

**SPECIAL JOINT INFORMATION PROCEEDINGS  
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING  
WITH  
THE TOWN AND COUNTY'S PLANNING COMMISSIONS**

**APRIL 24, 2018**

**JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission, Town Planning and Zoning Commission, and Teton County Planning Commission in a special joint information meeting located in the Teton County Chambers located at 200 S Willow at 5:33 P.M. Upon roll call the following were found to be present:

**CHAIR & COMMISSIONERS:** Chairman Mark Newcomb, Natalia Macker, Smokey Rhea, Paul Vogelheim, and Greg Epstein.

**MAYOR & COUNCIL:** Mayor Pete Muldoon, Jim Stanford, Don Frank, and Bob Lenz. Hailey Morton Levinson was absent.

**COUNTY PLANNING COMMISSION:** Chair Karen Rockey, Glen Esnard, and Mike Hammer. Stefan Fodor and Nikki Gill.

**TOWN PLANNING COMMISSION:** David Vandenberg, Jaime Farmer, Anne Schuler, and Katie Wilson. Chairman Adam Janak was absent.

**STAFF:** Tyler Sinclair, Alex Norton, Larry Pardee, Erin Weisman, and Shelley Fairbanks

**Housing Requirements in Land Development Regulations.**

Town and County are updating how much deed-restricted housing a developer should be required to provide as part of a new development. Housing requirements on new development have been in place since 1995. 25% of all new residential units must be affordable, and new businesses must house about 33% of their seasonal employees. However, a lot has changed since 1995, like how the community is growing and what types of housing are needed. The purpose of this project is to ensure new development is providing housing that is in line with current trends and community goals.

1. Tyler Sinclair, Planning Director, went over the purpose of tonight's meeting: 1) to identify potential modifications to the draft housing mitigation requirements, and 2) to add new modifications to the initial list provided. The intent is not to discuss the merits or substance of any proposed change – that will happen during upcoming public hearings. He discussed tonight's agenda and what the next steps will be. He also gave some background on how we got here. Mr. Sinclair gave a refresher on supply and demand as it relates to housing.

**Housing Mitigation Requirements Update:** What is proposed? A developer must provide housing for the year-round employees who cannot afford housing that are generated by the development.

Alex Norton, Long Range Planner, talked of the three main policy questions and the basic answer is year-round employees cannot afford housing that are generated by the development.

1. **Why Housing Mitigation Requirements?** To be a community first, and a resort second. The goal is to house 65% of the workforce locally. There is also the ecological benefit of reducing our footprint in the EcoSystem. The trend shows a downward trend from 90% to under 60% since the late 1980s.
2. **Why Update the Housing Mitigation Requirements?** To address decreased housing affordability since 1995 and to get the housing supply at the same time as the housing demand. In 1994, the median house price was twice the median income making about 33% of the population not able to afford a home. Today, the median house price is four times the median income with about 73% of the population not able to afford a home. The mitigation requirements in 1995 relied on one fundamental projection: housing growth would keep up with job growth and all we needed to do is make sure enough of the housing was affordable. The reality is the job growth has annually outpaced the housing supply significantly.

**Housing Mitigation Requirements Update Result:** Multi-Unit Residential Development has gone down in cost, Single-Family Residential cost has stayed the same, and Commercial Lodging and Institutional has gone up in cost. The impact is by decreasing the cost of the type

of residential development that we want, we may actually get more of that multi-unit residential development in town in the mixed use areas where it's allowed and proposed to be allowed.

## **Housing Mitigation Requirements Applicability**

- Applies to:
  - New development
  - Change of use
  - Reestablishment of an abandoned, grandfathered use
  - Replacement of an existing residential use
  - Substantial amendment to an unbuilt approval
- Exempt:
  - Existing Development
  - Prior mitigated development
  - Deed restricted housing
  - Agriculture
  - Mobile home, dormitory, group home
  - 2,000 sf home in the County
  - Accessory uses (including ARU)
  - Development in the P/SP zone
  - Development in Alta

## **Amount of Housing Mitigation Required**

- Provide housing for year-round employees, who cannot afford housing
  - How many employees per square foot?
    - Construction (how many employees does it take to build it?)
    - Place of work (how many employees work there post-construction?)
    - First responders (how many first responders does it take to protect it?)
  - What percentage of the employees are year-round?
  - How much do they make? (what percentage of them can afford market housing)
  - What percentage of them live with another employee

## **Type of Housing Mitigation Required**

- Affordability allocation schedule
  - Less than 50% of median income
  - 50-80% of median income
  - 80-120% of median income
  - 12-200% of median income
- Size allocation schedule
  - 1 bedroom or studio
  - 2 bedrooms
  - 3 bedrooms

## **Method for Providing Required Housing**

1. Construct the required housing on-site or off-site
2. Convey land to the Housing Authority
3. Utilize a banked affordable workforce housing unit
4. Restrict an existing unit
5. Pay an in-lieu fee

Mr. Sinclair spoke of proposed modification to Draft Housing Mitigation Requirements.

- The purpose is to create a list of potential changes to the draft housing mitigation requirements;
- Initial list attached to staff report is composed of modifications from public comment from the April 12 Open House and from staff's own list;
- Staff will review all modifications, group similar comments into common topics, and then provide analysis and recommendations for review by the PC and Council.

The Joint Board and both Planning Commissions proceeded to engage in a meeting exercise, "Post-It Notes." The purpose of the exercise is to review and add a NEW modification if the issue is not addressed. The public will refrain from interacting with the Board/Council/PCs during the exercise. Staff will then read aloud the modifications for confirmation and/or clarity.

Additional modifications include:

- General Housing Mitigation LDRs
  - Affordable housing needs to recognize rentals not just ownership

- Could employee generation by virtual businesses be addressed with business licenses?
- Be prudent if mitigation is too expensive we will not gain real housing on the ground
- New development should not be responsible for catch-up or retirement
- Create a list of inclusionary zoning offsets and reference where they exist in the current LDRs
- Penalize business that requires physical space as many new businesses are moving away from the need – how do we capture
- Developer definition – a person or thing that develops something
- Understand all measurable job growth, distribute mitigation equitably, need for more data on the job growth distribution
- Incentivize density over sprawl
- All new development should be required to include a travel demand management
- How do we mitigate for non-physical development jobs?
- Consider dollar impact on county for housing department staffing and other budget items. Who will pay for the increases?
- Not only should development mitigate for housing, it should also mitigate for transportation
- Consider alternative modes of transportation along with public transit
- How to enforce or follow-up on properties use as local vs. non-local particularly condo development and sales
- Item 8 on page 6 seems to conflict with the chart on page 5

#### Applicability/Exemptions Modifications

- How can we exempt workforce apartments from mitigation and be assured properties will always remain apartments?
- Eliminate exemption for 2,000sf single-family unit
- Eliminate mitigation for less than 1,500sf
- If physical space must carry mitigation burden, then all development should be without exceptions
- Exempt incidental outdoor seating
- Need a conversation about including basements in the calculations
- Clarify why public/semi-public is exempt
- Is TCSD exempt?
- Less than 2,000sf local exemption should be reduced to 1,500sf
- Remove public/semi-public exemption
- When did we exempt Alta? Should we exempt Alta?
- Tourist service companies generate more employees than square foot measurement captures

#### Type of Housing Required

- Categories are necessary if the housing addresses the need of all the workforce
- What do they mean when they complain about the Housing Department changing the rules?

#### Method for Providing Required Housing

- Priority list is okay
- Deed restriction on ARU's is good
- Concern the ARU restrictions will discourage people from building
- What about units such as Sagebrush Flats or Apartments, do Housing Authority rules apply?
- Housing supply can be new or rental or the equivalent or land
- Incentives for small houses
- Platting single family lots use the maximum but all for rebates similar to energy mitigation program if total square footage per house comes in at least 20% lower than maximum
- Mitigation at sale of lots or home product for new subdivision
- Can smaller developments submit streamlined mitigation agreement?
- Discuss the 15-year old rule for using existing housing stock
- Fee-in-Lieu is only good as a last resort
- The clawback makes sense
- If fees are paid up front, construct the clawback for homes actually built
- Change timing of collection of mitigation from upfront to when housing is built

 Amount of Housing Required

- If burdening physical development subtract other job creator to rationally distribute contributions, clarify when, why independent calculations can, should be used
- Consider using average for housing needed across employee generation
- Worth discussing but I see downsides
- How do you mitigate new construction when the use is unknown
- Local occupancy makes sense
- Alternate variables should be used for a and b, not c (relates to independent calculation)
- Clarify 6.3.3.A.8 with examples
- 70% mitigation escalates to 100% after new Nexus report is provided
- 6.3.3.B.3.B for large developments could this result in density calculations that could cause debate or confusion

Public comment was given by Mark Barron and Michael Kudar.

The Board/Council/PCs had the opportunity to add modifications after listening to public comment and ask staff any additional questions.

No action was taken.

**Adjourn.** On behalf of the County Commission, a motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to adjourn the meeting. The vote showed all in favor and the motion carried on behalf of the County Commission.

On behalf of the Town Council, a motion was made by Councilman Frank and seconded by Councilman Stanford to adjourn the meeting. The vote showed all in favor and the motion carried on behalf of the Town Council.

The meeting adjourned at 7:20 p.m.

TETON COUNTY

Mark Newcomb, Chair

ATTEST:

Sherry L. Daigle, Teton County Clerk

minutes:sdf