

AGENDA

Planning and Zoning Commission

March 1, 2023 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of March 15, 2023 or to a special meeting scheduled by the Commission.

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

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. LOG INTO PC/BOA MEETING
- I. Link to ZOOM:
<https://us02web.zoom.us/j/88593011403?pwd=dFB0aHh1Ykw0NGQ4TkVCUHFCSlpHZz09>
2. CALL TO ORDER
3. ROLL CALL
4. MATTERS FROM THE PUBLIC
5. APPROVAL OF MINUTES
 - I. 2/15/2023 Minutes
6. OLD BUSINESS
7. NEW BUSINESS
8. BOARD OF ADJUSTMENT
9. PLANNING COMMISSION
 - I. P23-015: 12455 S. River Bend Road - PUD Amendment (Teton County) Continued
 - II. P21-333 - Short-Term Rental LDR Text Amendment
10. MATTERS FROM THE COMMISSION
11. AGENDA FOLLOWUP
12. MATTERS FROM STAFF
13. ADJOURNMENT

**MINUTES
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
February 15, 2023**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 02/15/2023, via ZOOM and in Town Hall Chambers.

ROLL CALL:

 x Anne Schuler x Wendy Martinez, x Katie Wilson, x Abby Petri, x Christie Schutt,
 x Thomas Smits

STAFF: Paul Anthony, Alex Norton (contracted)

MATTERS FROM THE PUBLIC: None

APPROVAL OF January 18, 2023 MINUTES: A motion was made by: Schuler & seconded by:
 Petri

Motion approved by a 6 to 0 vote

OLD BUSINESS: None

PLANNING COMMISSION

ITEM P21-333: Short-Term Rental LDR Text Amendment – Continued to March 1, 2023

STAFF PRESENTATION:

QUESTIONS FOR STAFF:

APPLICANT PRESENTATION:

QUESTIONS FOR THE APPLICANT:

PUBLIC COMMENT:

COMMISSION DISCUSSION:

Motion: I move to **continue P21-333** to the March 1, 2023 Planning Commission meeting.

A motion was made by: Schuler & seconded by: Petri

Motion approved by a 6 to 0 vote

ITEM P23-026 : LDR Cleanup Workshop

STAFF PRESENTATION: Paul Anthony, Alex Norton (contracted)

QUESTIONS FOR STAFF:

STAFF PRESENTATION and COMMISSION DISCUSSION:

- Height on sloped sites – generally members asked whether an overlay could define where additional height would be allowed, or whether it could be done by zone district. Another option would be to use an objective slope threshold (e.g., 10%). Generally agreed also with the increase from 10% to 20% height increase.
- Rooftop decks: Generally supported allowing railings to exceed height limit if mostly transparent (75-80%) but thought rooftops decks should be set back from edge of building by at least 4', especially on side yards, to protect privacy of neighbors. Might need additional detail to prevent owners from installing planters and other removable features against railing to reduce transparency.
- Detached/accessory structures: Generally members supported a 10' separation distance for detached structures. A variety of other issues and approaches were discussed, including different ways to define accessory structures in relation to primary structure.
- Definition of a unit: Generally members agreed to staff's direction to use a list of factors to consider in making determinations about what constitutes a unit or not.
- Guest parking: Generally there was a mix of opinions on whether guests parking should be added as a requirement. For those who supported it, they thought the requirement should not trigger until the building was of a certain size or number of units.
- Parking off alleys and in front yards: Generally members were supportive of staff's direction to allow required parking in front setbacks. There were more questions/mixed opinion about whether parking (garages) should be set back 5' or 10' from the alley (current rule is 10').
- Construction staging in residential areas: Generally members agreed that there should be certain clear rules for when vacant residential sites could be used as a construction staging area, but did not seem to support a prohibition of them in residential area. A notice to neighbors was mentioned as a possible requirement as well as possible maximum distance between the construction site and staging property.

MATTERS FROM COMMISSION:

MATTERS FROM STAFF:

Adjourn: A motion was made by: Schuler & seconded by: Schutt

Motion approved by a 6 to 0 vote at 8:00 pm.

STAFF REPORT



Meeting Date:	March 1, 2023	Meeting Title:	Regular Planning Commission
Submitting Department:	Planning	Presenter:	Paul Anthony
Agenda Item:	SUBJECT: ITEM P23-O15: Request to amend Snake River Canyon Ranch Resort Master Plan (Teton County) located on 12455 S. River Bend Road.	Public Comment:	Yes

Purpose & Policy Considerations.

All amendments to a Resort Master Plan in the Teton County must be reviewed by the Town Planning Commission and Town Council per LDR Sec. 4.3.1.E.4 Joint Review by Town and County.

Requested Action.

The applicant, Christopher Swann and Snake River Bend Ranch LLC, are requesting that Teton County approve an amendment to the existing Snake River Canyon Ranch Resort Master Plan and Development Plan to transfer a single dwelling unit with a short-term rental use from Lot 23 to another location on the bench where Lots 24 and 25 would be replatted to accommodate the transfer. No increase in density is proposed.

Recommendation: Staff and applicant are recommending that this item be **continued** to the Planning Commission's meeting on March 15, 2023.

Suggested Motion: I move to **continue** Item P23-015 to the Planning Commission's meeting on March 15, 2023.

STAFF REPORT



Meeting Date:	March 1, 2023	Meeting Title:	Regular Planning Commission
Submitting Department:	Community Development	Presenter:	Tyler Sinclair
Agenda Item:	SUBJECT: ITEM P21-333: Request for a Land Development Regulation (LDR) Text Amendment to Section 6.1.4 Residential Uses and Section 6.1.5 Lodging Uses to amend definitions regarding occupancy limits	Public Comment:	Yes

Purpose & Policy Considerations.

All Text Amendments to the Town of Jackson Land Development Regulations (LDRs) require review and recommendation by the Planning Commission according to LDR Section 8.7.1. The Town Council makes the final decision on all LDR Text Amendments.

Requested Action.

As directed by the Town Council and Community Planning Director, the Town of Jackson Planning Department has drafted an LDR Text Amendment to do the following:

LDR Changes (summary):

1. Define a Short-term Rental use as a rental/occupancy of less than 30 days;
2. Define a long-term Residential as a rental/occupancy of 30 days or more;
3. Limit the number of Short-term Rentals to a maximum of 3 rentals per year in residential zones
4. Limit the total number of Short-term Rental days to 60 total rental days per year;
5. Exempt Short-term Rentals in residential zones from housing mitigation requirements;
6. Add Short-term Rental use as a Basic Use Permit and as an Accessory Use to residential zones;
7. Require notification to neighbors within 200 ft of Short-term Rental use;
8. Set effective date of STR ordinance for January 1, 2024 (thus all existing STR lease agreements through January 1, 2024, will not be affected by the new STR ordinance rules).

Non-LDR Changes or proposals (summary):

9. Develop public communications and ensure staff working with STR applicants know that Short-term Rentals in residential zones require a business license;
10. Add special (i.e., increased) application fee structure for Short-term Rentals in residential zones (modify Fee Resolution);
11. Repeal Municipal Code Chapter 5.60. The effect will be to eliminate the existing unique STR business license requirement, thus treating STRs in residential zones like any allowed Basic Use (including hotels/motels), which require only a BUP and annual business license for a sale tax collecting business.

The proposed LDR amendments are shown in redline below:

1. Amend LDR Section 6.1.4.A.1 Definition as follows:

Definition. A residential use is a living facility, certified under the International Residential or Building Code or by HUD, that includes permanent provision for long-

term permanent living, sleeping, eating, cooking, and sanitation and not for short-term transient lodging or short-term rental use.

2. Amend LDR Section 6.1.4.A.2. Standards [standards for Residential Uses] as follows:

- a. *No residential unit or portion of a residential unit may be rented such that occupancy by the lessee is limited to less than 30 consecutive ~~31~~ days unless approved for Short-term Rental use. Short-term rental of less than 30 ~~31~~ consecutive days shall be considered a lodging use subject to the standards of Sec. 6.1.5. A time-share condominium is considered a residential use as long as the ownership intervals are more than 30 ~~31~~ consecutive days or longer. Any ownership intervals of less duration shall be considered a lodging use.*

3. Amend LDR Section 6.1.5.A.1 [definition of Lodging Uses] as follows:

1. *Definition. A lodging use is a sleeping unit or residential unit, or portion of a residential unit, rented such that occupancy is limited to less than 30 consecutive ~~31~~ days.*

4. Amend LDR Section 6.1.5.C.1 [definition of Short-term Rental Unit] as follows:

1. *Definition. Short-term rental means the rental of all or a portion of a residential unit such that occupancy is limited to less than 30 consecutive ~~31~~ days.*

5. Amend LDR Section 6.1.5.C.2.a & b [standards for Short-term Rental Unit] as follows:

2. Standards

- a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 30 consecutive ~~31~~ days unless permitted for short-term rental.

Example of prohibited Residential Use: The owner of a house located in a residential zoning district outside of the Lodging Overlay (e.g., NL-5), executes a lease for 30 days but restricts occupancy of the tenant to only 7 days. This arrangement, or any other similar lease arrangement, is not a residential use. It is a Short-term Rental use that requires a BUP permit per the LDRs.

- b. Developments that have been approved for short-term rental use of less than 30 consecutive ~~31~~ days prior to November 9, 1994, will be allowed to continue such rental use in accordance with Div. 1.9. or in accordance with the PUD approval, whichever is applicable.
- c. A short-term rental unit shall be subject to the stricter of the two standards when residential and nonresidential standards ~~would~~ both apply.

EXAMPLE: A short-term rental unit is subject to lodging affordable workforce housing requirements rather than residential affordable workforce housing requirements. See also 6.3.5.C.1.a when changing use from residential to short-term rental

- d. Short-term Rental use in residential zone districts NL-1 to NL-5, NM-1, NM-2, NH-1, R, MHP, and OR zones is limited to a maximum of 3 separate rentals per calendar year for a maximum of 60 total rental days.
- e. Short-term Rental use in the NL-1 to NL-5, NM-1, NM-2, NH-1, R, MHP, and OR zones shall require notification of neighbors according to the requirements of Sec. 8.2.14.C.2. prior to approval of the BUP. Notice shall also contain contact information, including phone number and email address, of person(s) designated to responsible to address all questions and complaints on a 24 hour basis about the operation of the Short-term Rental.
- f. A business license shall be approved either prior to or concurrent with issuance of BUP.
- g. All BUPs for a Short-term Rental use expire on December 31 of each calendar year.

6. Add "Short-term Rental Unit" use as a Basic Use Permit (BUP) in each residential zone as an Accessory Use as shown below (NL-1 through NL-5, NM-1, NM-2, NH-1, OR, and R); NOTE: STR use would not be added to the following zones; CR-3, BP; TS-1; P; or P/SP which are located outside of the Lodging Overlay.

1. Allowed Uses				2. Use Requirements	
Use	Permit	Density (max)	Individual Use (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	B	n/a	n/a	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	1 unit per lot	8,000 sf habitable excluding basement	2/DU	$0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$
Transportation/Infrastructure					
Utility Facility (6.1.10C.C.)	C	n/a	n/a	1/employee + 1/stored vehicle	0.000123 * sf
Wireless Communications Facilities (6.1.10.D.)					
Minor	B	n/a	n/a	1/employee + 1 per stored vehicle	0.000123 * sf
Accessory Uses					
Accessory Residential Unit (6.1.11.B) (E.1)	B	1 unit per lot	(E.1)	1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	
Home Occupation (6.1.11.D.)	B	n/a	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	n/a	n/a	1/employee	exempt
Family Home Daycare (6.1.11.F.)	B	n/a	n/a	1/employee + 1 off-street pick-up/drop-off	exempt
Temporary Uses					
Temporary Shelter (6.1.12.D.)	B	1 unit per lot	n/a	2/DU	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	n/a	n/a	1/employee	exempt

Y=Use allowed, no use permit required. B=Basic Use Permit (Sec. 8.4.2.). C=Conditional Use Permit (Sec. 8.4.3.)

Add: "Short-term Rental Unit" as BUP in each residential zone as an Accessory Use

7. Housing Mitigation: Staff recommends that STRs in residential zones be exempted from the housing mitigation requirements in Sec. 6.3.2.C (i.e., add a new 6.3.2.C.14).

C. Exemptions: The following are exempt from the standards of this Division.

14. Short-Term Rental use in the following residential zones: NL-1, NL-2, NL-3, NL-4, NL-5, NM-1, NM-2, NH-1, MHP, OR, and R.

Recommendation.

The Community Development Director recommends **approval** of LDR Text Amendment P21-333.

Background.

A central feature of the Town's current short-term-rental rules is that homeowners in residential zones are allowed to rent their units for less than 31 days once per month (12 times per year) and that these rentals still qualify as a "residential" use. This flexibility has been allowed even though the definition of a residential use in the LDRs states that "no residential unit or portion of a residential unit may be rented such that occupancy is limited to less than 31 days. Short-term rental of less than 31 days shall be considered a lodging use..." Below is a quick history on how we got here.

- Pre-1994: Prior to 1994 the LDRs contained no reference to residential short-term rentals.
- 1994: Adoption of the community's first Comprehensive Plan and updated LDRs where the Town and County establish a Lodging Overlay that prohibits all lodging uses outside of the Lodging Overlay and Resort zone. Rental of a residential unit for less than 30 days defined as a separate, commercial use that is only allowed in these areas and in specific grandfathered developments. Enforcement was primarily complaint-driven until 2007.
- 2007: The Teton County Planning Director makes an informal interpretation that the rental of residential units outside the Lodging Overlay and Resort District for occupancy of less 30 days was allowed provided the contracted lease period was for at least 30 days. This interpretation— i.e., allowing one short-term rental every 30 days (one per month) — has been the Town's policy since.
- 2015: Town amends Municipal Code (not LDRs) to create new requirement for a short-term rental license for legal rentals inside of the Lodging Overlay.

Due to substantial confusion created by the 2007 interpretation and subsequent difficulty in enforcing that approach, the Council directed staff in 2021 to work on an amendment to the LDRs to clarify the rules for STRs in residential neighborhoods. In response, staff conducted extensive research into STR programs in Wyoming and around the country, but especially in peer resort communities with similar STR markets. Staff then met with the Planning Commission twice and the Council, approximately, five times to present information and get feedback. At the last meeting with the Council on October 17, 2022, Council provided specific direction on the primary components they would like to see in a new STR program in residential zones in the Town. This proposed amendment incorporates that direction. This report will not repeat the background information provided in previous staff reports but this information is available to view upon request.

Proposed Text Amendment / Staff Analysis

LDR Changes:

1. *Define a Short-Term rental use as a rental/occupancy of less than 30 days;*
 - a. Staff Analysis: Agree with this change. Changing to 30 days from the current 31 days is consistent with state requirements for lodging tax purposes.
2. *Define a long-term Residential as a rental/occupancy of 30 days or more;*
 - a. Staff Analysis: Agree with this change. Changing to 30 days from the current 31 days is consistent with state requirements for lodging tax purposes.
3. *Limit the number of Short-term Rentals to a maximum of 3 rentals per year in the residential zones.*
 - a. Staff Analysis: Staff recommends 3 STRs per year. This will provide the best balance between allowing reasonable STR use for locals but also protecting neighbors from too much commercial STR use. Staff believes that 4 STRs will impose too much of a burden on the residential character that is still the primary character of our residential zones.
4. *Limit the total number of Short-term Rental days to 60 total rental days per year.*
 - a. Staff Analysis: Staff recommends 60 total STR rental days per year. This will provide best balance between allowing reasonable STR use for locals but also protecting neighbors from too much commercial STR use. This number is based on allowing 3 STRs per year.
5. *Exempt Short-term Rentals in residential zones from housing mitigation requirements.*
 - a. Staff Analysis: Staff recommends that STRs in residential zones not be required to pay housing mitigation requirements per LDR Sec. 6.3. The reason is twofold: First, if a maximum of only 3 STRs are allowed per year, this is far less of an impact on employee generation than a full STR that allows an unlimited number of STRs each year (e.g., 2 STRs per month would equal 24 STRs in one year). Second, applying the housing mitigation requirement to a residential STR would likely be cost prohibitive. For example, the housing mitigation fee for a 2,000 sf 3-br house would be approximately \$70,000 under current rules (this amount could change again (increase/decrease) soon depending on outcome of Council's discussion on updated Nexus study this summer). This type of fee would likely kill the use of residential STRs for "mom and pop" locals because only the large, professional STR companies could pay the fee, which staff assumes is not Council's intent.
6. *Add Short-term Rental use as a Basic Use Permit and as an Accessory Use to residential zones (NL-1, NL-2, NL-3, NL-4, NL-5, NM-1, NM-2, NH-1, OR, MHP, and R).*
 - a. Staff Analysis: Staff recommends approval of this change. This change would make it clear that STRs in residential zones are intended as an "accessory" use and not as a principal use. The limit of 3 STRs per year and 60-day limit will ensure that the use remains an accessory use.
 - i. Fees for BUP: Fees for BUPs are not located in the LDRs but in the Town's fee resolution (Res. 21-08). However, consistent with previous Council direction that the residential STR permit fees should be set to recover the full cost of staff resources needed to implement the new program and administer it annually, staff proposes the following residential STR fee structure:
 1. Initial Application Fee: BUP cost is \$500 per bedroom. Thus, for 1-br unit; \$1,000 for 2-br unit; \$1,500 for 3-br unit; and \$2,000 for 4-br unit, and so on;
 2. Annual Renewal Fee: \$500

The rationale behind the escalating fee structure for initial applications is that smaller houses require fewer staff resources from the Planning, Legal, Code Enforcement, Police, and Fire Departments to review, inspect, and enforce these permits than larger housing units. The above fees recoup the estimated costs of staff resources and provide the additional funds anticipated to be needed to purchase software to track and enforce the new STR program.

7. *Require notification to neighbors within 200 ft of Short-term Rental use.*
 - a. Staff Analysis: Staff recommends approval of this change. Staff finds that providing notice to neighbors, which would include the contact information of the STR owner/manager, will help to set neighborhood expectations and provide neighbors an option to register complaints about the operation of the STR.
8. *Set effective date of STR ordinance for January 1, 2024 (thus all existing STR lease agreements through January 1, 2024, will not be affected by the new STR ordinance rules).*
 - a. Staff Analysis: Staff recommends approval of this change. This condition will allow existing STR contracts in residential zones to be honored through January 1, 2024. This will provide a “grace period” for those operating under the existing STR interpretation to make adjustments and to plan for the impending implementation of the new STR rules.

Non-LDR Changes or proposals:

1. Require that Short-term Rentals in residential zones to get a business license.
 - a. Operating a STR in a residential zone is considered a commercial enterprise and so requires approval of a business license like any other STR or business.
2. Repeal Municipal Code 5.60 that requires a special STR business license for STRs inside of the Lodging Overlay (LO): In 2015, the Town amended the Municipal Code (not LDRs) to require all STRs in the Lodging Overlay to get a special business license designed specifically for STRs. The intent was to require these STRs to display their individualized license number in all advertising for the unit so that the Town could more easily distinguish between these legal STRs and the illegal ones outside of the Lodging Overlay that had become a problem. However, largely because of the difficulty and confusion in enforcing the 2007 STR interpretation in residential areas, the licensing number of the legal STRs is of limited value. Furthermore, the new program now includes 200+ legal STRs and so consumes a significant amount of Planning staff’s time with little to no financial or regulatory return. Thus, our recommendation is to repeal this STR license requirement in 5.60. Doing so would not reduce any protections to the public or neighbors from STRs because each STR will still need to get a BUP from the Planning Department, a business license from the Finance Department, and undergo inspections by the Fire Department per the fire code. In short, the issue has never been STRs in the LO, the problem has been STRs outside of the LO in residential areas. Now, with this proposed amendment to better address the latter, there is no need to add additional process for STRs in the LO or treat them differently than any other allowed use (including hotels/motels) which require only a BUP and annual business license.
3. Update Town Fee Resolution (Res. 21-08) to include the new STR BUP fees (see above discussion on the fees for the STR program).

Comprehensive Plan & Priority Alignment.

Policy 3.2.c: Limit lodging to defined areas

Lodging and short-term rental use will continue to be limited to areas within a Lodging Overlay and existing Planned Resort in Town, and the existing County Planned Resorts and Planned Unit Developments where it is entitled. The potential for lodging and short-term rental development is important to the community's tourism economy, but it is not appropriate throughout the Town and County. Concentration of lodging locates short-term accommodations in areas where guests can access visitor-oriented amenities without a vehicle, while protecting the remainder of the community's residential, locally-oriented, and Rural Areas from expansion of tourist-related amenities.

Policy 4.2.e: Maintain lodging as a key component in the downtown

A key element of the 1994 Comprehensive Plan was the establishment of the Lodging Overlay District. The purpose of the overlay was to concentrate lodging into the downtown core, where guests can access tourist-orientated amenities without a vehicle. In addition, the overlay was intended to protect the remainder of the community from expansion and sprawl resulting from tourist and lodging amenities. The community continues to support the original intent of the overlay. Expanding on the goals of the 1994 Plan, this Plan supports the provision of a variety of year-round lodging types that encourage active management for nightly year-round occupancy.

Principle 4.3—Develop desirable residential neighborhoods

A primary goal of the community is to enhance the character and integrity of Complete Neighborhoods in the Town and County. Town residential neighborhoods will be defined as either "Stable" or "Transitional," Subareas based upon their existing and desired future character. An important goal is to maintain or reestablish a strong sense of ownership by all residents of their neighborhood. The specific designation for each neighborhood and the desired future character is defined in the Illustration of Our Vision chapter.

Staff Factors

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

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

Complies. One of the primary purposes of the LDRs is to implement the community's goals in the Comprehensive Plan for protecting community character in both our commercial and residential areas. The Town's zone districts, more particularly, are crafted to specify the amount, type, and location of development to best balance the community's goals for development and to create transparent and enforceable regulations. The proposed amendment is consistent with this goal by clarifying the rules for Short-term Rentals that have been very confusing in residential neighborhoods.

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

Complies. The proposed LDR amendment will improve consistency and clarity between how STRs are regulated compared to all other uses. The current reliance on the 2007 STR interpretation has created much confusion among, staff, the public, and landowners. Addressing neighbor complaints has been a challenge because of the lack of transparency in how the STR program is supposed to work in residential areas. The

proposed amendment seeks to address these deficiencies by providing a clear STR framework and process in which the roles of Town staff, neighbors, and landowners is much more clearly defined.

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

Complies. Staff finds that the proposed text amendment provides adequate flexibility for landowners to reasonably use their property for STR rental use in a way that also protects the residential character in our residential zones, including those in Stable subareas.

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

Complies. The proposed amendment is driven largely by the need to respond to a significant increase in demand for STRs and the rapidly changing online marketplace for booking STRs. Covid too has increased local demand for a wider variety of STR options throughout the year. Thus, current STR forces have overwhelmed our existing STR program and created the need for the proposed amendment.

5. *Improves implementation of the Comprehensive Plan; and*

Not Applicable per Wyoming State statute.

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

Complies. The proposed amendment will improve consistency between how STRs are regulated in the LDRs and in the Municipal Code. The current Municipal Code requirements create special rules for STRs inside of the Lodging Overlay that are different from all other allowed uses in the LDRs and so creates confusion. Adoption of the proposed LDRs amendments, coupled with the repeal of 5.60 in the Municipal Code, will significantly improve of the LDRs with other Town Ordinances.

FISCAL IMPACT:

The intent is to have new application fees for STRs offset the Town's cost of implementing the new program and administering the program annually. The fees will cover the cost of staff time and other resources in the Planning, Legal, Code Enforcement, Police and Fire Departments. Staff recommends updating the fee resolution above, thus the fiscal impact to the Town would be neutral.

STAFF IMPACT:

Staff has spent approximately 400 hours to complete research on this topic and prepare this staff report. If this amendment is adopted, staff time from all relevant Town Departments and the Fire Department is estimated to be approximately 800 hours. This approximation recognizes the reality that it is difficult to predict with precision how many hours staff will spend on implementing the new program, including enforcement and then annual work, given the popularity of the program is estimated and not known.

ATTACHMENTS OR LINKS

None

SUGGESTED MOTION

I move to recommend **approval** to the Town Council of the proposed text amendment P21-333, based upon factors 1-6 in Section 8.7.1.C of the Land Development Regulations as presented in the March 1, 2023, staff report.