.

Name/Description: LDR Text Amendment - Section 2.2.6.D & 2.2.6.E.
Physical Address: _____
Lot, Subdivision: _____ PIDN: _____

PROPERTY OWNER.

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

APPLICANT/AGENT.

Name: April Norton Phone: 3077320867
Mailing Address: po box 714 ZIP: 83001
E-mail: aprilnorton@jacksonwy.gov

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ Applicant/Agent

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

Use Permit	Physical Development	Interpretations
_____ Basic Use	_____ Sketch Plan	_____ Formal Interpretation
_____ Conditional Use	_____ Development Plan	_____ Zoning Compliance Verification
_____ Special Use	_____ Design Review	Amendments to the LDRs
Relief from the LDRs	Subdivision/Development Option	☒ _____ LDR Text Amendment
_____ Administrative Adjustment	_____ Subdivision Plat	_____ Map Amendment
_____ Variance	_____ Boundary Adjustment (replat)	Miscellaneous
_____ Beneficial Use Determination	_____ Boundary Adjustment (no plat)	☒ _____ Other: <u>Fee Waiver</u>
_____ Appeal of an Admin. Decision	_____ Development Option Plan	_____ Environmental Analysis

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

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

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

Have you attached the following?

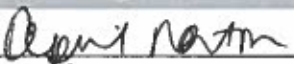
_____ **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

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

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

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

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



Signature of Property Owner or Authorized Applicant/Agent
April Norton

Name Printed

4-15-2021

Date
Housing Director

Title

Proposed Text Amendment

Allowance for condominium or townhouse subdivision of a lot in the Neighborhood Low Density-5 (NL-5) zone when all proposed units are permanently deed restricted with a Jackson/Teton County Housing Department, Jackson/Teton County Housing Authority, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area Special Restriction, Deed Restriction, and/or Ground Lease.

Narrative Description

The purpose of this text amendment is to reduce barriers for permanently deed restricted housing development. These permanently deed restricted units will provide stability to neighborhoods and work to achieve the community's stated goal of housing 65% of its workforce locally.

In 2018 NL-5 was created as a replacement for the AR zone. Historically, the AR zoning district allowed for a main house and two accessory residential units (ARUs), with the two ARUs serving as rental product. Since 1994, however, the AR zone included a Planned Unit Development (PUD) option, which was the most frequently used tool for Affordable and Workforce housing development. The amendment proposed today simply reinstates a version of that option for Affordable and Workforce housing development through an Affordable and Workforce housing condominium/townhouse allowance. This is consistent with the way the district has operated since 1994.

While this allowance will not be a solution for every landowner, it will provide an option for those owners who desire to build housing for the local workforce, but who do not want to manage or own a rental property. This amendment will remove a barrier to the development of permanently deed restricted housing without changing the FAR, bulk, or scale of development allowed per lot. It will also strengthen neighborhoods by building housing that by its nature is required to house members of the local workforce year-round, ensuring homes are occupied, lights are on, and community character is maintained and likely even enhanced.

Existing Text to be Amended

LDR Section 2.2.6.D. Development Options and Subdivisions, amend to the following:

1. Allowed Subdivision and Development Options		
Option Lot Size (min) Standards		
Allowed Subdivision Options		
Land Division	7,500 sf	(Sec. 7.2.3.)
Condominium/Townhouse	n/a	(Sec. 7.2.4.) (E.3.)

LDR Section 2.2.6.E. Additional Zone-specific Standards, add an additional standard:

- 3. Condominium or Townhouse.** Condominium or Townhouse subdivision is only allowed if all units on the property will be permanently deed restricted with a Jackson/Teton County Housing Department, Jackson/Teton County Housing Authority, Jackson Hole Community Housing Trust,

or Habitat for Humanity of the Greater Teton Area Special Restriction, Deed Restriction, and/or Ground Lease (collectively “Restriction”). The Restriction must permanently restrict use and occupancy of the dwelling units to those households who work locally and occupy the unit as their primary residence.

Findings

Pursuant to Section 8.7.1, LDR Text Amendment of the LDRs, the purpose of an LDR text amendment is to publicly review a change to the LDRs to ensure that the change improves implementation of the Comprehensive Plan. The Town Council has legislative discretion when amending the LDRs and shall consider factors including, but not limited to, the extent to which the proposed amendment:

Is consistent with the purposes and organization of the LDRs.

Complies. This amendment is consistent with the LDRs stated purpose to implement the Jackson/Teton County Comprehensive Plan. This amendment is for the Neighborhood Low Density 5 Zone and addresses how the land may be developed or subdivided.

Improves the consistency of the LDRs with other provisions of the LDRs.

Complies. This NL-5 was created as replacement for the AR zone. Historically the AR zone included a PUD option that was the most frequently used tool for Affordable and Workforce housing development. This amendment reinstates a version of that tool, allowing for Affordable and Workforce housing development in a way that is historically consistent with the zoning district.

Provides flexibility for landowners within standards that clearly define desired character.

Complies. This amendment provides flexibility for owners to develop permanently deed restricted ownership housing. This amendment does not exempt the development from compliance with all other applicable LDRs.

Is necessary to address changing conditions, public necessity, and/or state or federal legislation.

Complies. This amendment is proposed to encourage the development of permanently deed restricted ownership housing in neighborhoods that are currently undergoing significant change with the development of large single-family homes that are not providing local workforce housing.

Further, with the escalation of the local housing market, the need for safe, affordable housing for the local workforce continues to grow. Providing an option to develop homes with permanent deed restrictions helps meet this public need.

Improves implementation of the Comprehensive Plan.

Complies. The Comprehensive Plan sets a goal of housing 65% of the workforce locally (Policy 5.1.a.). By providing flexibility to build permanently deed restricted units, this amendment improves the implementation of the Comprehensive Plan through a reduction in barriers for Affordable or Workforce housing development (Policy 5.4.b.).

Is consistent with other adopted Town Ordinances.

Complies. This amendment is consistent with other Town Ordinances including the Workforce Housing Action Plan Initiative 5A: Allow for supply of workforce housing by removing barriers.