# Jackson Town Council Workshop

November 15, 2021
3:00 PM
Town Council Chambers

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/87153592074?pwd=ZThLRmRUUkRLYkhkNkU1MjlPVlg1dz09
If the link does not work, join at zoom.com with Webinar ID **871 5359 2074** Password: **83001**
or join by phone **1.253.215.8782** with Webinar ID **871 5359 2074** and Passcode **83001**

## II. CALL TO ORDER AND ROLL CALL

## III. WORKSHOP ITEMS

A. Public Art Ordinance Discussion (Tyler Sinclair, 30 mins)

B. Title 10 Vehicles and Traffic (Lea Colasuonno, 20 mins)

C. Stable and Transitional Neighborhood Presentation and Public Comment (Tyler Sinclair, 60 mins)

## IV. PROPOSED ITEMS FOR FUTURE WORKSHOPS

12/13 Priority – Future Funding of Local Government (Larry Pardee, 60 mins)
12/13 Priority – Stable and Transitional Neighborhood Review and Direction (Tyler Sinclair, 60 mins)
12/13 Priority – Downtown Paid Parking RFP (Paul Anthony, 60 mins)
12/20 Jackson & Kelly "Red House Apartments" Presentation (Paul Anthony, 60 mins)
12/20 Council Chambers AV Discussion (Michael Palazzolo, 20 mins)
12/20 Employee Housing (Floren Poliseo, 20 mins)
1/18 Rec Center Expansion Update (Steve Ashworth, 60 mins)
1/18 Title 9 Criminal Code Update (Lea Colasuonno)
2/22 Vine Street Design Concept (Floren Poliseo, 30 mins)
2/22 Utility Rate Increases (Floren Poliseo, 30 mins)

## V. ADJOURN

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

# STAFF REPORT

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| **Meeting Date:** | November 15, 2021 | **Meeting Title:** | Workshop |
| **Submitting Department:** | Community Development | **Presenter:** | Tyler Sinclair |
| **Agenda Item:** | Consideration of a Percent for Art Ordinance | **Public Comment:** | Yes |

**Purpose & Policy Considerations**.
To consider establishing a Percent for Art Ordinance for the Town of Jackson.

**Requested Action**.
To direct staff to prepare a Percent for Art Ordinance for future Council consideration.

**Recommendations**.
The Town appointed Public Art Taskforce recommends adoption of a Percent for Art Ordinance.

**Background**.
The Town Public Art Taskforce and associated Town Public Art Guidelines was established by Town Resolution 12-14 in 2012. Said guidelines call for among other items, the creation of an annual art plan to be considered by Council annually. In addition, the Guidelines and Resolution 12-14 call for the consideration of creation of a separate public art account to support Public Art. In support of Public Art, specifically the establishment of consistent policy and funding for Public Art in the Town, the Taskforce is requesting Council consider adoption of a Percent for Art ordinance. Below with the assistance of the Carrie Geraci, Director of Jackson Hole Public Art staff have provided an overview of what a Percent for Art ordinance may include for Council consideration.

**What is a Percent for Art ordinance?**
Percent for Art ordinances generally apply to any municipal capital improvement projects where a pre-determined percentage of the total project budget is set aside for public art.

**How is it funded?**
1.5% of approved and eligible Capital Improvement Project budget is set aside to include public art.

**What Capital Improvement Projects qualify for public art and which ones don't qualify?**
Eligible projects include: construction, major expansions and major renovations of the following: buildings; aboveground structures; new parks; or transportation improvement projects. Projects not visible to the public are not subject to voluntary percent for art consideration. Such projects include below grade construction, rehabilitation of equipment, ordinary maintenance, and sewers. Where a Capital Improvement Project has a scope of work that includes eligible and ineligible items, for example, remodeling and ordinary maintenance, the art budget amount shall be calculated on the eligible portion of the project.

**Does the Percent for Art Ordinance apply to the Town's entire budget? What part of the Town's budget does this apply to?**
A Percent for Art ordinance would only apply to local government funded capital improvement project budgets for buildings and above-ground structures, major renovations, parks, and transportation projects that will be accessed by, or be highly visible to the public.

The Percent for Art Ordinance would not apply to major portions of the Town's budget including the following: the general fund, enterprise funds, special revenue funds, internal service funds, and capital equipment.

**1.5% of a capital improvement budget sounds like a lot of money for public art?**
A million-dollar project would include $15,000 for public art. All art allocation budgets are proposed to be capped at $200,000 no matter the size of the CIP budget.

**How would the percent for Art allocation be distributed for each art project?**
A million-dollar project would include $15,000 for public art. $11,250 would be to support the artist commission. Up to fifteen percent (15%) could be spent on administrative costs ($2250). $1,500 or 10% would be set aside for maintenance.

**What is pooled funding and why should it be considered part of an ordinance?**
Pooled funding is when funds from multiple projects to create one project is done when the budgets are not sufficient to commission a new work of art. Each public art project requires significant time and resources to produce, so pooling funds allows for the Town to optimize their resources and consider fewer projects that have the potential to be more impactful.

**Who owns the public art?**
The Town of Jackson would become the owner of the public art and insure and maintain the public art.

**How is it maintained?**
With each new project 10% of the project's funds are set for maintenance.

**How is an artist selected?**
Typically, a Request for Qualifications is advertised that outlines the project parameters, including the qualifications required of the prospective artist(s), budget, timeline, desired outcomes, and other pertinent information. Artists submit their response, and the selection panel picks the 3 most qualified artists who are then paid a small stipend to develop a site-specific proposal. The selection panel then picks the proposal that best fits the goals of the project.

**Should the Town limit opportunities to only consider local artists?**
If the budget is under $30,000, then the call for artist opportunity may be limited to local artists only. However, if the budget is over $30,000 then the call will be issued nationally to ensure the most qualified artists are reviewed. Notably, local artists interested in public art projects have the ability to apply for national commissions. By opening the opportunity to a large pool of artists we expand the diversity of the art and artists displayed in public spaces.

**What is a selection panel?**
The Public Art Task Force appoints a selection panel that is unique to each project. The makeup of the panel includes citizens with a background or interest in visual art, design, and the built environment. Ideally panels create a diverse representation of the project and also consist of neighborhood residents of the proposed site, general community members, Town administrator, and project stakeholders (e.g., Public Works Department members, Parks and Recreation Department members).

**Analysis**.

**What are the Community Benefits of public art?**

- The placement of public art projects enhances the image of a city – its landscape and architecture.
- Artists and designers working together offers opportunities to respond creatively to design challenges and enhances the design and development process for all parties.

- The growing interest in public art is affecting the fundamentals of city development and revitalization and is having an impact on national urban design and planning trends.
- Public art boosts local economies. Businesses supply materials and labor; restaurants, hotels and transportation companies benefit from a site that attracts visitors.
- Public art can raise public awareness about important community issues, such as environmental stewardship and respect for diversity.
- Whatever the form, public art instills meaning – a greater sense of identity and understandings of where we live, work, and visit – creating memorable experiences for all.
- Public art learning empowers young people to make and care for their own places, and invest in their communities with pride and a sense of identity
- Public art plays a crucial role in shaping our culturally vibrant and sustainable communities. Artists of all disciplines are treating public space as a venue for creative experimentation. Public art offers opportunities for community collaboration, for ideas to shape our environment, and to influence change.

**Why do communities spend public funding on public art? Who benefits from public art?**

- Residents benefit by having well-designed public space that reflect community character and invite social interactions, generate community pride, and help us learn about the world around us.
- Businesses benefit by having revitalized public spaces that attract customers and generate tourism, increase property values, and decrease vacancies.
- Artists, and creative professionals whose services support the creation of public art (landscape architects, engineers, electricians, architects).
- Families benefit by having access to free art in public spaces.
- Town staff benefit by having the opportunity to work with innovative artists who bring fresh perspectives to community issues, civic design, and community engagement.
- Today's public art is tomorrow's history – future generations benefit by having public art that documents and preserves today's community values for future generations.

## Possible Alternatives.

- Direct staff to prepare a Percent for Art ordinance based upon direction provided by Council
- Choose to take no further action on this item
- Other

## Comprehensive Plan & Priority Alignment.

The Teton County/Town of Jackson Comprehensive Plan includes the following language in support of public art to promote Jackson as a cultural destination and enhance pedestrian space:

> **Managed Growth**
> *Policy 3.2.e: Promote quality public spaces in Complete Neighborhoods*
> Public spaces are the building blocks of vital Complete Neighborhoods. The Town will promote public spaces and civic facilities that are interesting, memorable, and reinforce the desired sense of community within Complete Neighborhoods. Integrating fine arts professionals in the design of projects will be encouraged in order to create unique and visually engaging public spaces—including sidewalks and walkways, parks, outdoor squares, landscaped areas and public art.

In addition, the Comprehensive Plan includes a strategy write a public art plan for the community.

**Strategy 3.2.S.7:** Coordinate with a public art task force to write a public art plan for the community.

**Fiscal Impact.**
1.5% of approved and eligible Capital Improvement Project budget is set aside to include public art.

**Staff Impact**.
Staff time from Community Development and Legal Department would be required to prepare a draft ordinance for consideration. The Town Attorney and Community Development director have spent approximately 16 hours on this item so far with an additional 16 hours anticipated to draft and present an Ordinance to Council, should Council choose to move forward with this item.

**Attachments**
Town Public Art Guidelines

**Suggested Motion**. *Council always has the option to adopt, approve with conditions, continue, or deny items*.

I move to direct staff to prepare a Percent for Art ordinance as described in this November 15, 2021, staff report for Council consideration at a future date with the following modifications:

-

**RESOLUTION 12-14**

**A RESOLUTION ADOPTING PUBLIC ART GUIDELINES**

WHEREAS, the Town of Jackson Mayor and Town Council adopted the Jackson/Teton Comprehensive Plan on 8 of May 2012; and

WHEREAS, the Jackson/Teton Comprehensive Plan includes strategy 3.2.S.7, "to Coordinate with a public art task force to write a public art plan for the community"; and

WHEREAS, Jackson Hole Public Art is an organization to support the Town of Jackson established as a 501(c)(3) organization with its own Board of Directors to:

1. Enhance public space by integrating art that celebrates our unique environment and cultural heritage,
2. Facilitate "creative placemaking" partnerships for the development of engaging public space,
3. Provide opportunities for youth, emerging and professional artists,
4. Increase access, understanding and investment in public art; and

WHEREAS, the Director of Jackson Hole Public Art facilitated a volunteer task force to write Public Art Guidelines for the Town of Jackson; and

WHEREAS, the Public Art Guidelines set forth the procedures for creating an annual public art plan to be approved in a public hearing by the Mayor and Town Council; and

WHEREAS, the Public Art Guidelines call for the creation of a separate public art account to be overseen by the Town Manager; and

WHEREAS, the Public Art Guidelines set forth guidelines for commissioning, funding, maintaining, donating and de-commissioning artworks in the Town of Jackson; and

WHEREAS, the Public Art Guidelines set forth in Attachment 1 hereto will enrich the lives of all residents and visitors to the Town of Jackson by providing a system of procedures and guidelines for the funding, installation and maintenance of public art; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Jackson Mayor and Town Council that the Public Art Guidelines set forth in Attachment 1 to this Resolution is approved and adopted.

PRESENTED, READ, AND ADOPTED ON THIS 19th DAY OF NOVEMBER, 2012.

TOWN OF JACKSON

By: _____
Mark Barron, Mayor

ATTEST:

THE TOWN OF JACKSON INCORPORATED SEAL 1914 TETON COUNTY, WYOMING

_____
Olivia Goodale, Town Clerk

RESOLUTION 12-14

ATTACHMENT 1

jackson hole PUBLIC ART

Connecting art to every day!

## The Town of Jackson

# Public Art Guidelines – Final Draft 11/19/12

**Prepared by: Jackson Hole Public Art Director, Carrie Geraci**

Original percent for art guidelines were written by: Bland Hoke, Carrie Geraci, Ben Reed, Paul Dunker, Don Kushner, Emy DiGrappa, Dimmie Zeigler, Amy Larkin, Marylee White, Katy Niner. Reviewed by Karen Bubb.

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## *1) Overview*

**What is Public Art?**

Public art is art for everyone because it exists in public space. It is sculpture, installations, murals; manhole covers, paving patterns, and creative lighting. Public art is woven into a community's fabric providing vitality and creativity in all aspects of life. Street furniture, building facades, bus stops, way finding signage, gates, fountains, play equipment, engravings, carvings, bas-reliefs, public performances, creative interventions and many more constitute public art.

**Why Public Art?**

Art in public spaces is free and reaches a broad audience. It is intended to connect deeply and meaningfully with the public. When public art is seamlessly integrated into gateways, parks and municipal buildings it enhances how a place looks and feels. Public art at its best is compelling, beautifully crafted, transformational and accessible. All of these benefits afforded by public art elevate the visibility of art in our community.

**History of Public Art in Jackson**

Public art is present in Jackson, and can be seen in many public and private locations. It is diverse and represents a wide variety of styles and approaches. The Town Square is exemplary of the power of public art, with the iconic Elk Antler Arches. The removal of these icons would cause disruption to the identity of Jackson. It is their integration within the larger urban scheme that provides the community space with character and charm.

Over the years, as different artist types have settled in Jackson Hole they have initiated a variety of approaches to creating art in public places. From John Simm's austere buffalo sculpture on the Village Road, to Ben Roth's polished stingrays flying above the Rec Center pool, artists have taken it upon themselves to create art for the public to enjoy.

**Cultural Infrastructure**

Jackson is home to over 60 art galleries, the National Museum of Wildlife Art, the Center for the Arts, the Jackson Hole Music Festival, the annual Fall Arts Festival and Art Association Art Fairs, the Western Design Conference and numerous Art Auctions. The vast majority of these fine establishments and events showcase high quality artwork inside buildings and cultural spaces, while a small number exhibit artwork outside. There is clearly a missing piece to Jackson's cultural infrastructure: Public art.

**Comprehensive Plan**

The Teton County/Town of Jackson Comprehensive Plan includes the following language in support of public art to promote Jackson as a cultural destination and enhance pedestrian space:

> ***Managed Growth***
> *Policy 3.2.e: Promote quality public spaces in Complete Neighborhoods Public spaces are the building blocks of vital Complete Neighborhoods. The Town will promote public spaces and civic facilities that are interesting, memorable, and reinforce the desired sense of community within Complete Neighborhoods. Integrating fine arts professionals in the design of projects will be encouraged in order to create unique and visually engaging public spaces—including sidewalks and walkways, parks, outdoor squares, landscaped areas and public art.*

*The Comprehensive Plan includes a strategy write a public art plan for the community.*

***Strategy 3.2.S.7:*** *Coordinate with a public art task force to write a public art plan for the community.*

## *2) Impact: Enrich our community through public exposure to the arts.*

These Public Art Guidelines have been prepared to assist the Town in the creation of inspiring public space designed to enhance the quality of the pedestrian experience. These Guidelines will increase public access to the art of our time and enhance the meaning of public space by encouraging projects that demonstrate a connection to our cultural and environmental heritage.

Public art animates public and private spaces, rejuvenates structures and streetscapes, improves local business viability and public safety, and brings diverse people together to celebrate our unique environment and cultural heritage.

The Town supports Creative Placemaking efforts to involve partners from public, private, nonprofit, and community sectors to strategically shape the physical and social character of our community around arts and cultural activities.

**Principles**

- Art may be integral to all Town construction projects, as either stand-alone art works or integrated into the fabric of the built environment in building facades and lobbies, gateways and parks, streets and sidewalks, and all visible public utilities.
- Public art should be expected to integrate into the overall design of the larger civic context in which it is placed. It should be inextricable and never an afterthought.
- The permanent public art found in the Town of Jackson should be diverse, illuminating the character, community, geography, history and environment found in the region. The goal is to connect deeply and meaningfully with the public audience.
- The Town of Jackson is committed to energy efficiency, environmental sensitivity, and sustainability. These values will be integral in Calls for Artists, and the resulting artwork.
- Encourage new private development to support the development of the Town of Jackson as cultural destinations.
- Partner with artists, galleries, and arts organizations to leverage their knowledge and resources when opportunities exist.
- Provide opportunities for local artists.
- Support performing arts and public art events.
- Commission public art that celebrates our unique environment and cultural heritage.
- Increase everyday access to the arts.
- Support artist-driven public art installations, events and performances.
- Enhance pedestrian spaces with the addition of public art.
- Offer public art education for creative professionals, emerging artists and youth.
- Increase resident and visitor knowledge of the art of our time.
- Increase the visibility of and opportunities for our creative workforce.

## *3) Administration of Public Art*

This section outlines the various aspects of administering the Public Art Plan as it relates exclusively to Town and private-developer projects. Jackson Hole Public Art (JHPA) is a 501(c)(3) organization that will also undertake privately funded projects that further the mission of the Public Art Program.

Currently the Director of JHPA has administered projects as a paid consultant for the Town. Under these Public Art Guidelines, the Town of Jackson may appoint a Public Art Coordinator (the Coordinator) to administer Town of Jackson public art projects. JHPA has played a special role with regard to public art in the community and its current director led the creation of these Guidelines. As such, special consideration may be given to the Director of JHPA in the Town Council's appointment of the Public Art Coordinator.

**Administrative Costs**

The Town is intends to cover administrative costs on a project-by project basis based on the funding mechanisms described in these guidelines. This is broken down into: 1% committed to the artwork, while the remaining .5% is to be split between program administration, education and maintenance of the collection, and will be retained in a separate account.

To maintain a program of the highest quality, the Town may consider a permanent funding source in order to support the role of the Public Art Coordinator.

The Public Art Coordinator will operate under contract with the Town of Jackson under the powers and duties provided in this chapter, and/or in such contract. The duties of the Public Art Coordinator under these Guidelines are to:

**Duties of the Town of Jackson Public Art Coordinator**

The Public Art Coordinator will operate under contract with the Town of Jackson under the powers and duties provided in this chapter, and/or in such contract. The duties of the Public Art Coordinator under these Guidelines are to:

- Organize and chair all Public Art Task Force meetings.
- Review all municipal government projects under consideration by the Town of Jackson with the Public Art Task Force (PAT).
- On behalf of the PAT, the Public Art Coordinator submits recommendations for projects to include in the Annual Art in Public Places Plan (AAPP) to the elected officials for review/approval.
- Work with the Client Agency and the PAT to develop project guidelines, criteria and budget for each project, and facilitate inter-agency communication and interaction throughout the life of the project.
- Identify and secure possible funding partners where appropriate.
- Draft Calls for Artists for projects, to be revised and approved by the Selection Panel, Client Agency, and PAT.
- Disseminate the Call for Artists through media outlets, local galleries, online public opportunity lists and various social media sites and outlets.
- Respond to questions and inquiries from artists as they pertain to the Call for Artists.
- Review and order applicant materials for projects and prepare materials for Selection Panel presentation.
- Schedule Selection Panel meeting dates.
- Chair Selection Panel meetings; record Selection Panel votes and Panelist comments and maintain Selection Panel score sheets.
- Assist Client Agency (staff) in preparation of staff reports for public meetings.
- Solicit reviews, comments and/or approvals for proposed works of art from the Client Agency, Town departments and the PAT as necessary regarding safety, feasibility and maintenance issues.
- Review and act on Selection Panel recommendations and submit the decision to the Public Art Task Force, for ultimate approval by the Mayor and Town Council..
- Work with the Client Agency and project team to coordinate the roles and responsibilities of design professionals, artist, and general contractor relative to each public art project.
- Work with the Town Attorney on proposed terms of artist contracts for each public art project.
- Negotiate and administer contracts for artists upon review and approval by Town Attorney.
- Provide project management services as necessary throughout all phases of each public art project and provide periodic reports to the Public Art Task Force.
- Encourage community involvement by convening and facilitating public meetings relative to each public art project.
- Conduct strategic planning for public art projects, locations, and serve as the administrator of the Public Art Guidelines.
- Serve as a laison between the the PAT and local, state, and federal government departments.
- Maintain the Public Art Collection in collaboration with appropriate Town departments.
- Identify annual maintenance schedule and funding sources for maintenance as part of annual Public Art Plan.
- Develop public education of the Public Art Collection.
- Prepare annual report of projects completed under the previous fiscal year.

**Public Art Task Force (PAT):** The PAT shall have the powers and duties provided in this chapter.

**Members and Terms:** The PAT may be comprised of up to (seven) 7 volunteer members appointed by the Mayor, who may seek advice and consent of the Town Council. The PAT shall include at least one (1) senior level Town staff, one (1) one board member of Jackson Hole Public Art, and (1) arts curator. Although no specific experience requirements shall be necessary as a prerequisite for other members, special consideration shall be given to culture representatives, artists, planners, architects and/or business owners. Members will serve three-year terms, which will be staggered as set forth below Membership shall strive to represent a diverse cross section of the visual arts field and the general community. Citizens interested in becoming a PAT member may submit a letter of interest to the Mayor. The Public Art Coordinator will chair the PAT meetings.

The original appointees shall be appointed: Two for one year, two for two years and three for three years; thereafter all terms will be for three years. Any member who is absent from four (4) or more meetings in a one-year period without being excused, shall be considered no longer active and the position vacant. A new member shall be appointed to fill any vacancy.

**Duties of the Public Art Task Force (PAT):**

- Establish and approve parameters for each new public art project including artist selection process and selection criteria, project budget and a list of prospective Selection Panel members.
- Appoint a member of the PAT to serve as a member on selection panel appointed by the Committee.
- As needed, request that the Town Design Review Committee review proposals for artwork that may have architectural or urban design implications and make recommendations and comments to the PAT.
- Review all capital improvement projects under consideration by the Town of Jackson with the Public Art Coordinator and identify which projects are suitable for inclusion in the Annual Public Art Plan based on the guidelines listed in Section 4. These recommendations will be presented to the Town Council in a public workshop.
- Make an annual recommendation for maintenance of the Public Art Collection.
- Advise new Federal and State building projects outside the jurisdiction of the Town on the Public Art Program and how to work with the program.
- Reference its guide and policies for commissioning artwork.
- Participate in an annual review of the Public Art Coordinator.
- Review annual report prepared by the Public Art Coordinator.

**Client Agency**

- As required by the Annual Public Art Plan, allocate a suggested 1.5% of the gross estimated construction cost for eligible capital improvement projects per Section 4 **or** allocate project funds to be pooled into a fund for public art to support a public art project that betters meets the goals of these Public Art Guidelines.
- Meet with the Public Art Coordinator to discuss the appropriate public art process as soon as the project architect is selected.
- Provide the following information regarding eligible capital construction projects:
    - Verify to the Public Art Coordinator the total project budget allocated for public art;
    - Facility location and function;
    - Amount of construction appropriation, supported by a line item budget
    - Agency representative;
    - Project designer/architect/engineer;
    - Project timeline; and
    - Funding source.

- Include the allocation for public art in the gross estimated construction budget.
- Include the cost of design services related to the coordination and implementation of the Public Art Program in the total construction budget.
- Incorporate language into the project designer's contract scope of services that describe the designer's responsibilities in relation to public art in the project.
- Direct the project designer to work with the vision of the program as described in these Guidelines.
- Assign a representative of the Client Agency to attend all meetings relative to the public art project.
- Provide the Public Art Coordinator with complete and accurate schedule information to allow the artwork design to be planned for and integrated into project documents.
- Ensure that any work relative to the public art project that is to be performed by the General Contractor is integrated into the contract bid documents; and provide the Public

Art Coordinator with a copy of a draft bid documents pertaining to the artwork for review, comment and approval prior to their being issued.
- Credit the Town of Jackson and the artist in all media releases, announcements or any public document or release concerning the project.
- Include and acknowledge the PAT and project artist in project dedication.

**Duties of Town of Jackson Departments:**

**Town Administrator:** Deliver information on the Capital Improvements Plan, funding available in pool, attend quarterly meetings or assign a designee.

**Mayor and Town Council:** Review, reject and/or approve the recommendations made by the Public Art Coordinator and Public Art Task Force for projects to be included in the Annual Public Art Plan.

**Planning Department:** Notify the Public Art Coordinator of development taking place within the Public Art overlay map, specifically, gateways, parks, town as heart, resort district, school district, private developments with significant public space.

**Public Works/Parks and Recreation:** Maintenance is overseen by the Public Art Coordinator and performed by a qualified arts conservator or, when directed by the Town Council, maintenance will be implemented by the Public Works Department and/or the Parks and Recreation Department. The Annual Art In Public Places Plan will include a recommended maintenance schedule and budget to be approved by the Town Council such that every approved public art project has adequate funds for future maintenance. Maintenance funds not used in one year will roll over to the next fiscal year.

**Town Building Official and/or Town Engineer:** Review public art construction documents and installation details to verify and ensure public safety.

**Town Attorney:** Prepare and reviews all public art contracts supplied in draft form by the Public Art Coordinator.

**Finance Director:** Oversee funds used for public art.

## *4) Funding for Public Art*

**Public Funding Overview**

Public Funding for Public Art will come from voluntary allocations of up to, but not to exceed 1.5% of the Capital Improvement Budget for projects identified during the creation of the Annual Art in Public Places Plan (AAPP). However, the Town Council may approve allocations exceeding 1.5% on a case-by-base basis. Capital Improvement Projects that do not meet the guidelines for the inclusion of public art and voluntary allocations from private developers can be pooled together. Enterprise funds associated with CIP projects may not be used for public art funding.

Establishing long-term funding mechanisms for the public art program should be addressed.

**Annual Art in Public Places Plan (the AAPP)**

Annually, the Coordinator of the Public Art program and the Public Art Task Force will develop and bring to the elected officials for review a Public Art Plan, which will include a list of recommended public art projects, a suggested budget and schedule to perform maintenance on the existing collection and any updates needed to the online collection.

During the first quarter of the fiscal year, the Town Council will review the public art projects identified in the Annual Art in Public Spaces Plan (the AAPP). **The Town Council is not required to approve all or any of the public art projects recommended in the Annual Art in Public Places Plan (the AAPP).** The Town Council may modify a public art project prior to approving it, may ask the Public Art Coordinator to develop modifications for consideration, or may ask the Public Art Coordinator to review and comment on possible modifications.

The Public Art Coordinator and the PAT may recommend projects for the Town Council to consider supporting with pooled funds such as public art projects not tied to Capital Improvement projects, curatorial programs like updating the website; special events and community arts infrastructure support.

The Public Art Coordinator will receive, at least one annual and at the most quarterly, financial statements from the Town regarding availability of pooled funds and will meet at least once annually and at the most quarterly, with the Town Manager or his/her designee to collect information necessary for the creation of the AAPP. The Public Art Coordinator may meet semi-annually with Town Departments that may have interest in public art who are not represented on the Public Art Task Force.

**Annual Art in Public Places Plan Review Guidelines**

Projects with significant public space will take priority such as: gathering spaces; parks; trails; bus stops and gateway locations. In addition, projects that meet these criteria will likely be recommended to include public art:

- Public benefit as determined by access to the artwork, whereby the public has the opportunity to view/interact with the artwork to the greatest extent possible.
- Greatest opportunity for artist involvement early in the process.
- Emphasis on public art projects that advance economic development opportunities.
- Encourage an emphasis on place making (i.e. the creation of squares, plazas, parks, streets, and that will attract people), where appropriate, recognize that there will be a need to expand the scope of a project to accomplish a broader goal.
- Contributes to Town as Heart.
- Builds civic pride.
- Adds functionality to the project.
- Enhances pedestrian experience in parks, gateways and public transit.
- Adds character to complete neighborhoods and complete streets.
- Gives identity to unique districts like the Center for the Arts, the School District and Resort Districts.
- Supports sustainability and education about our environment.

In determining the AAPP the Coordinator and the PAT are responsible for the following:

- Review the Capital Improvements Plan with the Town Manager or his/her designee and the Town Finance Director.
- Assess possible and/or proposed municipal capital projects that would benefit from the inclusion of an artist in their design.
- Be responsible for the broad inclusion of multiple constituencies in the definition of all public art projects.
- Solicit ideas and opinions from the broader community regarding possible project sites, project budgets, and project definition.
- Identify funds to supplement the public art budget to achieve maximum effect.
- For capital projects: determine whether the artist(s) should join a larger design team, create an independent work of art, provide design–only services, or provide any other recommended contribution.
- Determine if an existing work of art may be restored or conserved for a proposed site (see Section 9 De-Accession).
- Identify supplemental sources of funding that could contribute to the public art projects recommended in the AAPP, including grants, private donations and in-kind services.

**Identify Capital Improvement Projects**

All Capital Improvement Projects will be evaluated on a case-by-case basis during the development of the **AAPP** to determine if the arts budget will have sufficient impact for the given project. If certain Capital Improvement Projects do not meet the guidelines for the inclusion of public art, 1% of their budget may be contributed to support future projects with larger impact or conduct maintenance on existing or future projects.

**A voluntary 1.5% of eligible Capital Improvement Projects**

It is suggested that up to but not exceeding 1.5% of Capital Improvement projects will be allocated for the commission and installation of public art. The full 1% will be allocated for procurement of the Art and the remaining .5% divided between Administration, Maintenance, temporary installations, events and community infrastructure for the arts.

**Eligible Capital Improvement Projects:** Any local government project, whether new construction or renovation, that will be accessed by, or be highly visible to the public, including:

- Construction or remodeling of buildings and structures such as Town offices, administration buildings, fire and police stations, airport terminals, and the recreation center.
- Construction, renovations or expansions to parks, playgrounds, swimming pools, pathways, trails and playing fields.
- Construction or expansion of utilities such as electric substations, water plants and above ground reservoirs, and wastewater treatment plants.
- Construction or renovations to bus shelters, parking structures and lots, and road intersections.
- Construction or renovations to maintenance facilities for public works and utilities, recycling centers and transfer stations.

**Eligible Capital Improvement Project Costs Include:**

- Cost of architectural design and/or engineering of construction project.
- New construction of a building or of additional space or renovation.
- Any reconstruction or renovation of a building or part of a building equal to or exceeding in cost of $50,000.

**Ineligible costs include:**

- Administration, fees and permits, building demolition, relocation of tenants, contingency funds, land or building acquisition, off-site costs, environmental testing or indirect costs (such as interest during construction), advertising and legal fees.
- Any projects or project cost components specifically excluded by Town Council.

**Ineligible Capital Improvement Projects:**

Projects not visible to the public are not subject to voluntary percent for art consideration. Such projects include below grade construction, rehabilitation of equipment, ordinary maintenance, and sewers.

Where a Capital Improvement Project has a scope of work that includes eligible and ineligible items, for example, remodeling and ordinary maintenance, the art budget amount shall be calculated on the eligible portion of the project.

**Projects Not tied to Capital Improvement Projects**

As part of the AAPP the PAT and Public Art Coordinator will make recommendations to the Town to consider projects beneficial to the community that are not part of a Capital Improvement Project budget. (Examples may include: enhancements to the parking garages, existing pedestrian spaces or historical markers). These projects will be considered only if the pooled funds are available to provide sufficient resources.

**Pooling of Funds (POF)**

It should be noted that every public art project both large and small takes significant staff resources to accomplish and maintain. Therefore, the flexibility to pool public art funds will ultimately reduce administrative costs, while creating higher impact projects.

**Public Art Funds may be used to:**

- Commission Public Art.
- Improve the aesthetic quality of public spaces and structures.
- Contribute to local heritage.
- Stimulate arts-related economic activity.
- Commission permanent artwork as identified by the AAPP.

- Commission temporary and performance art in public places.
- Maintain the existing public art collection.
- Support nonprofit arts groups and facilities that offer public benefits and increase cultural tourism (Center for the Arts).
- Support business incubators and economic development for the arts.
- Support the administration costs of the Public Art Coordinator.

**Private Funding Overview**

Throughout the country, private developers are discovering that including artwork can enhance the overall quality of a project and give it a unique character, not achievable in other ways. Public art can stimulate private developments that are unique and contribute in a positive way to establishing a regional sense of place. Public art and cultural facilities in private development can heighten the image and the value of a project and its income producing potential. Tenants like artwork and the identity it gives a building.

In the Town of Jackson, the Public Art Coordinator will serve as a source of information for private developers to utilize public art in new development projects.

Public art in private developments, especially in the Town, meets the goals of the Comprehensive plan by "promoting public spaces and civic facilities that are interesting, memorable, and reinforce the desired sense of community."

**Public Art in Lieu of Landscaping – Land Development Regulation Amendment**

**Amount:** Value of landscaping traded for Public art.

**Eligible Projects:** This offers private development projects required to meet a landscaping requirement an option to pay for public art enhancements in lieu of landscaping requirements.

Insurance and Maintenance of public art is the responsibility of the property owner.

**Exemptions:** Reproductions of original works of art; decorative, ornamental or functional elements designed by the architect or consultants engaged by the architect; elements generally considered to be components of a landscape architectural design except where designed by an artist; art objects which are mass-produced of standard design, such as playground equipment or fountains; directional or other functional elements such as super graphics, signs, color coding, maps, unless designed by an artist.

**Donations and Supplemental Sources of Funding**
If supplemental sources of funding are used for public art projects, including grants, private donations, land, and in-kind services, Jackson Hole Public Art will identify the private interests or other restrictions associated with such funding and review the development of the public art projects for which the funding is used to ensure compliance with donor intent and other restrictions.

## *5) Commissioning*

**Selection Process and Criteria**

This section is meant to serve as a guideline for the commission of artwork for eligible projects. It is a fluid document and is subject to change. It is not legally binding.

**Selection Process**

**Call for Artists**

Upon the identification of a specific project, criteria for the artwork and the location of such art shall be determined by the Public Art Coordinator in collaboration with the client agency to create the Call to Artists. Consideration of the appropriate media (sculpture, landscape design, painting, etc.) should be developed along with recommended criteria (environmental, historical, western, contemporary, etc.) for the artwork (*criteria is further defined in 2.6.2*). This might be very specific or left open for the artist to develop ideas. In some cases it may prove helpful to define a number of sites to specifically integrate artwork within the scope of a

project. Once this phase is completed, a Call for Artists is drafted by the Public Art Coordinator and approved by the Public Art Task Force. Revisions may be proposed by the selection panel (see below) in the case that the Call for Artists does not represent the project in its entirety.

**Selection Panel**

The selection panel will consist of arts professionals and enthusiasts, neighborhood residents of the proposed site, general community members, Town administrator, project stakeholders (e.g., Public Works Department members, Parks and Recreation Department members), etc. The makeup of the panel will strive to include individuals with a background or interest in visual art, design and the built environment. The panel will be assembled by the Public Art Task Force and shall seek to create a diverse representation of the project. The findings of the selection panel will be reviewed by the Public Art Task Force before they are brought to the elected bodies.

**RFP/RFQ/Invitational**

Three different methods may be used in a Call for Artists: Requests for Proposals (RFP's), Request for Qualifications (RFQ's) and Invitational process (submit proposal or be interviewed). The best practice in the field of public art favors RFQ's due to the time and effort involved in developing a RFP without compensation for the artists' efforts. An RFQ allows for a real interaction between the commissioned artist and the client agency, wherein concepts can be presented in sketch form and can go through a normal and productive design development cycle. This approach yields artwork far more integrated and sensitive to the site, context and goals of the public art project.

**Request for Proposal (RFP) –** A RFP will specify the information and format the artist must follow to submit his or her proposal. Generally, background information (resume, slides of prior work, newspaper articles, etc.) is requested along with concept sketches and a written description of the project. In addition to artist's fees, material costs, construction and installation costs, insurance and documentation costs may need to be accounted for. If artists are selected nationally there may be airfare and hotel costs. Three to five finalists are selected, and are expected to further develop the idea presented initially. An honorarium for finalist proposals is required, ranging from $500-$2,000.

**Request for Qualifications (RFQ) –** A RFQ is issued to select a short list of (3-5) artists to develop proposals. Typical requirements of a RFQ include; a resume, letter of interest, slides of previous work and references. Artists are not asked to develop any specific concept or sketch in their initial response to the RFQ. A short list of artists is selected and an honorarium is paid ($500- $2000) to cover the research and concept development for finalist proposals. Artists have the chance to ask question of the selection panel, project architects and associated individuals or agencies to further enhance their knowledge of the particular project. Open communication during the finalist proposal development phase is paramount to provide finalist artists the maximum amount of information for their proposal.

**Invitational –** In some cases, rather than reviewing a large number of proposals as a result of issuing a RFP or RFQ, a smaller number of artists can be invited to submit proposals. These artists can be located through a variety of means including review websites, contacting local arts organizations, speaking with local arts professionals and/or contacting national organizations with existing artist registries. This approach reduces the office work and time needed to review, organize and select finalist artists from large pools of applicants.

**Advertising the Call for Artists**

Once a Call for Artists has been finalized by the Public Art Task Force, it will be advertised in a variety of online, print, and social media sites. The scale of the project and the Public Art Task Force's recommendations will determine the breadth of advertising. Some projects will seek to involve local artists, while others may be more appropriate for nationally recognized public artists.

**Local media outlets to disseminate a Call for Artists:**

- The Gallery Association
- Art Association - Splash Publication

- Non-Profit and Chamber of Commerce ListServ's
- Jackson Hole News and Guide
- Jackson Hole Weekly
- www.JHUnderground.com
- www.thesnaz.com
- Teton Artlab
- Cultural Non-profit email lists
- Any others deemed necessary by the Public Art Coordinator

**Public Art Lists to post Calls for Artists:**

- CAFÉ (WESTAF)
- www.4culture.org/publicart/calls/default.asp
- http://phoenix.gov/maillist/milestone/subscrbe.html
- http://www.lvartscommission.com/contact/
- www.callforentry.org
- www.urbanartsinstitute.org
- www.publicartreview.org
- www.sculpture.org
- www.artopportunitiesmonthly.com
- http://artdeadline.com
- www.artsopportunities.org
- www.theartlist.com
- Any others deemed necessary by the Public Art Coordinator

**Artwork/Artist Selection Criteria**

These criteria are the minimum standards on which the selection panel shall base its selection of artists or artwork in response to the Call for Artists. Additional criteria may be established by the Public Art Committee in response to a project's particular requirements and context.

**Artwork Criteria**

1. Aesthetics- The selection panel shall seek artwork of the highest quality in terms of timelessness of its vision, design and integrity. Commissioned and acquired artwork will strive for the highest quality to complement Jackson's built and natural environment.

2. Context- The selection panel shall, in its deliberations, give due consideration to the appropriateness of the proposed project in terms of scale, materials, content and design with respect to its immediate and general, social and physical context.

3. Public Safety- Artwork shall be evaluated to ensure that it does not present a hazard to public safety.

4. Maintenance- Due consideration shall be given to structural and surface soundness, and to inherent resistance to theft, vandalism, weathering, and excessive maintenance or repair costs.

5. Electrical and Mechanical Considerations- All electrical, mechanical and engineering components must be stamped by a licensed engineer. Upon completion, a sealed as-built drawing may be required from the Building Official.

6. Public access- Will the public have free access to the artwork? The selection panel should consider the visibility and accessibility of artwork for people with disabilities, and ensure the artwork accessible to everyone.

7. Diversity- The Public Art Selection Panel shall actively seek diversity in style, scale, media and numbers of artists represented. A wide range of expressions from metaphorical, allegorical and narrative work will be encouraged in addition to artwork which is stunning in material, form, color, pattern and context.

8. Reproductions- The following non-artistic items do not qualify in the selection of artwork: Reproductions of original works of art; decorative, ornamental, or functional elements which are designed by the architect or consultants engaged by the architect as opposed to an artist commissioned for this purpose; those elements generally considered to be components of a landscape architectural design except when elements are designed by the selected project

artist and are an integral part of the project artwork; "art objects" which are mass-produced of standard design; directional or other functional elements such as super-graphics, signs, color coding, or maps.

**Public art should avoid:**

- Sharp edges, points, projections, or pinch-points which may cut, puncture or cause injury by impact, catch passing pedestrian clothing or entrapment of limbs.
- Overhead parts which present a hazard to pedestrian traffic. Artwork should follow minimum sign height requirements in areas where pedestrian traffic is likely.
- Trip hazards and slippery surfaces if set into sidewalks or flooring.
- Unsafe climbing opportunities for children/adults.
- Obstruction of any traffic control device.
- Cynical, pornographic, and otherwise obscene artwork that is not appropriate for public display.

**Artist Selection Criteria**

1. Eligibility- Public art projects are open to any professional artist whose residency meets the guidelines set forth in the RFP/RFQ. Members of the project consultant's firm or anyone employed thereby, members of the selection panel, or employees of the Town of Jackson shall be excluded from consideration.

2. CV/Resume- Artists will be selected on the basis of their qualifications as demonstrated by their past work. Preference will be given to artists that have demonstrated the ability to respond to a project's parameters including; site, context, materials, fabrication, and installation of completed work.

3. Context- Artists shall be selected on the basis of the appropriateness of their proposal to the particular project and its probability of successful completion, as indicated by the merit of their past work. Artists commissioned for site-specific projects must be able to clearly articulate their given approach to creating work within the context of a project.

4. Design Team- In the case of the design team approach, whereby an artist is commissioned in the conceptual design of a construction project, an artist's willingness to fully participate in a collaborative process will be considered criteria for selection. Additional criteria for selecting artists for design teams shall include but not be limited to the following:

- Proven ability to work effectively in collaborative situations
- Experience in architectural or landscape-based projects
- Experience working with design professionals and integrating artistic concepts into construction documents

5. Equal Opportunity- Selection of an artist will be made without regard to race, gender, religion, sexual orientation, and people with disabilities.

## *6) Maintenance*

The Public Art Coordinator will make recommendations for investment in maintenance of the public art collection based on professional evaluation of the state of the artworks.

The Town will own all works of art created or acquired with Public Art Funds. Every public art project funded with public art funds will reserve a sufficient amount for long-term maintenance and conservation of the work(s) of art as determined by the artist's maintenance plan. All artists selected in the commissioning process will be required to submit a detailed maintenance plan.

Artists selected to create and provide permanent and temporary works of art will specify the maintenance that will be required for the work of art and submit a maintenance schedule as part of their contract with the Town.

The contract should provide that the artist(s) will be responsible for the first full year of project (after installation of the artwork), including all corrections and/or repairs of the work(s) of art.

If the work of art is a gift of a pre-existing work of art, the donor will include a documentation of all maintenance work done to date and a schedule of future maintenance. The Town may request maintenance funding with the donation of the artwork.

**The Public Art Coordinator will advise the Town in the AAPP:**

- When the services of a professional conservator are required to evaluate the status of the public collection.

- The Town will, in consultation with PAT and the Public Art Coordinator, decide any and all remedies necessary to restore the works to their desired condition.

**Should maintenance or conservation be necessary, the Town will:**

- Follow the recommendations and instructions of the professional conservator.

- Inform the Public Art Coordinator of these recommendations in writing.

- Consult the artist(s) or the estate of the artist prior to executing these recommendations of allocating any monies accrued to the Public Arts for this purpose.

## *7) Education & Community Outreach*

Public education is a cornerstone of any successful public art program. Jackson Hole Public Art will act as the Town's partner in providing education about the permanent Public Art Collection and any temporary displays of art.

No funds for education shall come from the 1.5% of Capital Improvement Projects. Jackson Hole Public Art will support education with private funding and grant writing when necessary.

**Jackson Hole Public Art is developing:**

- Website with images and information on all publicly and privately owned art located on or adjacent to public space (pending Town of Jackson approval).
- Self guided tours using digital imaging technology (Philadelphia's Museum without walls).
- "Art Adds Value" brochure for private developers.

**In the future Jackson Hole Public Art seeks to develop:**

- Database of artists and fabricators working in the region (Town, County and Local Communities).
- Conduct professional development programs for local artists.
- Invite experienced artists and creative professionals with significant public art experience to provide education, offer technical assistance and creative solutions to the problems and challenges most frequently encountered in commissioning public art.

The Public Art Coordinator is available to make presentations for professional groups such as the American Institute of Architects (AIA), Downtown Business Association and the Rotary Club.

## *8) Public Art Donations*

Parties interested in making donations of art to the Town of Jackson are to contact the office of the Mayor and/or the Public Art Coordinator, who will facilitate the consideration of the requested donation. Works are accepted based on a review by a specifically convened selection panel and/or the Design Review Committee and/or Public Art Task Force who will consider the quality, condition, content, future maintenance requirements, site appropriateness, public safety and relevance of the work to the collection. Any public artwork proposed for donation to the Town of Jackson or for installation on public property must meet the standards for public art established in these Public Art Guidelines. The Town (may) require(s) a maintenance endowment. Donations are considered a tax-write off and are subject to review by the Town Attorney.

No work of art may be accepted as part of the public art collection if the donation violates any statutes, or regulations of Town policy on the acceptance of gifts.

**Procedures for Donating Works of Art**
For each proposed gift of art, the donor must contact the Jackson Hole Public Art and/or the Town and provide a Gift of Art Disclosure Form see Appendix D. This Form must be accompanied by photos, slides, video(s) or other viable representations of the work, documentation of ownership (provenance through bill of sale, title, deed, etc.) and declared value. The Form must also be accompanied by information concerning the care and maintenance of the work of art.

Upon receipt of a Gift of Art Disclosure Form, the Coordinator will review the gift with a specially appointed selection panel, the PAT and/or the Design Review Committee. The panel will consist of: the Public Art Coordinator to act as chair, an appropriate community representative, an appropriate Town representative, and appropriate artist(s) dependent upon the scope of the proposed gift.

The panel will review the Gift of Art Disclosure Form and may further request to see and inspect the actual artwork and/or documents pertaining to the work of art. Upon finalizing its review and based on the review criteria below, the panel will make a recommendation to Town regarding acceptance or rejection of the work of art.

**Selection Panel Criteria for Gifts**

The following criteria will be used by the selection panel when considering a proposed gift of a work of art.

**1. Originality of artwork.** The work of art must be one-of-a-kind or part of any original series. Reproductions of original works of art are not considered eligible for acceptance.

**2. Restrictions from the donor.** Any restrictions that will have to be honored by the Town must be clearly identified.

**3. Appropriateness of a proposed or chosen site for the artwork.** Materials, theme and scale of the work of art will be evaluated relative to any site identified by the donor or relative to a site identified by the Town.

**4. Artistic Excellence.** The proposed gift of art must contribute an aesthetic benefit to the Town's art collection.

**5. Technical feasibility.** The practical ability for the proposed works of art to be sited, and/or installed. Careful consideration will be made concerning the current condition of any artwork whereby works of art requiring considerable and/or immediate maintenance or conservation will only be accepted in rare cases. The installation detail must be provided by the donor and approved by a structural engineer. The costs associated with engineering review will be borne by the donor.

**6. Relationship to the collection as a whole.** The commission is committed to developing a diverse art collection. The proposed gift will be evaluated based upon its enhancement and its diversity with that of the overall art collection of the Town.

**7. Vandalism and safety.** The artwork cannot be prone to pose a safety hazard to the general public and will not be prone to vandalism. Requirements placed upon the donor, to rectify such, may be made by the Panel.

**8. Maintenance and preservation.** The Donor shall include, as part of the Panel overview, a technical and maintenance record including a plan for routine expense estimates. Further, the Donor must indicate if there is any unusual maintenance costs associated with the artwork.

**9. Timeline.** The commission will determine if the proposed timeline is acceptable.

**10. Shipping:** The donor shall pay for shipping and handling and the hiring of a professional installer. Public Works and/or Parks and Recreation may provide in-kind support if directed by the Town Council.

**11. Naming:** The Town will approve with donor as part of the agreement any donor recognition on the title plaque.

## *9) De-Accession*

Deaccessioning is a procedure for the withdrawal of an artwork from public collection. De-accessioning may be addressed by referring to the de-accessioning policy or by specifically addressing the issue directly in the contract. De-accessioning public art must consider the federal regulations set forth in the Visual Artists Rights Act of 1990.

**Overview:**
Works of art are being accepted by and for the Town of Jackson through donations, gifts and Jackson Hole Public Art.

**Policy:**
Permanent works of art commissioned and/or acquired as a consequence of the Public Art Guidelines should not be deaccessioned before the tenth anniversary of installation or

acquisition, except in the case of portable works of art or special circumstances whereby an art piece has been damaged beyond reasonable repair. In determining whether a work of art should be deaccessioned, the Public Art Coordinator will ascertain public sentiment. Further, a Subcommittee will consider deaccesssioning of an artwork only after a careful and impartial evaluation of the artwork has been completed. All findings of the Subcommittee shall be presented to the Town along with a recommendation for implementation. The Public Art Coordinator will, in addition, contact the artist, if possible, or the estate of the artist prior to making a formal recommendation to the Town.

**Eligible Artworks:**
All Artwork owned by the Town of Jackson are eligible. All legal documents relating to a donated art work will be consulted prior to commencing the deaccessioning process.

**Deaccessioning Procedure:**
A Deaccessioning Subcommittee of the Public Art Task Force will be formed, which will include no more than five (5) professional/experts including three (3) members of the Task Force, an art conservator or curator, and a Town representative. The Public Art Task Force will periodically review the entire public art collection, or when circumstances necessitate a subcommittee will be convened to review a specific artwork. The Public Art Task Force will be responsible for recommending artwork for deaccessioning consideration.

**Criteria for Deaccessioning:**
The Public Art Program may consider the deaccessioning of artwork based upon one or more of the following:

- The artwork is damaged or has deteriorated beyond practical repair or repairs exceed the value of the work.
- The artwork is not, or is only rarely on display due to lack of a suitable site.
- The artwork cannot be relocated or would not be appropriate for relocation.
- The artwork cannot be reasonably secured.
- The artwork has received sustained and overwhelming public objection over a five-year period.
- The artwork required repeated and excessive maintenance.
- The artwork has identified substantial faults of design or workmanship.
- The artwork site would warrant a more significant artwork by the same artist.
- The artwork has been deemed to be substantially incompatible or inferior to the Town collection.
- The artwork endangers public safety.
- The artwork is impacted negatively from site/location alterations.
- The artwork is destroyed.
- The artwork is found to be inauthentic.

**Sequence of Action:**
A Subcommittee appointed by Public Art Task Force and approved by elected officials determines that an artwork meets one of the above criteria. The Subcommittee may request additional information from the artist, curators, appraisers, or other professionals prior to making a recommendation to the Town.

**The Public Art Coordinator will prepare a report that includes:**
- A legal review of all documentation related to the artwork, by the Town Attorney.
- Any recommendation(s) from the appropriate Town staff in ownership of the artwork.
- Completion of all deaccessioning worksheets.
- The Public Art Task Force deaccessioning documentation, including, method of removal.
- The PAT will review the staff report at one of its regularly scheduled meetings.
- The PAT recommendation will be sent to the Town for consideration at a regularly scheduled meeting.

**Upon the Town confirmation of the recommendation,**
**The public art coordinator shall determine:**

- If the artwork may be sold or exchanged.
- If the sale of artwork is within the compliance of all State and Local.
- The all relevant Laws and policies governing personal property are upheld.
- An Artist, or the estate of the Artist, shall be given first option to purchase or exchange the artwork(s).
- That the method of sale may be through auction, direct bidding by individuals (open or closed bids), or gallery consignment resale.
- That an artwork exchange may be executed through a public or private museum, institution, artist, or gallery, provided that such exchange is of comparable value.
- No artwork shall be sold or traded to members or Town staff or the Public Art Program consistent with the Public Art Program conflict of interest policy.

- Net proceeds from artwork sold shall be placed in the account of the Public Art Fund for future art work projects. Any preexisting contractual agreement regarding resale, between the Artist, and the Artist's estate, shall be honored. Further, any proceeds from artwork sold, which were originally created or purchased with funds that carried restrictions (i.e., bond funds for street, sewer, or public building) shall be utilized in any future artwork by the Town of Jackson in the same manner and consideration as when the funds were initially utilized.

**Destruction of artwork deteriorated or damaged beyond reasonable repair and/or deemed to be of negligible value.**

If the PAT is unable to dispose of the artwork in a manner outlined above, the PAT may recommend to the Town another method of disposition or donation to a non-profit organization.

## *10) Implementation of the Public Art Guidelines*

For this plan to be successfully implemented, there needs to be a clear and accountable strategy in the immediate two years. These years are critical to seizing the energy and funding generated by Jackson Hole Public Art and building the foundation for this plan to integrate into the Town offices and the community it serves. Indicators are listed below as a checklist of tasks needed to make the plan work.

**Implementation Strategy**

The goal of the implementation strategy is to plan ahead, identifying measurable goals and milestones to put the public art plan into effect.

**2012 Strategy**

**Town Duties:**

- Adopt "Strategy 3.2.S.7: Coordinate with a public art task force to write a public art plan for the community", from the Comprehensive Plan as **a year one work program priority**, because the Jackson Hole Public Art program exists and is currently funded to provide this service.
- Approve and implement the process of the 2012 Annual Art in Public Places Plan (the AAPP).
- Approve the Pooling of Funds as a strategy to develop a responsible and sustainable program.
- Town establish and appoint members to the Public Art Task Force.
- Adopt the Public Art Policies and Guidelines of this Plan in a Town of Jackson or Joint Resolution.

**The Director of Jackson Hole Public Art continues work on the following:**

- Revise and release the Public Art Guidelines with input from the Town planning departments, senior staff and elected officials.
- Offer a workshop on arts and culture planning, economic impact and recent innovations in Public Art Programs.
- Administer pilot projects.
- Identify and advocate for public art in upcoming private development projects.
- Provide education for the public, elected officials, and stakeholder groups about public art and the public art plan.
- Focus on potential projects with the strongest impact.
- Administer the public art process for projects adopted through the Annual Art in Public Places plan.
- Design and print a Public Art Brochure for the planning departments to give to private developers.

## Appendix A- Public Art Overlay Map

**Public Art Overlay Map**

**Summary:** This concept is similar to the Historic District overlay (if a building is slated for demolition, this triggers a review mechanism for the Historical Society to assess the historical significance of the building. The review process lasts for 60 days.) In a similar manner, a public art overlay map will provide a mechanism that will alert the PAC of new private developments proposed within the overlay map. The project can then be reviewed by the PAT to determine if advocacy for public art will be appropriate given the location, size of the project, and developer.

**Policy:** A public art overlay map will provide an internal review mechanism to alert the PAT of new developments. It will be the duty of the Public Art Coordinator to make an initial review of the project to determine if advocacy will be necessary for the new development to consider public art. The review mechanism will be triggered during the 'Sufficiency Review by Town Departments' in the final development review process.

## Appendix B - Sample Artist Contract

**A. Contract Terms**
**B. Title and Ownership**
**C. Reproduction Rights/Copyright**
**D. Warranties/Risk of Loss**
**E. Fabrication and Installation**
**F. Maintenance**
**G. Risk Management**
**H. Documentation**
**I. De-accession**
**J. Signage**
**K. Contract Enforcement**
**L. Termination or Cancellation of Contract**
**M. Project Delays**
**N. Contingency Fees**

A contract is the formal agreement between the Town of Jackson and the artist that outlines what is required and expected of each party. Contracts include all the information necessary for a clear understanding between the artist and the Town of Jackson. The contract will detail the commission amount, the artist's expected payment date, the party responsible for payment, and the procedure by which the artist's designs and maquettes will be reviewed and approved. Schedules for fabrication, transportation, and installation of the artwork and the responsibility of the Town of Jackson in maintaining the completed work will also be detailed. Although there will be a standard contract, flexibility within its structure will address the particulars of each project.

In cases where artists are not familiar with contracts or binding agreements, the Public Art Coordinator will take time to walk the artist through the process ensuring that the requirements and expectations are clear, especially with regard to budgets and timetables. Any questions on contract issues will be clarified with Town administrator.

**A. Contract Terms**

The following items will detail the necessary structure of an artist contract with the Town of Jackson.

**B. Title and Ownership**

The artist retains all rights and interest in the artwork except for rights of ownership and possession, which are passed to the Town of Jackson upon final acceptance. The artist warrants that the artwork is his/her sole and original creation, and does not infringe upon any copyright or trademark. If the commissioned artwork is one of a multiple edition, the warranty will be modified to state this fact.

**C. Reproduction Rights/Copyright**

The artist retains all rights under the Copyright Act of 1976. However, the artist agrees not to make an exact duplicate or permit others to do so, except by written permission of the Town of Jackson; the artist also grants the Town of Jackson the irrevocable license to make two-dimensional reproductions for promotional purposes. In turn, the Town of Jackson agrees to give the artist the appropriate credit on all such promotional pieces. The credit will include the copyright symbol, the name of the artist, the title of the piece, and the date of completion.

**D. Warranties/Risk of Loss**

The artist warrants that:

1. The artwork is made of quality materials;

2. The artwork is free of defects; and

3. The artwork will remain in good condition for 10 years under normal conditions with routine maintenance.

Additionally, the artist will remedy at his/her own expense any defect that occurs during the first year after installation. Finally the artist warrants that the artwork will not contain any physical characteristics, which would pose a hazard to public safety.

**E. Fabrication and Installation**

Because no two public art projects are exactly the same, the fabrication and installation stipulations required of artists in their contracts will be fairly general in nature. In terms of fabrication, the contract will stipulate reasonable durability and protection of materials. The Town of Jackson Call for Artists may outline material preferences for maintenance. Artists will supervise fabrication to assure quality-control warranties of the contract. Fabrication requirements will include, at minimum, that:

1. Artworks are free from defect;

2. Artworks be made of high-quality materials;

3. Craftsmanship be of high quality; and

4. The artist, the Town of Jackson and members of the selection panel will review the fabrication of the work while in progress.

Installation responsibilities between the artist, the Town of Jackson and the specific commissioning agency will be detailed in contracts. For installation, the artist's methods will be approved by the commissioning agency and, if necessary, a state-licensed

engineer (particularly when artists are responsible for paying for the installation). The permanence of the installation will be the issue of that approval, and specific requirements will be imposed, such as the use of safety hardware for hanging a suspended artwork. In addition, the following points will be considered:

1. The artist will approve site preparation before installation begins;

2. Artwork is to be installed when it is in no danger of being damaged by on-site construction work;

3. Standards and requirements set forth by the commissioning agency for installation should be adhered to; and

4. The artist is responsible for loss or damage to artwork prior to its installation on Town property.

**F. Maintenance**

The artist will submit maintenance requirements, guidelines, and costs for the artwork to the Town of Jackson, developed in conjunction and cooperation with the commissioning agency. In turn, the Town of Jackson will maintain the artwork and make decisions regarding repairs and restoration based on the maintenance guidelines submitted, and in consultation with the artist when necessary (as per the Visual Artists Rights Act of 1990). The Town of Jackson agrees that it will not intentionally destroy, damage, alter or modify the artwork, and that the artist will be informed, and will consent to any alteration of the artwork prior to repair work commences.

**G. Risk management**

The artist shall provide and maintain policies of comprehensive general liability insurance in specified amounts to be determined by the Town of Jackson, covering the period from which the art is being installed until the final acceptance by the Town of Jackson. The Town of Jackson and the architect will be named as the insured on all insurance policies.

Assignment of the insurance responsibility prior to, during, and after installation is clarified in contracts.

The following points should be considered:

1. To reduce the Town of Jackson's liability, fabrication will be done off-site whenever possible;

2. The engineer who signs off on the artist's drawing must verify that the final artwork has been built to specifications, by inspecting the artwork after installation;

3. The artist is responsible for providing general liability insurance when the artwork is in transit, being delivered, and being installed; and

4. The artist is responsible for any damage to the artwork until installation on Town of Jackson property.

**H. Documentation**

The artist must submit a detailed description of the project with approved designs and drawing to the Town of Jackson upon completion of the work. The artist is responsible for providing photo documentation, and should include these costs in the budget for the project.

**I. De-Accession**

De-accessioning may be addressed by referring to the de-accessioning policy or by specifically addressing the issue directly in the contract. De-accessioning public art must consider the federal regulations set forth in the Visual Artists Rights Act of 1990.

**J. Signage**

The Town of Jackson will prepare and install a plaque at the site that identifies the artist, the title of artwork, copyright symbol, date of completion, size of the work, and medium.

**K. Contract Enforcement**

Performance requirements identify whether or not artists are in compliance with the stipulation of the contract. There must be set guidelines if an artist is late, over budget, or completes the project ahead of schedule. These requirements may be tied to budget allocations. When the artist is under contract with the architect, the architect is responsible for the enforcement of that contract.

**L. Termination or Cancellation of Contract**

The agreement terminates if the underlying construction project is canceled. The Town of Jackson may also terminate the agreement if the artist willfully or negligently fails to fulfill any of the covenants, agreements, or stipulations of the agreement in a timely manner. If the artist is not able to produce an acceptable design in a timely manner, the body with which the artist has contracted (the architect or the Town of Jackson) has the right to terminate the contract by giving written notice to the artist of its intent. The artist shall have thirty (30) days to cure the default by producing an acceptable design. If the artist defaults, all finished and unfinished drawings, sketches, photographs, models, and maquettes of the work shall become the property of the Town of Jackson in payment for damages caused to the Town of Jackson by the default on the part of the artist.

The Town of Jackson must pay the artist for any work completed up to the point of termination as stipulated by the payment schedule. The remaining monies revert back to the Town of Jackson to finance the completion of the artwork when feasible. the Town of Jackson may withhold a reasonable amount of payment to the artist until the exact amount of any damages is determined.

Should an artist's contract be terminated by the Town of Jackson due to negligence or noncompliance on the part of the artist, the Town of Jackson has the right to consider that artist ineligible for any future art projects funded by the Town of Jackson.

**M. Project Delays**

If the artwork is ready on time, but the construction project is late, the commissioning agency should pay all maintenance and storage costs for the artwork until it can be safely installed. When an artist completes a work before the completion date agreed upon in the contract, the artist will be responsible for storage charges. Should the construction project be completed on schedule, but, due to conditions beyond reasonable control, the artist is late producing the finished artwork, it will not be considered a breach of contract, and the Town of Jackson will grant a reasonable extension of time to the artist. If the Town of Jackson incurs costs associated with such a delay, the contingency fee (see below) will be used to cover these charges.

**N. Contingency Fee**

Ten percent of the total art project budget will be set aside as a contingency fee to cover unforeseen and unavoidable expenses associated with the artist's completion of the project. If the contingency fee is not adequate to cover such costs, a renegotiation of the budget terms of the contract and/or an option to terminate the contract can be considered. If the contingency fee is not used, it can be either added to the artist's

design fee, or set aside for emergency conservation of the artwork, or split between the two.

## **Appendix C** - About Jackson Hole Public Art

Jackson Hole Public Art, a 501(c)(3) organization, aims to become Jackson Hole's leading presenter of public artist driven projects, new commissions, exhibitions and events in public spaces. We are committed to working with community developers, both private and public to ensure the integration of art into Capital Improvement Projects. We are dedicated to supporting our creative community by ensuring arts and culture is an integral part of our community's long-term vision and planning. By placing artworks outside the traditional context of museums and galleries the Public Art Initiative provides a unique experience and access for the public to discover the art of our time.

**MISSION**

The Jackson Hole Public Art facilitates partnerships and provides education for the integration of art into any environment.

**GOALS**

- Build infrastructure to support integration of public art in public and private capital improvement projects.
- Administer public art in capital improvement projects.
- Host museum-quality exhibition of art in public space.
- Provide opportunities for youth and emerging artists.
- Provide education about and maintenance for the public art collection.
- Cultivate creative vitality and economic development through creative placemaking.

**Public Art Board Members**
Gibson – PMB 316 Box 30000, Jackson, Wyoming 83002, 503-780-3256
Former Board Member Portland Regional Arts Council, Professional Artist
pamelagibson2@mac.com

Eric Logan – P.O. Box 97, Kelly, Wyoming 83011, 307-733-4000
Carney Logan Burke Architects
Town of Jackson Design Review Committee
elogan@clbarchitects.com

Susan Thulin – P.O. Box 3217, Jackson, Wyoming, 83001, 307-690-6266
Campus Director Central Wyoming College, Professional Artist
sthulin@cwc.edu

Phillip A. Coosaia, Market President, Private Bank Director, US Bank
Jackson, Wyoming
Office: 307-732-9891
Cell: 307-690-7165

Cathryn L. Brodie, P.C., Levy Coleman Brodie LLP, Attorneys at Law
PO Box 7372, 1110 Maple Way, 2nd Floor, Jackson, Wyoming 83002
Phone: 307.733.7057
Fax: 307.733.7142
Cell: 307.690.2070

Katy Niner – Freelance arts writer, former arts editor Jackson Hole News and Guide
415-710-7329
katyniner@gmail.com

Christian Burch – Teacher at Jackson Hole Community School, Author, Artist
christianb28@hotmail.com
307-690-3132

**Current Task Force Volunteers**
Darin Martins, Bronwyn Minton, Meg Whitmer, Meg Daly, Alissa Davies.

**OBJECTIVES**

- Infuse public spaces with art that celebrates our unique environment and cultural heritage.
- Increase cultural tourism by providing artist-driven public art installations, events and performances.
- Increase economic impact of the arts by developing programs that support our creative professionals, emerging artists and youth.
- Increase resident and visitor knowledge of the art of our time
- Increase the visibility of and opportunities for our creative workforce.

**PROJECTS AND PROGRAMS**
Jackson Hole Public Art's ongoing programs encompass three categories: (1) Building Public Art Program Infrastructure, including working with elected officials to develop voluntary funding sources and policies to support the voluntary integration of public art in CIPs (2) administration support for new developments wishing to include public art (3) assist in the development of community-based public art projects with social and educational messages (4) facilitate the public art component of major events and installations that increase cultural tourism by providing a unique artistic experience in a public setting.

## **Appendix D –** Sample Gift of Art Disclosure Form

A Gift of Art Disclosure Form, signed by the donor, the Director of the Public Art Program, and the Town Administrator, will be required. A copy should be given to all interested parties, and the original should be retained by the Town Clerk.

# GIFT OF ART DISCLOSURE FORM

TOWN OF JACKSON

1. Please describe the work of art being proposed for donation. Attach photographic and other documentation relevant to its value or merit. If available, please also attach any biographical information relating to the artist, or any published material relevant to the artwork.

   Artist:

   Title:

   Medium:

   Dimensions: (height x width x depth, weight):

   Year Created:

   Overall description:

   History of object (provenance, certificate of authenticity, bill of receipt):

   How did you/your organization acquire the artwork?

   Estimated value:

   Source:
   Condition: Excellent _____Good_____Fair _____Poor_____



2. Installation requirements (method of attachment, lighting, estimated cost, etc.):

3. Maintenance requirements:

4. Maintenance history, include names of conservators and copies of information about the work performed on this piece:

5. Are you/your organization willing/able to provide the funding necessary to install, light, and identify the artwork? (Please describe the work and estimate costs involved)

6. If you are proposing that the work of art be installed in a specific location, please describe why you feel that site is appropriate for the proposed donation.

7. Does the artwork acknowledge a person(s), place, or event that warrants broad and enduring public recognition?

8. Describe specifically any restrictions or stipulations you wish to place on this gift:

9. Would you be willing to include with your donation funding for maintenance? (Donations would be used for general maintenance of the public art collection).

10. Is there an existing plaque that accompanies the artwork? If not, suggested wording for identification plaque:

Other information

Donor profile

Name of individual or organization donating proposed artwork (if an organization, please also state the contact person's name):

Address:
Phone:
Fax:
Email:

Description of group/organization:

Reason for donating artwork:

Tax Implications, if any:

Person completing this form:
Telephone:
Date form completed:
List of documented materials:

Signature of Donor Date

_____
Printed name of Donor

Received by:

_____
Signature of Town of Jackson Administrator Date

_____
Printed name of Town of Jackson Administrator

APPRAISAL REQUIRED
ATTACHE HERE

## Appendix E - Glossary

Annual Art in Public Places Plan (AAPP): An annual plan prepared by the Public Art Taskforce (PAT) and the Public Art Coordinator identifying public art installations to be implemented for the upcoming year.

Call for Artists: A request for artist proposals for a specific public art projects identified in the AAPP, typically issued through an RFQ, RFP, or an artist invitational.

Capital Improvements Plan: An annual plan adopted by the Town of Jackson in conjunction with the Town's annual budget. The Capital Improvement Plan contains a list of individual Capital Improvement Projects to implemented within a given fiscal year.

Capital Improvement Project: An individual project contained within the Town of Jackson's Capital Improvements Plan, which may or may not include a public art component as described in these Public Art Guidelines.

Client Agency: The Town Department designated by the Town Council as the lead agency for the implementation of a certain public art project.

Creative Placemaking: Involves partners from public, private, nonprofit, and community sectors to strategically shape the physical and social character of our community around arts and cultural activities.

Public Art Task Force (PAT): A group of individuals appointed by Town to work with the Public Art Coordinator to create the annual art in public places plan.

Public Art Coordinator: An individual appointed by the Town Council to oversee the implementation of these Public Art Guidelines and the implementation of the AAPP. The Public Art Coordinator may be the Director of Jackson Hole Public Art, a 501(c)(3) nonprofit organization, or any person deemed qualified by the Town Council.

Selection Panel: A group of individuals appointed for the purpose of reviewing bids in response to a Call for Artists. The Town Council may appoint the Selection Panel or delegate appointment to the Public Art Taskforce.

# STAFF REPORT

| | | | |
|---|---|---|---|
| **Meeting Date:** | November 15, 2021 | **Meeting Title:** | Workshop |
| **Submitting Department:** | Town Administration | **Presenter:** | Lea Colasuonno |
| **Agenda Item:** | Municipal Code Update: Title 10 Vehicles and Traffic | **Public Comment:** | Yes |

**Purpose & Policy Considerations**.
The purpose of this item is to discuss Title 10, Vehicles and Traffic, of the Jackson Municipal Code with Council and receive direction on key policy issues in order to subsequently provide a revised version of Title 10 for Council consideration.

**Requested Action**.
Staff requests Council review the key policy changes presented and provide direction on each.

**Recommendations**.
Recommendations are provided for each item below.

**Background**.
The Town periodically updates the Municipal Code to ensure its applicability and content match the community's and municipality's needs and are relevant to current times. The Town Legal Department is currently reviewing one title at a time with the relevant departments and staff.

**Analysis**.
Key Policy Questions:

1. Should the Town update the definition of "private bus" in Title 10?
    a. **Current Policy**: Title 10 only allows "private buses" to stop, stand, and park in specific, limited locations and limits loading and unloading of passengers to a maximum of 10 minutes. It defines private bus "as any vehicle capable of transporting ten (10) or more persons exclusive of the driver."
    b. **Policy Decision Considerations**: Defining a bus to include any vehicle with 10 or more people includes passenger vans in the definition. As a result, passenger vans such as a Mercedes-Benz Sprinter, a Ford Transit, and numerous other models used routinely by private residents and commercial operators (guiding and wildlife tour operations) are prohibited from parking, standing, or stopping in most places in the Town.
    c. **Staff Recommendation**: Staff recommends updating the definition to more accurately capture the intent of the prohibition, which, it is believed, is to prohibit large tour buses from parking outside specified areas. Staff proposes using the federal definition of motorcoach to achieve this, which is as follows:
        > A motorcoach is defined as a bus with a gross vehicle weight rating 26,000 pounds or greater, 16 or more designated seating positions (including the driver), and at least 2 rows of passenger seats, rearward of the driver's seating position, that are forward-facing or can convert to forward-facing without the use of tools. Motorcoach includes buses sold for intercity, tour, and commuter bus service, but does not include a school bus or Southern Teton Area Rapid Transit bus.
2. Should the Town remove mandatory minimum, mandatory maximum, and optional penalties from Title 10?
    a. **Current Policy**: Title 1 of the Code sets the standard penalty for municipal code violations. Specifically, JMC § 1.12.010 states that "*[e]xcept in cases where a different punishment is prescribed* . . . any person who violates any of the provisions of the ordinances of the Town shall be . . . *punished by a fine of not more than $750.00*." Council has, in a few Title 10 subsections, set a different penalty for offenses:

i. JMC 10.14.080 (scooters and skateboards): "Any person or persons found guilty of the violation of any of the provisions of this chapter shall be fined in an amount not to exceed that set forth in Section 1.12.010 of this code, *to which amount shall be added the costs of court and the municipal judge may, either in lieu of or in addition to such fine, prohibit the operation upon the streets, alleys and public places of the Town, for a period not to exceed six months, of the scooter or skateboard utilized in the violation and the scooter or skateboard so used shall be impounded by the Chief of Police and retained by him for the period that the operation thereof is prohibited by the court*."

ii. JMC § 10.16.030 (roller skates and rollerblades): "Any person or persons found guilty of a violation of any of the provisions of this chapter shall be fined in an amount not to exceed that set forth in Section 1.12.010 of this code, *to which amount shall be added the costs of court and the municipal judge may, either in lieu of or in addition to such fine, prohibit the utilization upon the streets, alleys and public places of the Town, for a period not to exceed six months, of roller blades or roller skates utilized by the person convicted for a period not to exceed six months*."

iii. JMC § 10.04.355 (wireless device use while driving) "Any person violating any provisions of this section is guilty of a misdemeanor and shall be subject to the following fines: 1. Upon a first conviction the person shall pay a minimum fine of Seventy Five Dollars ($75.00); 2. Upon a second conviction the person shall pay a minimum fine of One Hundred Dollars ($100.00); 3. Upon a third citation, and any additional citations beyond that, the person shall appear before the Municipal Judge and, upon a third conviction, and any additional convictions beyond that, pay a minimum fine of One Hundred and Fifty Dollars ($150.00) and a maximum fine of Seven Hundred and Fifty Dollars ($750.00)."

iv. JMC § 10.04.200 (handicap parking spaces): "Any person violating the provisions of the ordinance codified in this section shall be subject to a minimum fine of twenty-five dollars per parking citation."

b. **Policy Decision Considerations**: There are a variety of considerations at play with regard to these four penalty provisions:

i. <u>Administrative Tracking</u>: It is a significant challenge for staff to track the *convictions* for cellphone violations. Rather than tracking whether an individual received a ticket, it is a matter of whether each ticket resulted in a conviction (versus a warning, a not guilty resolution, or a dismissal). This requires coordination between siloed software. Second, this provision does not include, currently, an "expiration" – i.e., a cellphone ticket conviction from 2000 counts as a "first" conviction, raising questions of fairness, equity, etc. that are best suited to the nimbleness of a court system that is built to take ad hoc factors into account (rather than a static ordinance).

ii. <u>Obsolescence of Fine Amount</u>: When fine amounts are set by ordinance, they are static and age annually, meaning keeping them appropriate requires frequent ordinance updates. The minimum fine amount of $25.00 for illegally parking in a spot for persons with disabilities appears to be an extreme example of this, while the cellphone ticket fine amount of $75.00 not having been updated since 2014 is a milder one. In contrast, the Municipal Judge's Bond Schedule is updated annually.

iii. <u>Appropriate Delegation to Legal System</u>: The setting of fines for particular violations is squarely the role of the legal system and it is best suited to do it. The value of having Council set a maximum fine amount in Title 1 is that it creates the framework within which the prosecutor, defense attorneys, defendants, and the judge work to come to an appropriate, fair, balanced resolution for each offense and the circumstances thereof. Those parties are best suited, indeed trained for, the negotiation of aggravating and mitigating facts: Was the driver undergoing an emergency that

required use of their cellphone while driving to communicate with the hospital? Was the driver that parked in the spot for persons with disabilities using crutches? Did the skateboarder fly into oncoming traffic blindly or do a trick in an empty parking lot?

c. **Staff Recommendation**: Staff recommends eliminating these exceptions from Title 10, allowing the Council's standard jurisdictional maximum of a $750.00 fine (per day/per violation) to control.

As for technical updates to Title 10, the primary, general changes include:

A. Repealing provisions that duplicate state statute.
B. Removing all schedules from the Code and, when appropriate to have a schedule, enacting them via resolution.
C. Rewriting antiquated language; improving clarity generally; updating provisions to match current policy, practice, and standards.
D. Adding a provision for impoundment-in-place (booting vehicles that fail to pay three or more parking tickets).
E. Moving rules previously stated in schedules (inappropriately) to their own subsections in the Title.
F. Adding a provision to prohibit tampering with parking enforcement (erasing chalk on tires, tampering with digital evidence, interfering with officials enforcing parking rules).

**Alternatives (Optional)**.

**Comprehensive Plan & Priority Alignment**.
Section 8.1 and 8.2: Timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

**Fiscal Impact**.
Revenue: There are no, or at best negligible, revenue impacts from updating Title 10.
Expense: The Town hired a consultant to review the entire Code for consistency with state law at a cost of $5,000. When the entire titles are updated, there is significant cost to advertise the full title, which could range up to $2000.

**Staff Impact**.
The staff impact of updating the Municipal Code is significant. The Code provisions regulating vehicles and traffic have been, over the years updated, but not comprehensively evaluated in decades. Over the last three months, the Legal Department has spent, approximately, 60 hours working on this update.

**Attachments or Links**.
None.

**Suggested Motion**.
I move to direct staff to 1) revise Title 10 of the Jackson Municipal Code with the policy recommendations presented in this staff report; 2) revise the Title for technical matters identified by staff; and 3) bring back a full revised draft of the Title for Council consideration at a future meeting.

# STAFF REPORT

| | | | |
|---|---|---|---|
| **Meeting Date:** | November 15, 2021 | **Meeting Title:** | Workshop |
| **Submitting Department:** | Community Development | **Presenter:** | Tyler Sinclair |
| **Agenda Item:** | Stable and Transitional Residential Neighborhoods Presentation and Public Comment | **Public Comment:** | Yes |

**Purpose & Policy Considerations**.
The purpose of this item is to present Council with an overview of the major land use changes and building permit and valuation trends in our Stable and Transitional residential zones since the adoption of the Comprehensive Plan in and updating of the Land Development Regulations. Based upon this information Council may consider whether changes to the Land Development Regulations (LDRs) or other changes to Town regulations are desired to ensure the vision and goals of the Comprehensive Plan are being achieved.

*Staff notes that the purpose for this item is for staff to present the information, for Council to ask clarifying questions, for Council to consider the data and information, and to allow for public comment. Council discussion of possible solutions and next steps will occur at a future meeting.*

**Requested Action**.
Staff requests that Council discuss and provide direction on next steps including further research, discussion and analysis, amendments to the Town Land Development Regulations, other.

**Recommendations**.
None

**Background**.
At the March 15, 2021, Council workshop this item was discussed with a focus on East Jackson. The outcome of the March workshop was Council directing staff to develop a scope of work to include further research, analysis, and discussion of changes to residential character in both stable and transitional subareas throughout the Town to be included in the FY22 Comprehensive Plan Work Plan. See the link to the March workshop for further background and previous Council discussion on the topic.

At the May 2, 2021, Joint Information Meeting, Council approved the FY22 Comprehensive Plan Work Plan including Town Review of Character Change in Town Stable and Transitional Comprehensive Plan Districts.

**Stable Areas – LDR Amendments**
The below information is intended to show the major changes made in residential zones since adoption of the 1994 LDRs. All of these zones are considered "Stable" in the 2012 Comprehensive Plan, which means additional density is not expected but that redevelopment will still happen according to development standards and market fluctuations. Please see the Comprehensive Plan section below for further policy direction and guidance on stable areas. Maps of the areas generally being discussed will be provided at the meeting.

The primary residential zones from 1994 to 2018 (date of major LDR update) were:

- Neighborhood Conservation (NC) — allowed 1 single family detached unit (1 unit)
- Neighborhood Conservation - 2 (NC-2) — allowed 2 single family detached or duplex units (2 units)

- Auto-Urban Residential (AR) — allowed 1 single family detached and two accessory residential units/apartments (3 units)
- Suburban (S) — allowed 1 single detached unit (1 unit)

Major changes to these zones since 1994 that impact density, massing, and design of residential properties are as follows:

- **2009 (NC District):** Town adopted maximum Floor Area Ratio (.40), Landscape Surface Ratio (.45), lot coverage (32%), and minimum lot size (7,500 sf) requirements for first time in NC District due to concern about overly large houses being built in Gill Addition. These changes had the net impact of reducing the potential mass of homes in the NC zone.
- **2016 (Apartment/ARUs):** Town allowed apartments/ARUs in all residential zones. This impacted NC, NC-2, and S zones because these zones did not allow apartments/ARUs prior to this change.
  - NC lots without alleys allowed 1 ARU, while NC lots with an alley allowed 2 ARUs.
  - NC-2 lots allowed 1 ARU per primary home (potential for 4 units on one lot).
  - S lots allowed 1 ARU
    - NOTE: Floor area was not increased, setbacks were not reduced to allow ARUs, so maximum floor area and building massing were unchanged. However, the potential for increased intensity of use (more people/cars) was allowed.
- **2018 (all residential zones):** A major LDR update was approved for all residential zones, including new names and some new standards relevant to this discussion as provided below:
  - NL-3 (old NC with no alley access): No major changes, except reduced height from 30' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs;
  - NL-4 (old NC with alley access): No major changes, except reduced height from 30' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs;
  - NL-5 (old AR): Increased FAR from .32. to .40 to match NL-3 and NL-4. Changed height from 26' for all structures to 26' for flat roofs and up to 30' for steep pitched roofs (same as NL-3/NL-4) Allowed three structures on any kind (except condos) to be attached or detached instead of just SF with two ARUs.
  - NM-1 (old NC-2): mostly small changes to accommodate ARUs.

Major things that have <u>NOT</u> changed from 1994:

- Other than as summarized above, the amount of floor area, amount of greenspace, and setbacks have remained essentially the same since 1994. There is not now nor has there ever been design review for single family homes and apartments/ARUs. Thus, most of the large structures being built today in the Gill Addition and East Jackson could have been built in years past (except for ARUs, if present).

Staff finds that the only significant land use change to these "stable" zones has been the addition of apartments/ARUs in 2016.. However, change to the existing physical character will be seen through the use of existing development potential in these areas primarily through the development of vacant/underdeveloped lots, the addition of ARUS and through the development of additional square footage. Changes to the social character (who lives there) is harder to predict but will be discussed further below.

**Transitional Areas – LDR Amendments**

The below information is intended to show the major changes made in residential mix use zones since adoption of the 1994 LDRs. All of these zones are considered "Transitional" in the 2012 Comprehensive Plan, which means additional density and change to a new vision for the area is expected and significant redevelopment is intended and desired to meet our community housing and other needs in accordance with development standards and market fluctuations.

Please see the Comprehensive Plan section below for further policy direction and guidance on transitional areas. Maps of the areas generally being discussed will be provided at the meeting.

- **Rezone from NC to NH-1**: This was the single biggest zoning change in all residential zones. Affected areas are mostly around the fairgrounds and near Powderhorn Park and Virginian property on Snow King Avenue.
    - FAR: stays the same at .40 but 2:1 Workforce Bonus allowed in NH-1;
    - Structure setbacks stay essentially the same;
    - Height: Increased from 30' to 35' – 39';
    - Stories: Increased from 2 to 3 stories;
    - Use: Single unit detached homes are no longer allowed in NH-1;
    - Minimum density: For first time in Town history, we adopted a minimum density that requires a minimum of three units on a typical 7,500 sf lot, scaled by lot size.
- Another significant change was replacing the **old AC zone with the new CR-3** along the highway corridor per below:
    - FAR: Went from variable FAR of .25 - .46 to .40 in CR-3. But 2:1 Workforce Bonus allowed in CR-3 allows much greater FAR;
    - Structure setbacks: CR-3 added a maximum structure setback along the highway of 85' and limited amount of parking in front;
    - Height: Increased from 35' to 42' – 46';
    - Stories: stayed the same at 3 stories but expanded allowance for a 4th story and 48' in height for workforce housing if property meets minimum requirements (e.g., 2 acres, close to transit, etc.) in all of CR-3 zone;
    - Use: Generally stayed the same except limited Light Industrial south of South Park Loop Road intersection on Hwy 191.
    - Rezone of properties along South Park Loop Road from residential business to CR-3 was a significant upzone intended to promote redevelopment (and it has)
- **NM-2**: The NM-2 was added in Transitional areas (mostly Comprehensive Plan Subarea 3.2) to replace a variety of previous residential zone districts.
    - NM-2 allows buildings with up to 8 attached residential units verses previously mostly single unit dwellings with accessory residential units (ARUs).
    - FAR: stays the same at .40 but 2:1 Workforce Bonus allowed in NM-2, significantly increasing effective FAR
    - Height: Increased from 26' - 30' to 35' – 39':
    - Stories: Increased from 2 to 3 stories (except PUD allowed 3 stories)
- **NC-2 to NM-1**
    - This was a moderate change. Most changes were intended to allow more flexibility in developing two units (detached or attached on one 7,500 sf property (also including one ARU for each units for a total of 4 units on one 7,500 lot).

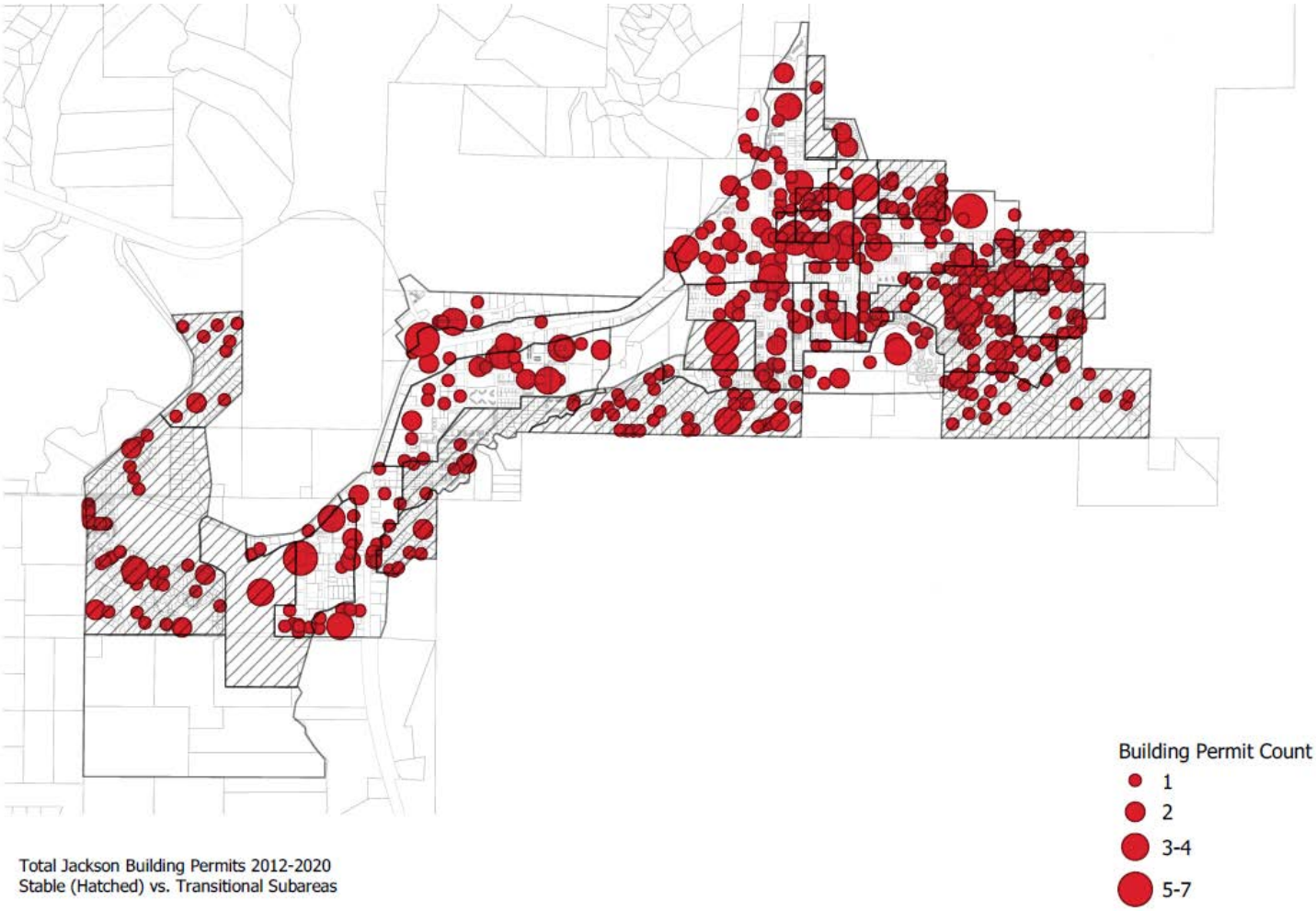
Please use the link to the Town of Jackson Zoning map to assist in reviewing the location of these changes in Town.

## Analysis.

Below staff will summarize various data points that were considered as it relates to this topic. More information including maps will be presented at the workshop that are not easily represented in this format.

**Building Permit and Zoning Potential Data**

In reviewing overall building permit data for the Town in terms of residential and non-residential, it is clear that the entire Town has seen significant redevelopment and development since adoption of the Comprehensive Plan in 2012.

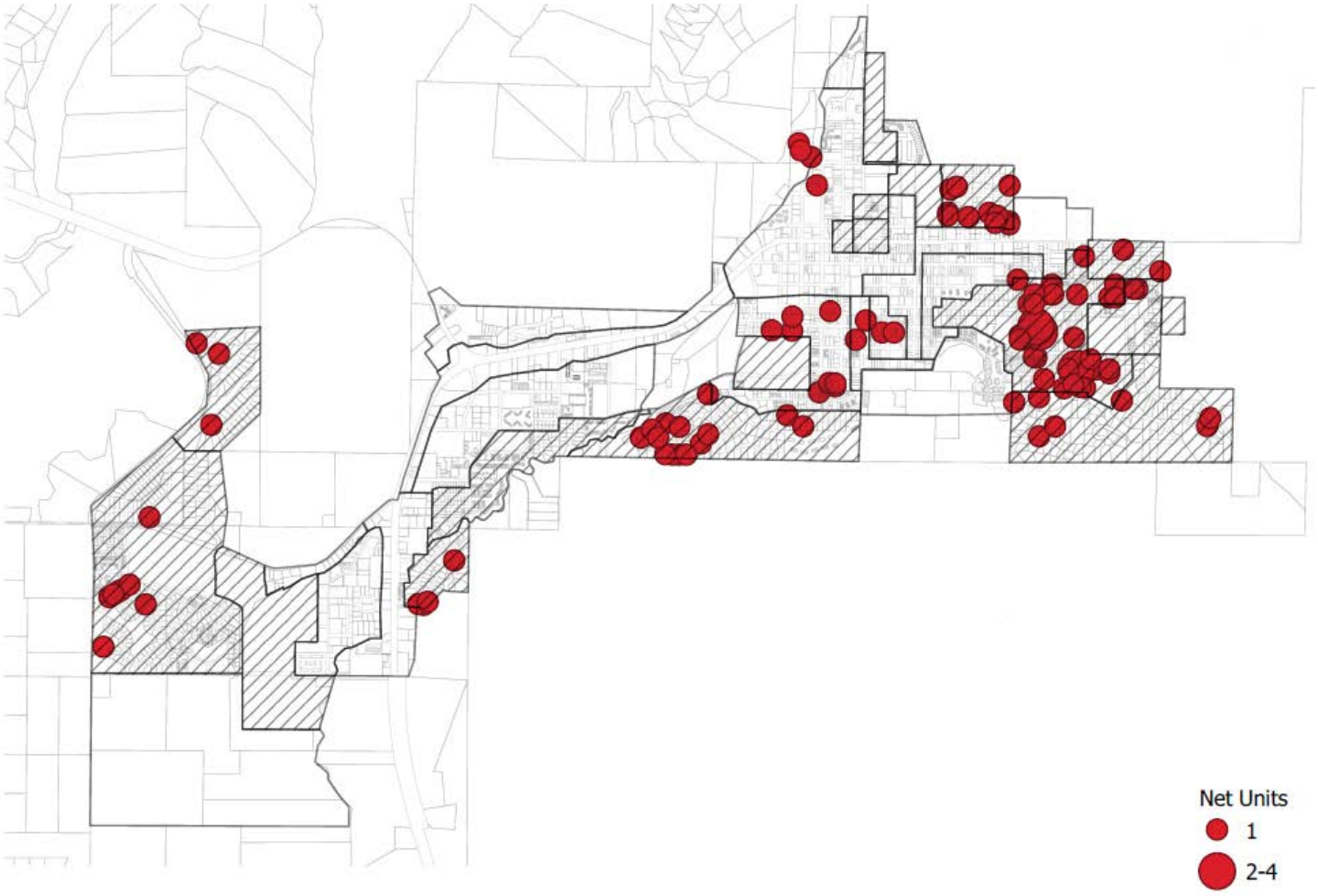



Total Jackson Building Permits 2012-2020
Stable (Hatched) vs. Transitional Subareas

Below, staff has provided general analysis and comment based upon review of building permit and zoning potential data for stable and transitional residential areas.

<u>Stable Areas</u>

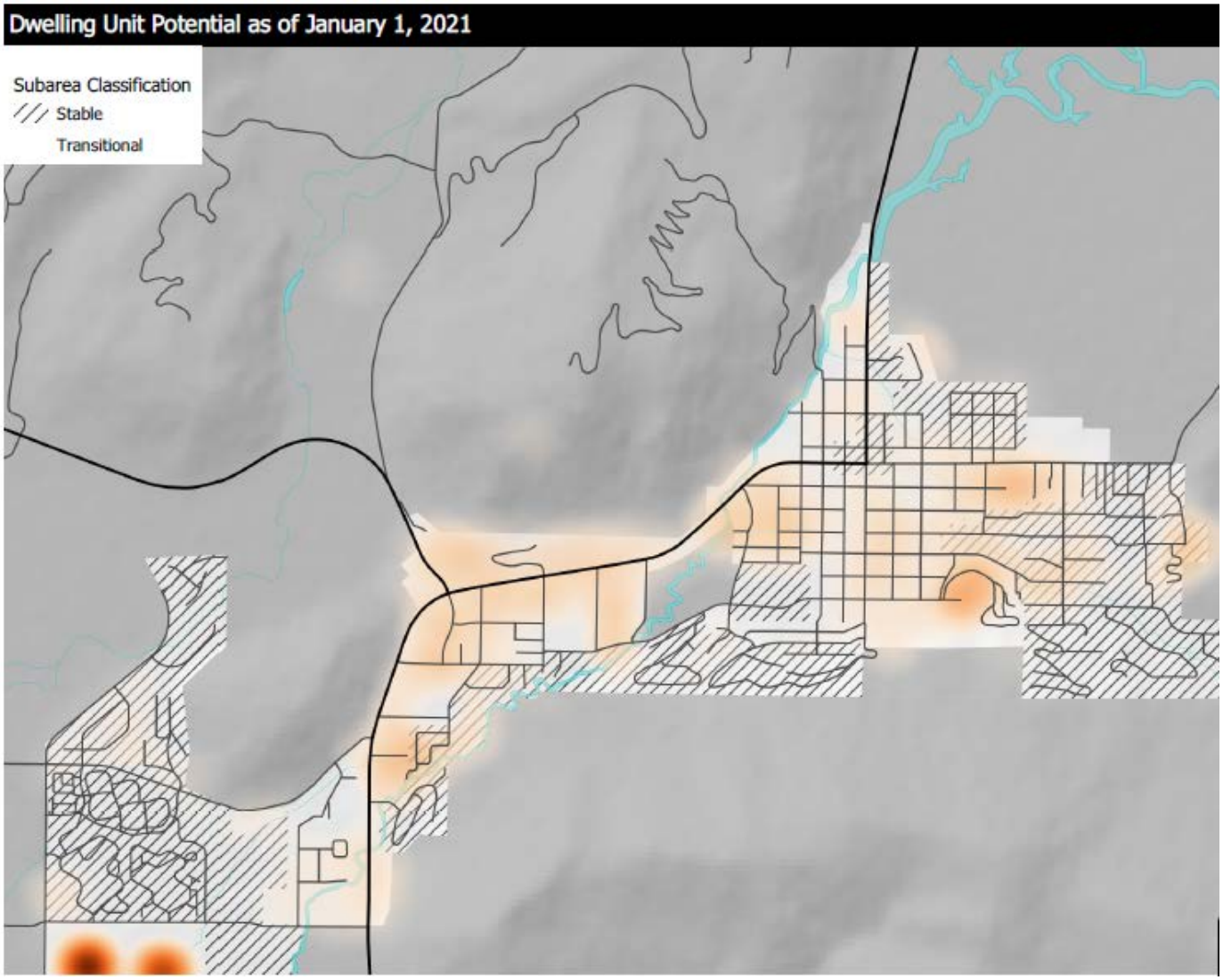
- Town is seeing exactly what was planned for by the Land Development Regulations primarily detached single unit dwellings with one or two accessory residential units (ARUs); Town is getting the ARUs we hoped for, but we don't know who, if anyone, is living in them
- The majority of development since 2017 has been new development being constructed on vacant or underdeveloped lots; i.e. demolish one existing home located on 2 lots and build 2 new homes with up to 4 accessory residential units
- Significant development potential still exists in stable areas (approximately 810 units) per zoning (although unchanged since 1994 except for additional ARUs) and will continue to be built out over time
- Owners are now maximizing development on lots in terms of square footage allowed and number of units allowed, which was not seen historically
- Stable areas have seen a significant number of lots redeveloped although with significantly fewer number of units added when compared to the transitional areas with larger multi-unit buildings with far greater number units, i.e. Gill Addition and East Jackson




Jackson Net Detached SFD Units 2012-2020
Stable (Hatched) vs. Transitional Subareas

Transitional Areas

- Town is seeing exactly what was planned for by the Land Development Regulations with larger multi-unit development, that has not been seen before.
- Develop/redevelop of detached single units in these areas remains cheaper and quicker then multi-unit development
- 80%of the remaining residential potential (approximately 3300 units) is allocated to vacant lots and infill/redevelopment in transitional areas, i.e., redevelopment potential in the CR-3 zone, contains 40% of the remaining workforce bonus floor area potential (approximately 720 units). This redevelopment will be largely out of sight, out of mind for stable area residents.
- Transitional areas have seen fewer lots redevelop but with a significant number of units; i.e. Hidden Hollow, Sage Brush Apartments, Jackson Hole Mountain Resort housing, and all of the Housing Department's public/private partnerships housing projects.




Staff have attached the Building Permit and Growth Potential maps and will present this information in further detail at the workshop.

**Points for Discussion**

- **Is this the type, amount, and location of development that is envisioned by the Comprehensive Plan and Land Development Regulations? If not, are changes to the Comprehensive Plan and/or LDRs warranted?**
- **Is the rate of growth something to consider moving forward?**
- **Should the Town develop a way to determine who is living in the Town?**
- **Other?**

**Increased Residential Valuations**

Staff reviewed Teton County Assessor data to compare valuation changes for the last 8 years and found that valuations have on average increased 12% in both stable and transitional neighborhoods over this period. Reasons for this include:

- Stable area increases are largely the result of gentrification, and increased demand for this type of development a result of the reduced inventory for this development type in the County.
- Transitional area increases are primarily a result of increased development potential (up-zoning).

Staff notes that this significant increase does not include the most recent spike in residential valuation seen over the last 12-18 months. A key point here is that this upward trend of residential valuations has been occurring for some time and is not just a recent trend. In thinking about what impact increasing residential valuations have on the community, staff returned to the concept of gentrification, introduced at the March workshop as way of discussing and analyzing the change that is occurring. Gentrification was previously presented as a planning term, defined as:

> *" an influx of wealthy people into a particular neighborhood leading to renovations and rebuilding of homes and businesses, which often results in an increase in property values and the displacement of earlier, usually lower-income residents"*

In researching this topic further, staff reviewed work by Jenny Stuber in her book *Aspen and the American Dream*, specifically her discussion of "Class Relations in the Age of Supergentrification." Stuber and others describe *Supergentrification* as gentrification at an accelerated pace in mountain towns with an influx of very wealthy individuals often having obtained their wealth through the global finance and corporate service industries a result of the deregulation of the financial markets. This new group of residents often brings with it "intense investment and conspicuous consumption" impacting mountain towns in many ways. The impact of these new residents can take many forms including increased residential, retail, and office valuation, increased service demand, lack of connection with the local community and environment, increased philanthropic activity, increased volunteering, etc. Stuber puts forth that there are various types of gentrification that should be considered including: "classic gentrification, retail gentrification, tourist gentrification, and the like." Staff raises this concept here for Council and the public to consider whether the Town is beginning to experience this trend as potentially indicated by the following trends:

- Significant increases in residential valuations, real estate prices and, as a result, property taxes
- Significant increases in lodging rates in both existing and especially new lodging, a shift from smaller hotel rooms to larger short-term rentals, introduction of national brands
- Significant increases in office rental rates and competition for space with new residents
- Entry of national corporate retail stores into the community for example Whole Foods, REI, Target, TJ Maxx, etc.

**Points for Discussion**

- **Does this concept of gentrification and its possible associated impacts/benefits/consequences, relate to the Town? If so, what if anything could/should be done to address it? Is this a natural, market-driven transition that the Town should not attempt to regulate and/or influence?**
- **Should this trend be monitored over time to gauge the changes in our residential, retail, office and lodging uses? If so, which aspects are most important to monitor?**
- **Other**

**Stable Areas - Additional Thoughts**

Below staff offer some additional thoughts to consider regarding the type of development we have seen in stable areas:

- Historic large supply of rural County lots decreasing with little supply being added putting more pressure on development in Town
- Outside investment into the speculative Town real estate market not seen before
- Increased demand to live in Town with increased amenities and services
- Apartments/ARUs added rental income to properties
- Single family homes are easy to build; 2-week permit review, no public hearings, short time on market
- Housing stock had reached its typical life cycle, 50 plus years old
- Long-time owners retiring and either moving away or downsizing
- Rush to sell properties and build single family homes before an influx of homes in northern south park

- National trend of wealthy people with ability to work remotely leaving high tax, challenging urban areas for higher quality of life with good air service (much better than in 1990s/early 2000s)

**Transitional Areas - Additional Thoughts**
Below staff offer some additional thoughts to consider regarding the type of development we have seen in transitional areas:

- Multi-unit development takes longer to build, costs more (total project cost) and is harder to finance requiring more risk than single dwelling unit development.
- Multi-unit development has not been prevalent in the marketplace leading to limited experience, expertise, and willingness to construct.
- Creates larger buildings and multi-unit living arrangements which are not the historic development pattern, but which are critical to meet our future housing goals.
- Most of the large housing projects have been located on relatively large sites in mixed-used zones, such as CR-3 or downtown.
- All additional residential units added to transitional areas (above the "1994" zoning) are done through the 2:1 Workforce Housing Bonus, where over 60% of the additional units have been deed restricted for the workforce thus far.

**Points for Discussion**
- **How does the amount, location and type of development in the Town relate to that going on in Teton County?**
- **Do neighborhoods in transitional areas need additional protections from large redevelopment projects to address impacts, such as parking, traffic, massing, sidewalks, etc.?**

**Next Steps - Where Do We Go From Here**

Moving forward, Council will consider the data and discussion provided here, public comment, and our Comprehensive Plan vision and framework to allow adaptive management of our Land Development Regulations and other tools to ensure we are getting the amount, location, and type of development we desire. Areas to begin to consider may include but are not limited to the following:

**Stable Areas**
- Introduce incentive-based standards for deed restricted units including but not limited to:
    - Reduce allowable non-deed restricted floor area
    - Reduce allowable building mass
    - Decrease the amount of greenspace allowed for deed restricted units
    - Decrease setbacks for deed restricted units
- Consider reductions in parking requirements for deed restricted, small units (under 1500 square feet) and ARUs
- Consider voluntary or required design review of single-family homes to avoid cookie-cutter floor plans (tract housing)
- Consider moving away from the Stable neighborhood vision of detached single unit dwellings with ARUs to allowing increased residential density throughout the entire Town
- Lot splits – allow smaller lots for smaller homes to provide ownership opportunities for an under-served segment of the workforce
- Require permanent deed restriction on all ARUs
- Consider adding a bonus tool for deed restricted ARUs to provide additional height, additional floor area, etc.)
- Update nexus study → update mitigation requirements for these homes

- Address the leakage of residential units to short term rentals by increasing the minimum lease term from 30 to 90 or 120 days along with changes to the overall short term rental licensing and enforcement programs
- Other?

**Transitional Areas**

- Consider reductions in parking requirements for deed restricted, small units (under 1000 square feet) and ARUs
- Consider year around on-street parking
- Address the leakage of residential units to short term rentals by increasing the minimum lease term from 30 to 90 or 120 days along with changes to the overall short term rental licensing and enforcement programs
- Require permanent deed restriction on ARUs
- Prioritize impact investments as called for in the Comprehensive Plan to supported increased density including sidewalks, lighting, on street parking, parks, transit,
- Support local convenience commercial and other limited community services in these areas
- Other?

The goal of the workshop is to better understand the current Comprehensive Plan vision and associated LDRs for our residential areas and to begin to think of amendments to your current LDRs and other regulations to help better achieve them.

## Possible Alternatives.

1. No further action/discussion on the topic
2. Consider further research, analysis and discussion of Town Gentrification
3. Direct staff to complete LDR text amendments and/or rezoning
4. Moratorium? If so, for what specific purpose?
5. Etc.

## Comprehensive Plan & Priority Alignment.

Below staff have provided the key sections from the Comprehensive Plan that describe the purpose and intent of the stable and transitional area concept.

**Policy 4.1.c: Promote compatible infill and redevelopment that fits Jackson's neighborhoods**
Infill and redevelopment will be key strategies for fostering the elements of a Complete Neighborhood in specific subareas in Town. Infill and redevelopment will be compatible in scale, use and character in Stable Subareas, and will be consistent with the desired future character in Transitional Subareas. Considerations should include the identification of appropriate relationships between land uses and development of varying intensities. An important goal will be to maintain or reestablish a strong sense of ownership by all residents of their neighborhoods. The Town Character Districts provide specific guidance for infill and redevelopment projects, consistent with the desired character for each Subarea of Town.

**Policy 4.3.a: Preserve and enhance Stable Subareas**

The characteristics of Stable Subareas include a predominance of owner-occupied units, a variety of residential unit types, including workforce housing, and some limited nonresidential uses. Residents of these Subareas should be able to walk to local convenience commercial that should generally be within ¼ to ½ mile of their residences. Public spaces will typically be provided in public parks. Complete streets, including options for walking, biking, and transit, will be provided throughout. The consolidation of multiple lots to create larger single-family homes is inconsistent with existing character and with our growth management goals. **Even with a consistent physical character, the social character of these stable subareas is likely to change without efforts to preserve historic workforce occupancy.**

**Policy 4.3.b: Develop Transitional Subareas**

Some subareas in Town are better suited for new development or re-development. In these Transitional Subareas the general public agrees that change is beneficial. Future development should provide a variety of housing types that create additional workforce housing, including multiple family owner- occupied and rental housing. These subareas should include local convenience commercial generally within ¼ to ½ mile of residences. Public spaces will typically be provided in public parks. Complete streets, including all alternative transportation modes, will be provided throughout. Character will be defined less by the existing development pattern and more by the future Vision for the subarea. **Developers are encouraged to utilize the allowances and incentives because these transitional subareas are the desired location of growth. Impactful investments in public infrastructure and housing will help to bolster these s subareas and support efforts to promote quality of life.**

## Fiscal Impact.

Staff have contracted with OPS Consulting to assist in data gathering analysis in an amount not to exceed $10,000 from the Community Development Professional Services account. Much of the data included here was also required for the ongoing Housing Needs Assessment and Nexus Study. In addition, staff plans to apply for grant funding to offset this expense.

## Staff Impact.

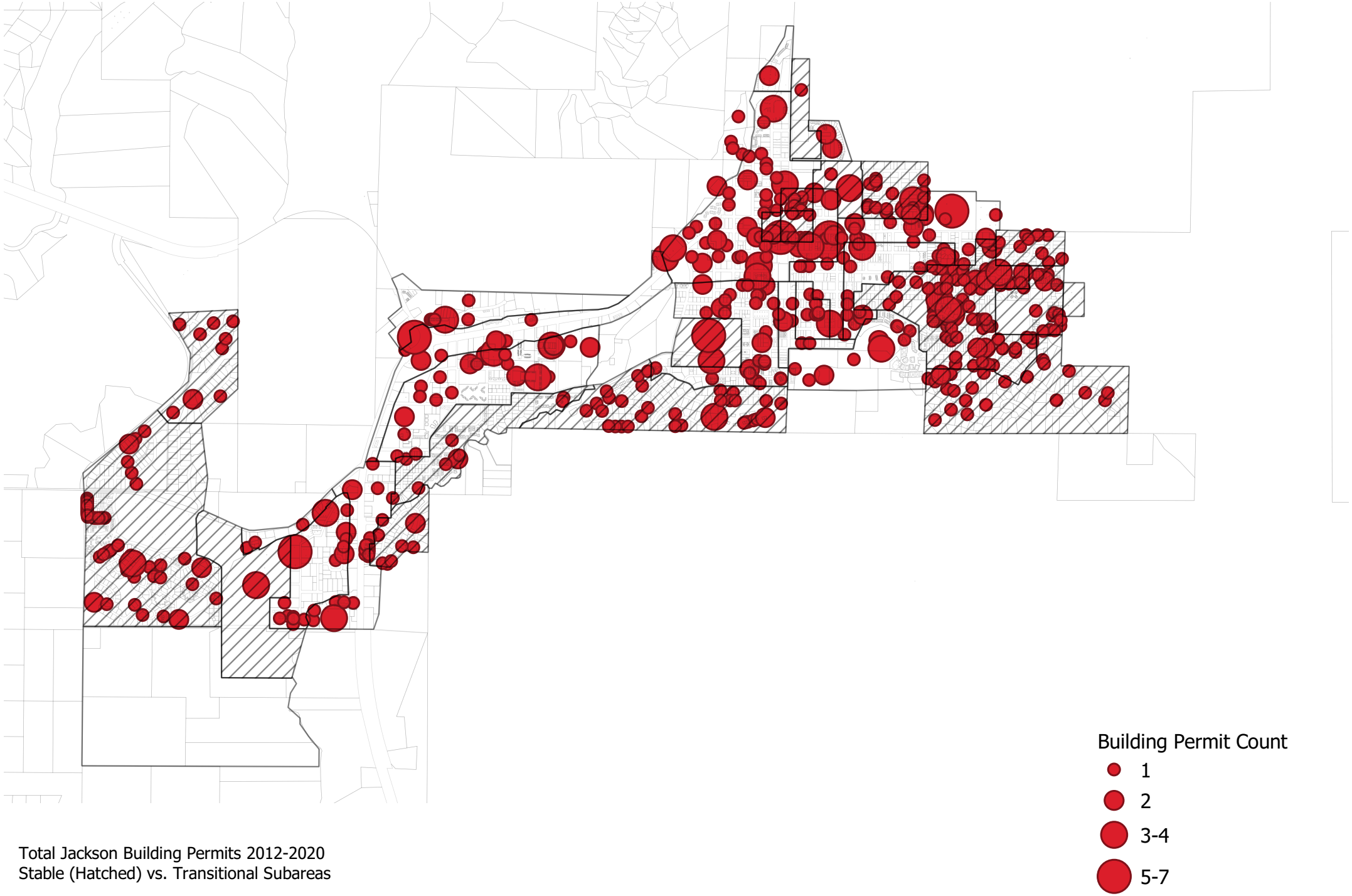
Staff in Community Development have spent approximately 60 hours working on this topic.

## Attachments or Links.

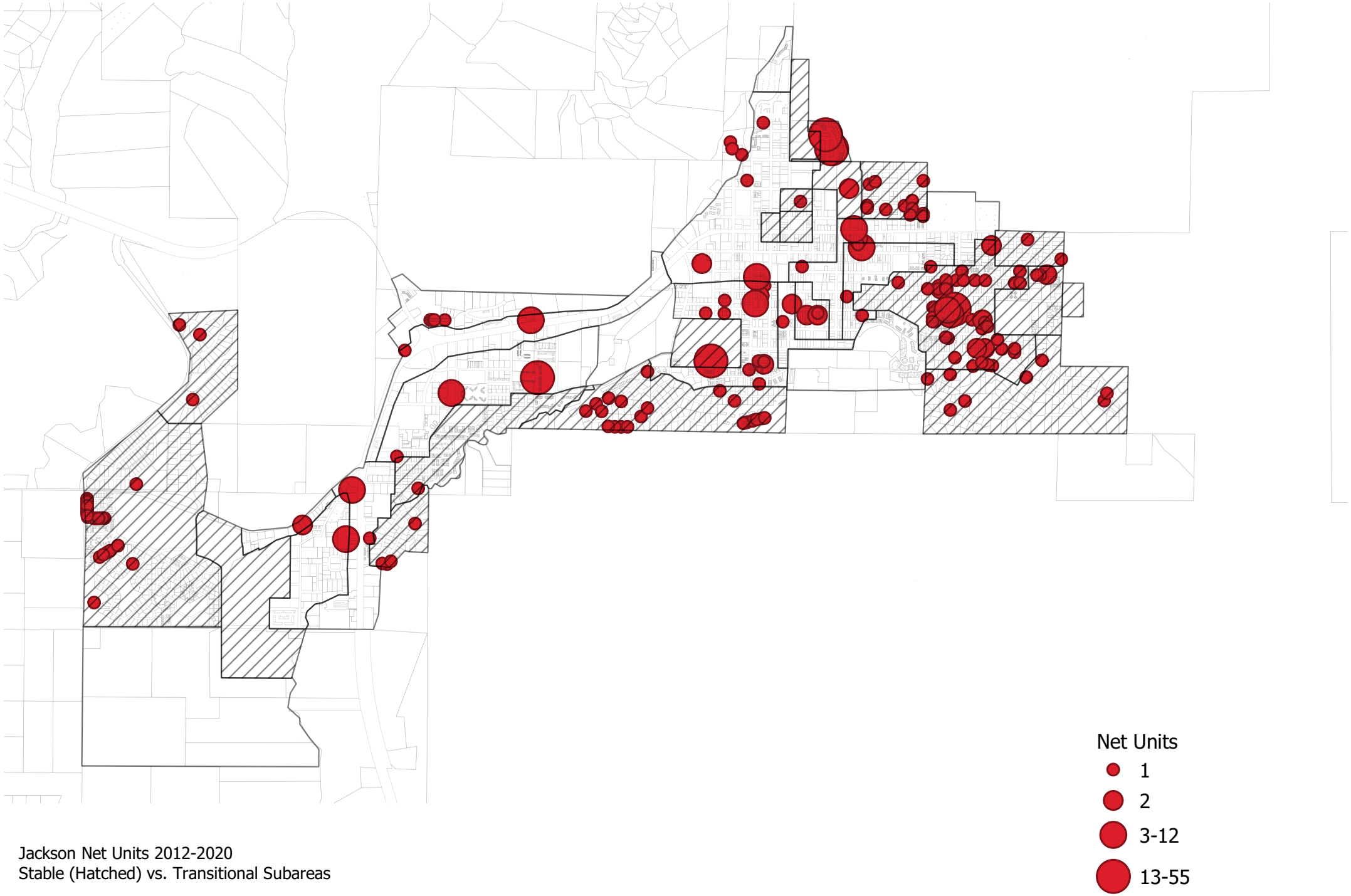
Building Permit and Zoning Potential Maps
Public Comment

**Suggested Motion**. *Council always has the option to adopt, approve with conditions, continue, or deny items*.

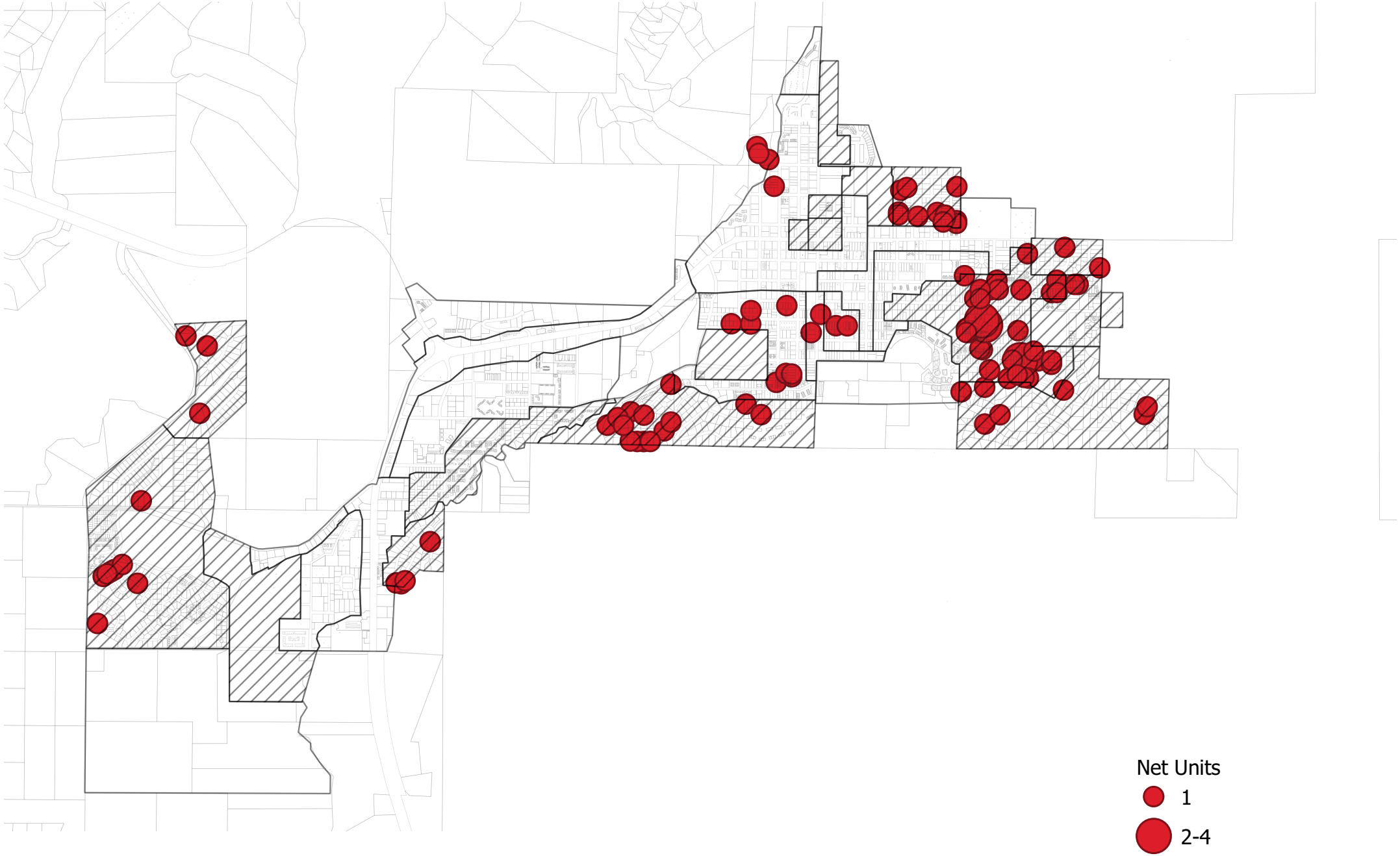
I move to continue this item until the December 6, 2021, Town Council Workshop.



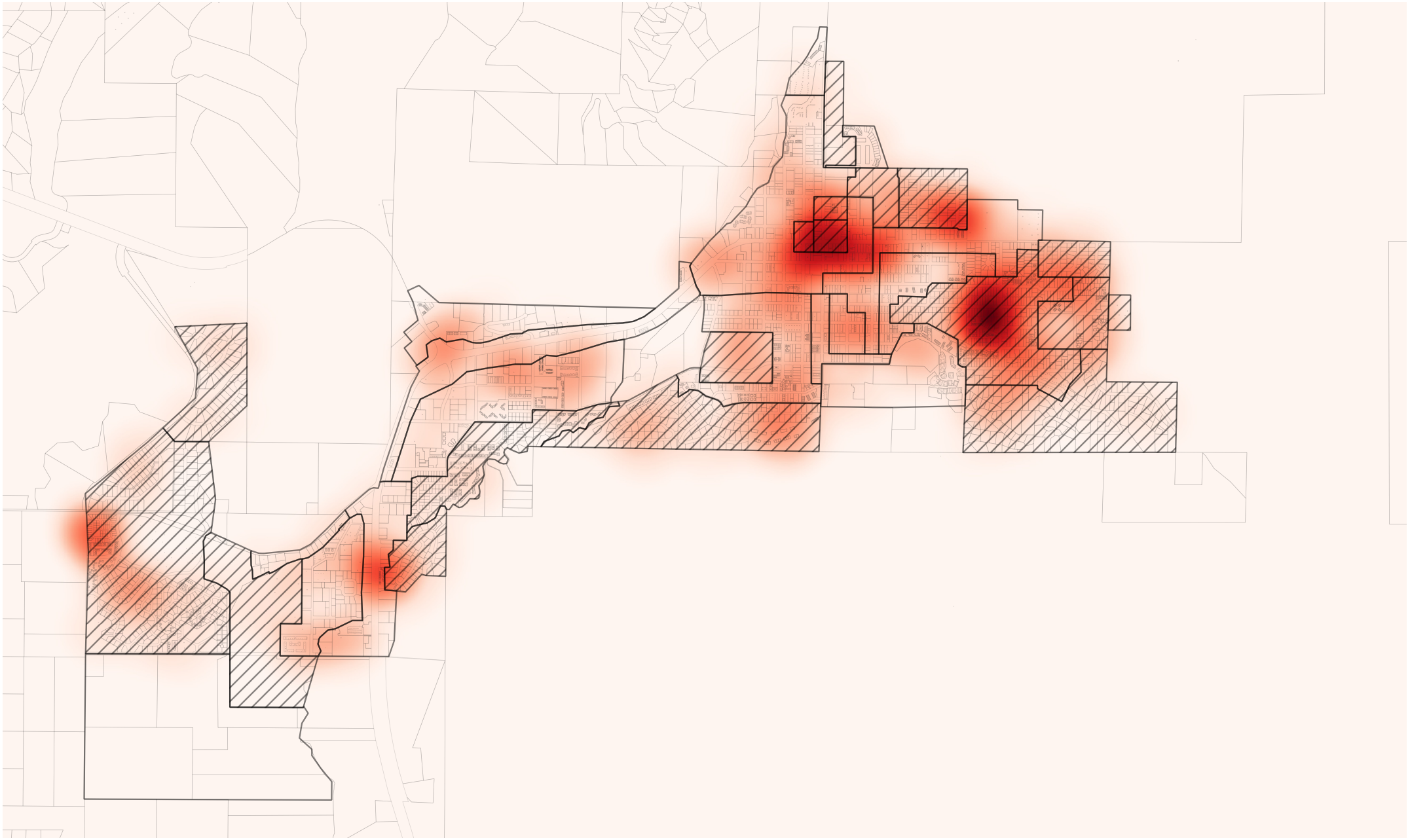

Total Jackson Building Permits 2012-2020
Stable (Hatched) vs. Transitional Subareas




Jackson Net Units 2012-2020
Stable (Hatched) vs. Transitional Subareas

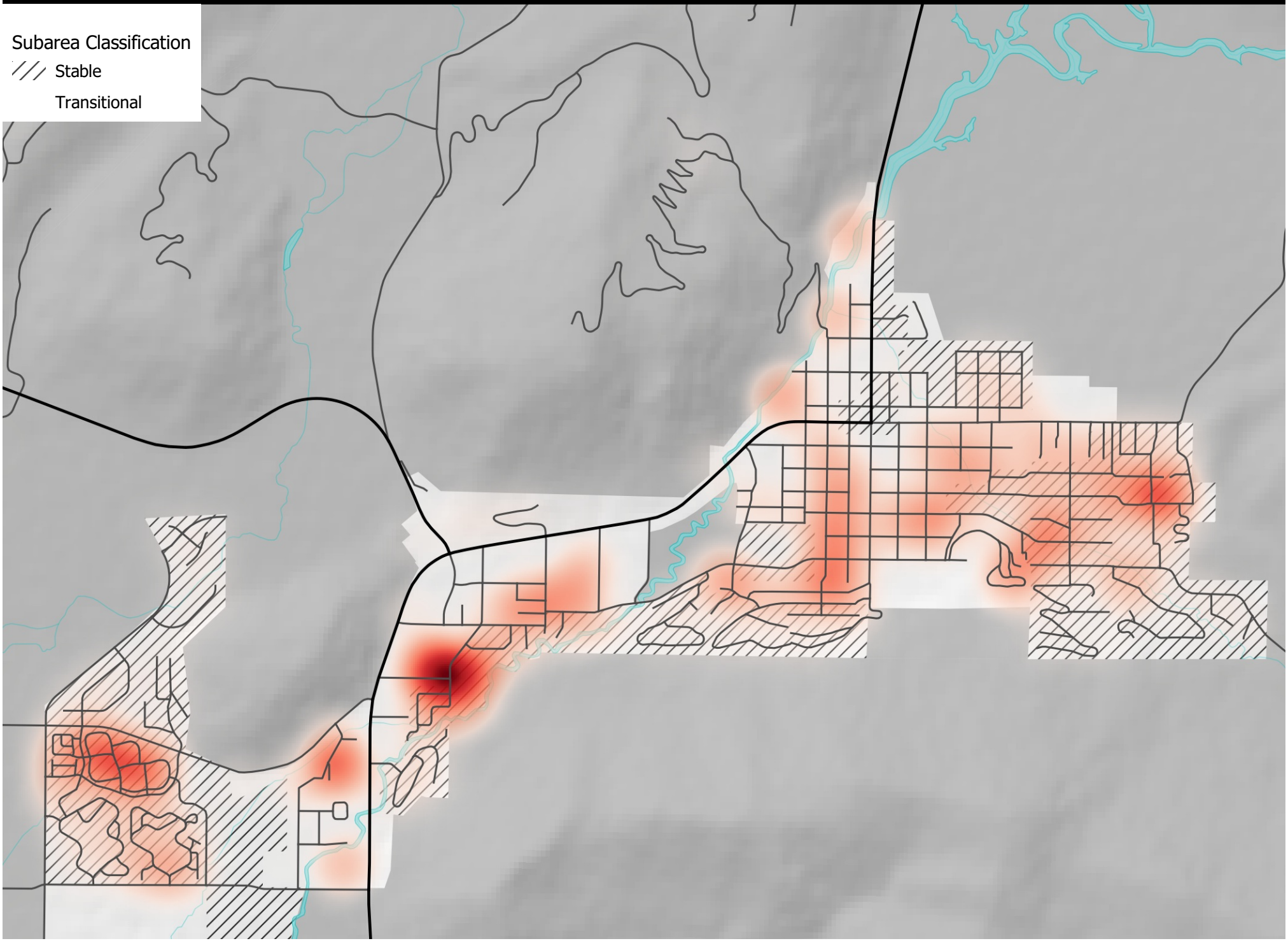



Jackson Net Detached SFD Units 2012-2020
Stable (Hatched) vs. Transitional Subareas

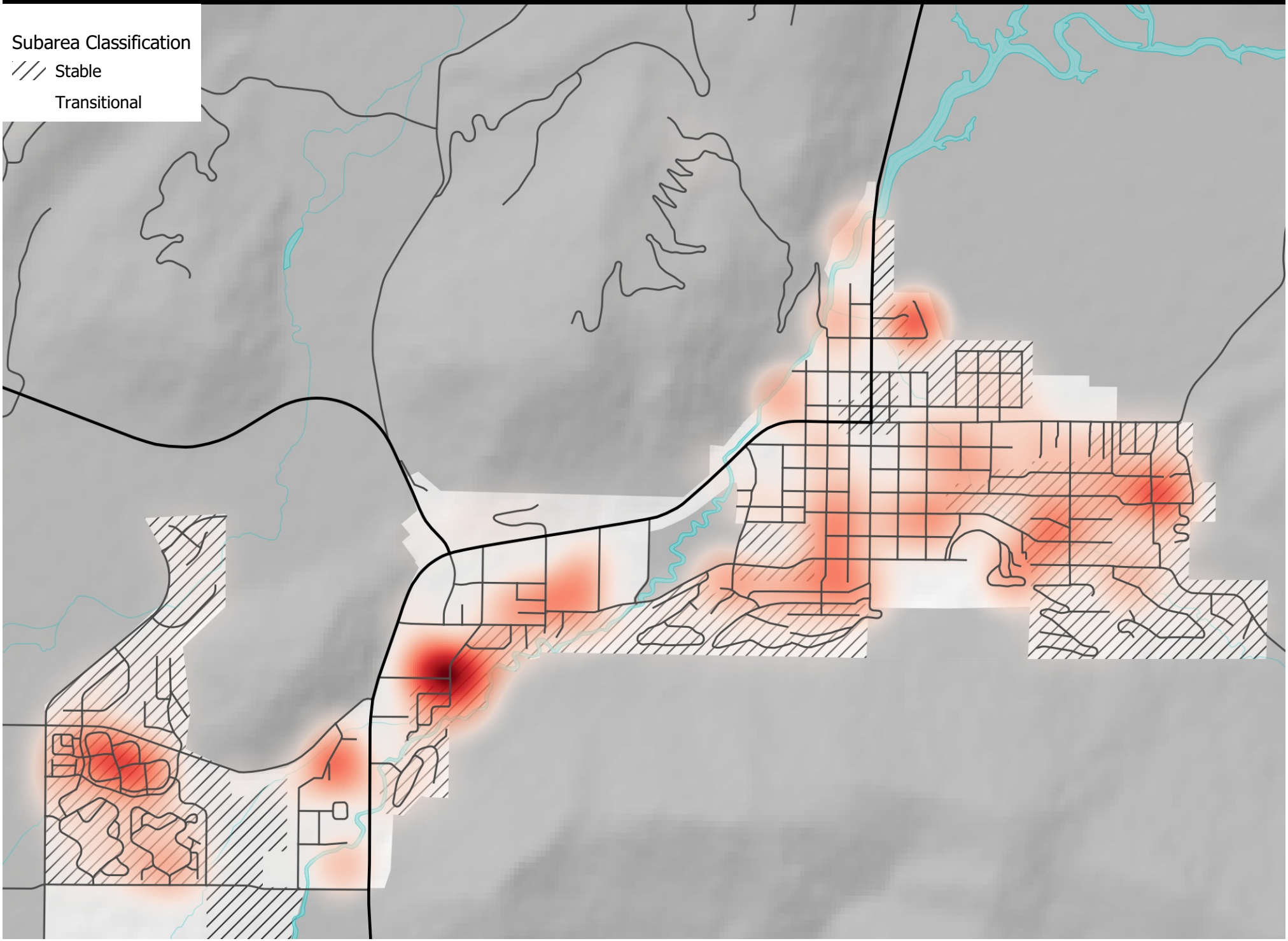


Total Jackson Building Permits 2012-2020
Stable (Hatched) vs. Transitional Subareas

# Residential Density January 1, 2017



# Residential Density January 1, 2021

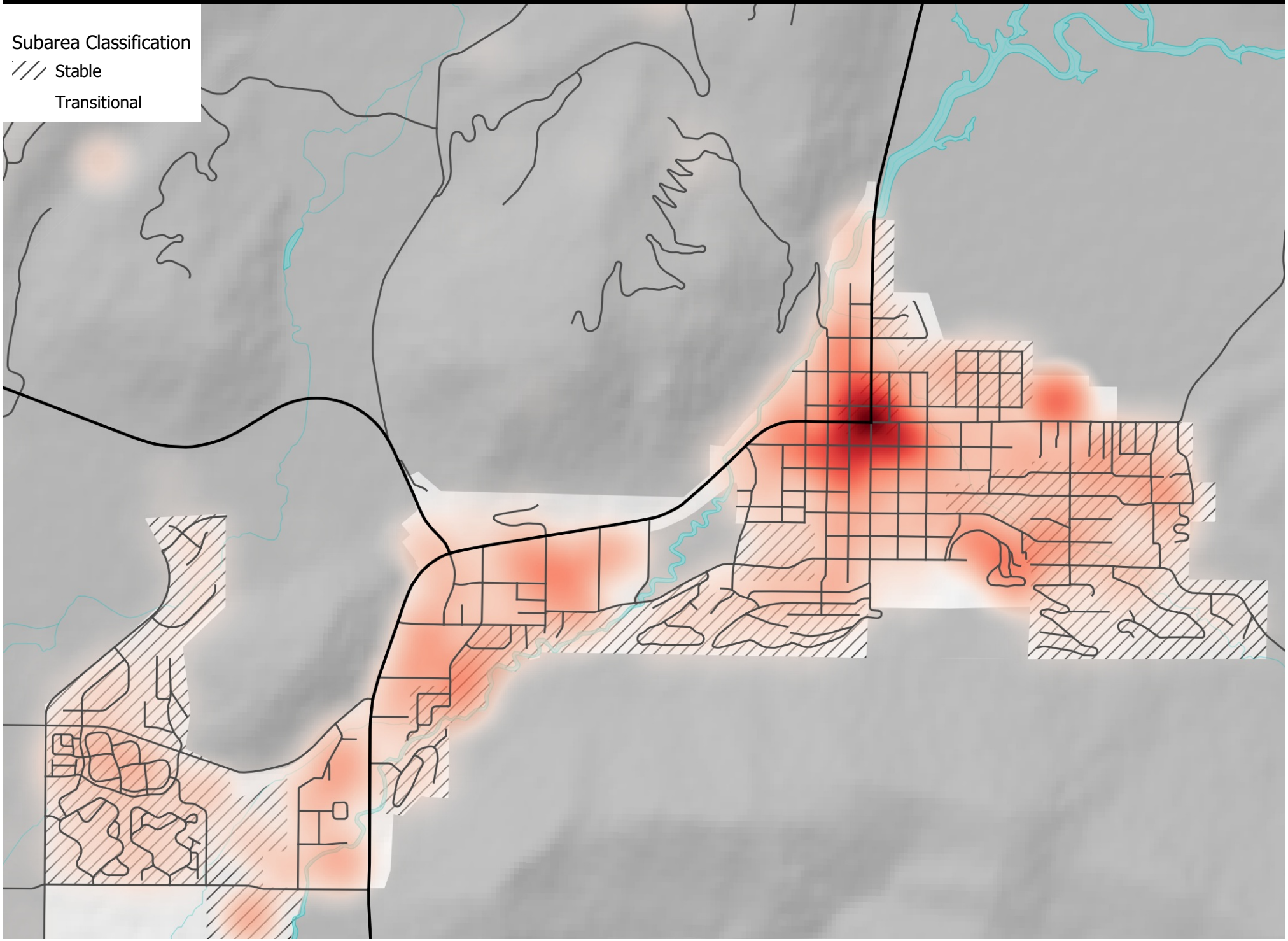


# Dwelling Unit Potential as of January 1, 2021

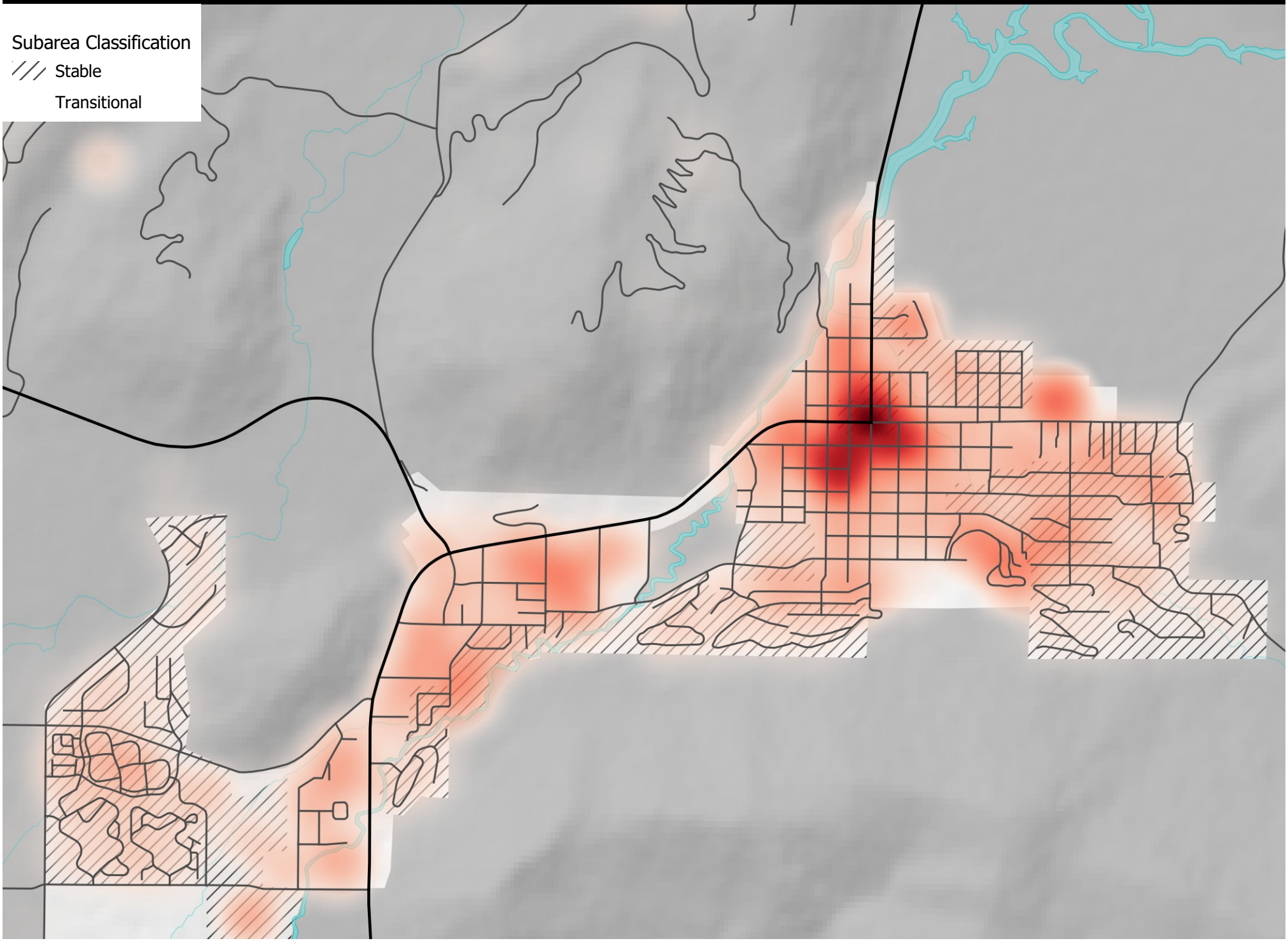
# New Buildings by Dwelling Units 2017-2020

# New Buildings by Total Floor Area 2017-2020

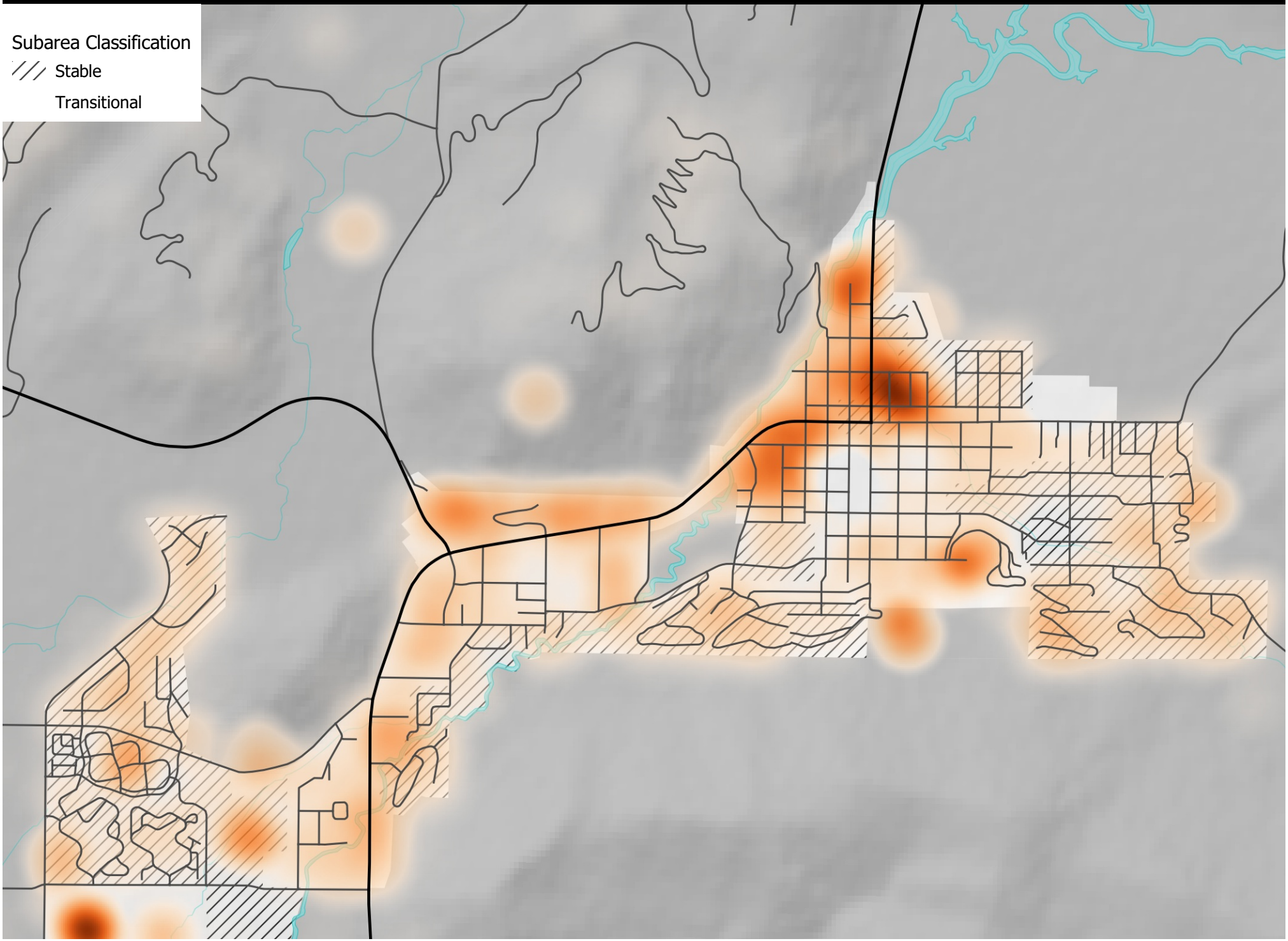
# Total Floor Area January 1, 2017



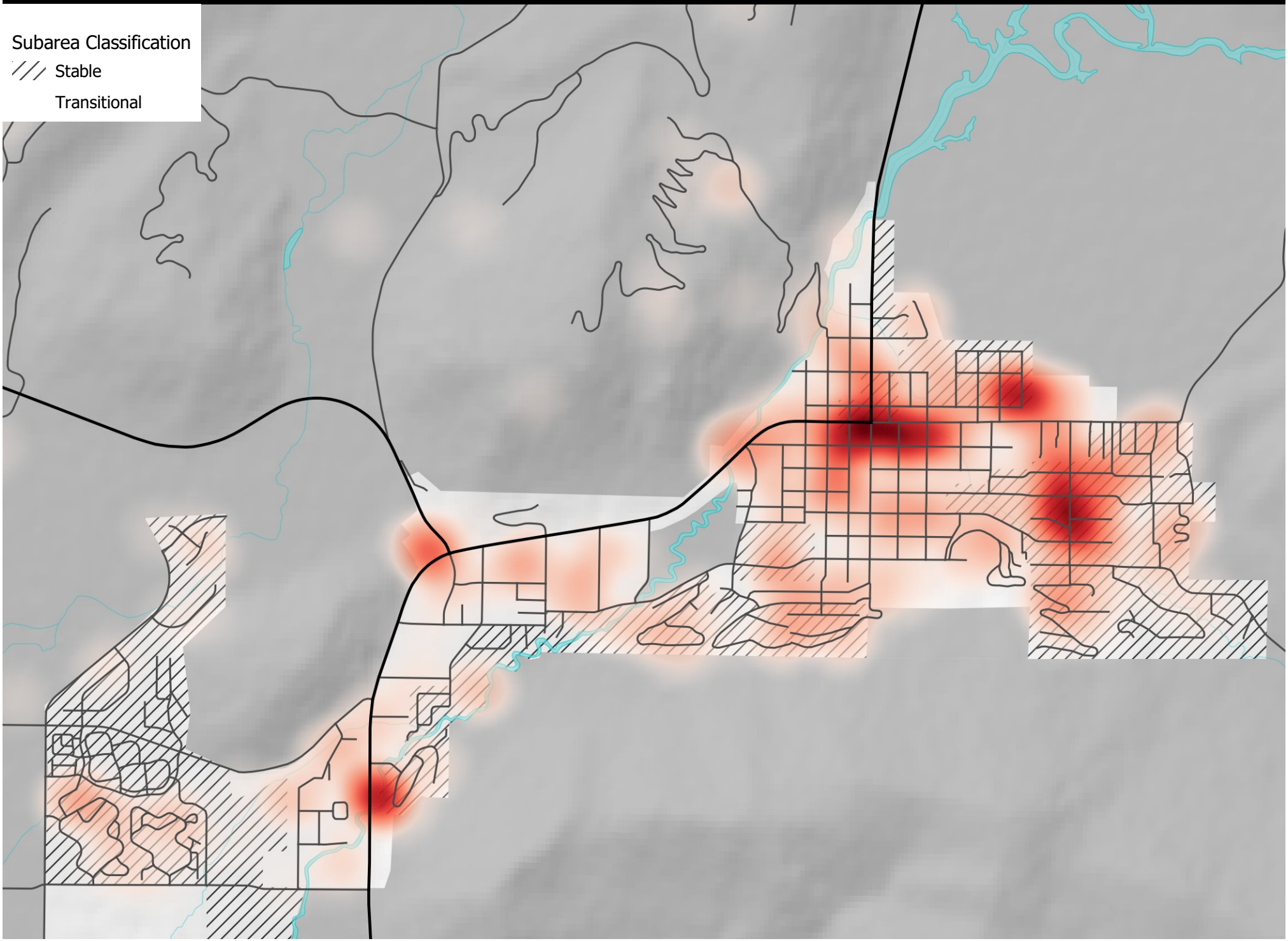
# Total Floor Area January 1, 2021



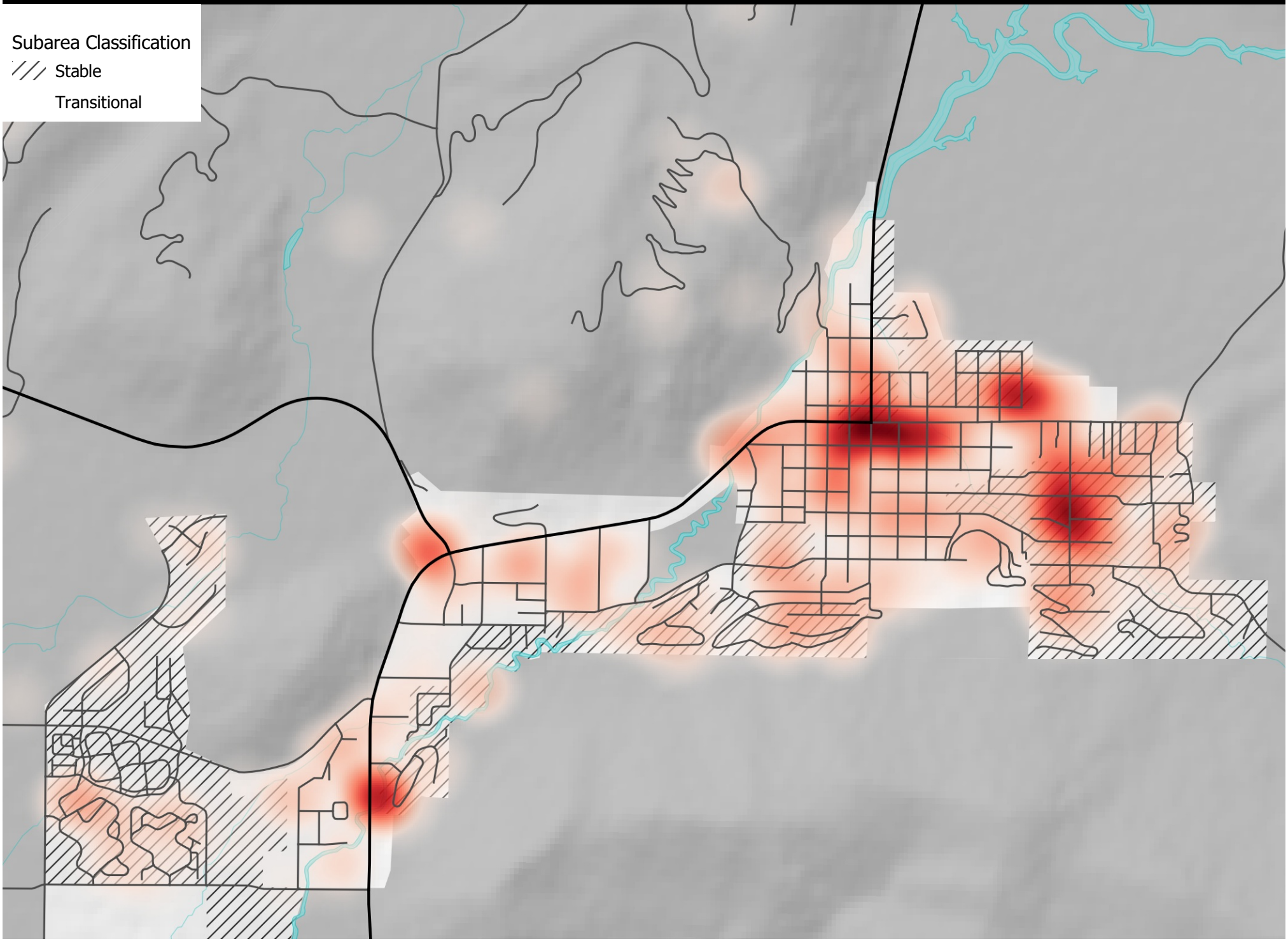
# Floor Area Potential as of January 1, 2021



# Building Permits Finaled 2017-2020



# Demolished Buildings by Total Floor Area 2017-2020



# Demolished Buildings by Dwelling Units 2017-2020

**From:** Michael Stern
**To:** Perri Stern
**Cc:** Tyler Sinclair; Paul Anthony
**Subject:** Re: Thank you
**Date:** Tuesday, November 2, 2021 3:01:23 PM

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**EXTERNAL EMAIL** from **michael@masplaces.com**. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Yes, thanks again for stopping by to talk and listen to our opinions.

A couple of additional thoughts:

- I think we should develop design guidelines for residential as well as commercial projects. Right now, if I recall correctly, projects under 3 units don't have to go through design review - that is too big a loophole as we have seen exploited in East Jackson. And the existing zoning is clearly not giving us the neighborhood character we desire - we need some form-based codes for these areas as well. Whether single-family houses should go through design review should be a discussion point, particularly since so many of the new houses are speculative real estate plays.
- I would like to see a discussion of eliminating the Lodging Overlay and/or consideration of a moratorium on new lodging since that seems to be one of the biggest impediments to rebalancing our housing needs since it creates so many new jobs without enough housing to match. Not directly related to community character some might say, but I think the real estate pressure it creates, is.

Looking forward to this workshop,

Michael

Michael A. Stern

PO Box 837, Jackson, WY 83001

Phone: 412-956-3750
Email: Michael@MASplaces.com

www.masplaces.com

On Mon, Nov 1, 2021 at 10:10 AM Perri Stern <perristern1@gmail.com> wrote:

> Hi Tyler and Paul,
>
> Thank you both for meeting with me and Michael last Friday. I appreciate your hard work, dedication and commitment to our town and specifically to the issues surrounding neighborhood development.
>
> Tyler, taking you up on your suggestion to forward thoughts and ideas for the November 15 Town Council Workshop on Community Character. Here are some things that I think are

important:

**1. The discussion should be balanced, with equal attention paid to East and West Jackson.**

I'm concerned that because the "physical" changes are currently more apparent in East Jackson, comments will focus mainly on that neighborhood. However, as we discussed, between the 440 West Kelly and Red House apartment buildings, there will be nearly 80 new apartment units that will be developed in a relatively small footprint over the next couple of years. That's a lot of density.

**2**. Although there are several issues related to zoning, a **targeted revision of the NH1 Zoning in West Jackson is at the top of the list of community members' concerns.**

The current NH1 Zoning bloc throughout West Jackson has proved to be fraught with issues. We want to encourage additional density in this neighborhood, but the NH1 Zoning is in fact creating numerous challenges to homeowners who want to add density to their properties.

NH1 Zoning should be limited to Snow King Avenue and West Broadway; two major streets that are more appropriate for maximum density.

**No new multi family apartment projects should be approved in West Jackson until a targeted zoning revision occurs.**

**3. We need a better system for public input to multi unit housing projects that receive any sort of public funding.** There needs to be a clear and systematic process for soliciting and incorporating public input *throughout the project*. Here are some ideas, I'm sure there are other ways as well:

The Design Review Committee should accept public comment at its meetings.
The DRC should review all residential projects that receive any type of public funding.
The Housing Department should publish their meetings packet on the Teton County website prior to their meetings.
The Housing Supply Board should accept public comment at its meetings.

**4. Limit Developers' abilities to create housing projects that "fill the box".**

The workforce housing bonus and LDR modifications/incentives should be limited to the downtown core and larger thoroughfares; and should not be permitted in smaller residential neighborhoods.

I'm looking forward to the meeting. Thank you again.

Perri Stern

November 10, 2021

RE: Emergency Moratorium

Dear Mayor Morton-Levinson and Councilors,

The board and membership of ShelterJH is calling for an **emergency moratorium** in the Town of Jackson on any new development and building permits for one year, or until the Town updates its zoning standards to incentivize and regulate the production of homes that locals can afford. Projects with at least 80% deed restricted units should be exempt from this moratorium.

As our elected officials, your job is to protect the **public health, safety and welfare of your constituents**. The lack of affordable homes in our community impacts all your constituents:

- Teton county workers are housing insecure: forced to live in cars, inhabit overcrowded homes, sleep in shifts, or commute long distances. These challenges impact their health and safety.
- Businesses cannot hire or retain enough employees to run their businesses, impacting their welfare and profitability.
- Many of our essential workers are forced to live outside the valley including 36% of hospital employees and nearly 100% of law enforcement officers, impacting the safety of all your constituents.
- Our workforce is in a constant state of insecurity, relying on our overstretched and under-funded social service providers for survival. Providing adequate affordable housing, especially rental properties, will reduce social service costs and increase health, education and financial outcomes.
- More than 100 children are homeless or housing insecure in Teton County. As one of the wealthiest counties in the country, this travesty is inexcusable.

Current zoning standards are leading to an increasingly exclusive community and forcing local workers out of the valley. Zoning standards allow luxury condos, high-end single-family homes, and boutique hotels, but make it difficult to build multi-family affordable rentals. Public investment in housing is predominantly Workforce-restricted, doing little to create homes for working people in our community.

Here is the bottom line: the impact of our zoning and public investment is discriminatory, pushing those with less means and more often people of color into unhealthy living conditions.

**These practices are putting the Town of Jackson at legal risk** as we are increasingly in violation of the Fair Housing Act's disparate impact standards of discrimination. The disparate impact rule has a long history and has been upheld in federal circuit courts for more than 40 years. It was codified in 2013, allowing people to challenge policies and practices that aren't explicitly discriminatory, but have disproportionately adverse impacts based on race, color, religion, sex, familial status, national origin, or disability. Although it has a long history, discriminatory effects analysis has been given varying weight over the years; however, on June 25, 2021, the US Department of Housing and Urban Development (HUD) published in the *Federal Register* a notice of proposed rulemaking (NPRM) to restore the discriminatory effects rule adopted by HUD in 2013, indicating increased support for the test. Accordingly,

organizations need to pay closer attention to the effects of their policies than was the case during the previous administration.

**We are calling for an emergency moratorium to stop all new development because the current policies of the Town of Jackson increasingly put our community members at risk, and make us vulnerable to legal action.**

There is no silver bullet to solve this problem, but **there are a number of bold actions you can take NOW as our elected officials to protect the health, safety, and welfare of your constituents,** honor the tenets of the Comprehensive Plan, and begin to set Jackson on a fairer, more inclusive path. These include:

- Levy a penny of sales tax or increase property taxes in the town to fund homes serving the spectrum of need
- Enforce short-term rental regulations and alter the definition of “short-term” to fewer than 90 days instead of 30 days
- Eliminate single-family zoning and increase density in all districts in town for deed-restricted product
- Require all public facilities to include deed-restricted housing to at least offset the impacts from new employee generation associated with the facility
- Reinstate a 25% inclusionary zoning requirement for residential development
- Eliminate non-profit and institutional exemptions from Commercial Mitigation
- Shrink the lodging overlay
- Reinstate 4th story incentive for deed-restricted housing in appropriate zones
- Require an on-site affordable housing component for all commercial development/redevelopment with guaranteed public investment to buy-down the affordability on at least 50% of the residential square footage to avoid low-density commercial redevelopment such as REI and Target,
- Parking:
    - Institute paid on-street parking with free parking pass for local residents and a $2,000 annual fee for non-working residents
    - Allow on-street parking in winter and utilize alternate side plowing
    - No on-site parking requirement for deed-restricted housing (on street allowed to meet parking needs)
- Exempt deed-restricted homes from the growth cap; decrease market-rate growth cap as possible over time

All of these changes are possible and they require political will and courage. **The members of ShelterJH and hundreds of other members of our community will stand with you as you begin to take this kind of bold action to address our housing emergency.** It is time to put the people of Jackson first.

Sincerely,

ShelterJH Board of Directors on behalf of the ShelterJH membership

# Town Council Workshop on Neighborhood Character

During the November 15, 2021, Town Council Workshop, Council will discuss Stable and Transitional Neighborhoods. The Council will hear from planning and community development staff about how these neighborhoods have been changing since the adoption of the Comprehensive Plan and, more importantly, how these neighborhoods have been changing since the Town was rezoned in 2018.

The Council will then discuss any changes or upgrades to the LDRs they would like to see staff bring back for consideration.

Today, staff would like to talk through any changes or upgrades to the LDRs the HSB would recommend and what data the board needs to see to provide informed recommendations.

Items this group has discussed as a board or in the Planning & Zoning Committee:

- Parking
    - Removing parking minimums – too little parking cuts into livability of units, but we need to look at this to see if there are tweaks to be made
    - Setting parking maximums – same comments
    - Allowing overnight on-street parking year-round – YES. We need to figure out Winter parking.
        - Are there certain streets/areas where this is a better fit?
        - We should permit parking by neighborhood
    - What data do you need to make a recommendation?
        - With year-round, on street parking – what are the barriers and costs to doing this?
        - What are other successful programs in similar places?
        - How do you handle handicapped parking?
- Minimum Occupancy Requirements (for rentals)
    - Increase minimum occupancy requirement outside the Lodging Overlay
        - From 30 days to 90 days – yes
        - From 30 days to 120 days – yes
        - Can we adjust the lodging overlap / shrink it to reduce the units / properties eligible for short-term rentals?
    - What data do you need to make a recommendation?
        - How do you enforce the minimum occupancy requirement? What do you need to effectively enforce this?
        - How many units do we think are being rented on a “monthly” basis via Airbnb, VRBO, etc.?
- Accessory Residential Units
    - Provide incentives for ARUS
        - Height bonus – YES, if deed restricted
        - Exempt FAR – YES, if deed restricted
        - Provide bonus FAR – YES, if deed restricted
        - Remove parking requirements – Maybe
    - Deed restriction requirement (as opposed to LDR restriction)
        - For all ARUs? – YES

        - What is the restriction?
            - Workforce
                - But allow family members to live in the units? YES
- Unit size
    - Remove maximum size – YES
    - Increase maximum size – YES
    - What data do you need to make a recommendation?
        - What the % occupancy of ARUs?
        - What's the total # of ARUs now?
        - How many lots are eligible for ARUs?
- Foundation Requirements
    - Allow different types of foundations - YES
        - Cinderblock
        - Wooden
        - Can we allow a mobile home structure that does not have a foundation?
        - We need to add Tiny Homes as an allowed use. Even if only on temporary basis.
    - Safety concerns & how to address
        - Heaving, snow load, earthquake
        - Annual check in to ensure building is safe
        - Require insulated channel from ground with utilities