

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
June 27, 2022**

The regular meeting of the Planning Commission meeting was called to order at 6:00 PM in the Board of County Commission Chambers with Alex Muromcew, Chair, presiding.

ROLL CALL: Alex Muromcew, Devon Viehman, Kasey Mateosky, Karen Rockey, Sue Lurie.

STAFF: Ryan Hostetter, Chris Neubecker, Keith Gingery.

APPROVAL OF MINUTES: 6/13/22

MOTION: _____ **Rockey** _____ **SECONDED:** _____ **Mateosky** _____

VOTE: The vote showed 5 in favor. None opposed. The motion Passed

ADOPTION OF AGENDA: 6/27/22

MOTION: _____ **Mateosky** _____ **SECONDED:** _____ **Rockey** _____

VOTE: The vote showed 5 in favor. None opposed. The motion Passed.

MATTERS FROM THE PUBLIC: None

NEW BUSINESS

Permit: [AMD2022-0001](#) – [Staff Report](#)
Applicant: JACKSON HOLE COMMUNITY HOUSING TRUST
Presenter: Ryan Hostetter
Request: Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to amend Section 3.3.4. E. (Suburban zone) related to deed restricted affordable housing and add a new section No. 2 which would add language to allow streamlining of the process for review of deed restricted housing projects, specifically removing the requirement for a Sketch Plan. This amendment is made by the Jackson Hole Community Housing Trust to facilitate the streamlining of eligible deed restricted affordable housing projects within the Suburban zone.
Location: Countywide

STAFF PRESENTATION:

Ryan Hostetter, Principal Long-Range Planner, introduced the application. Request is to amend the Suburban zone to streamline Affordable Housing deed restricted projects. Request adds a new section in Sec. 3.3.4 E. Sketch Plan would be eliminated, but Development Plan would still be required. Removing Sketch Plan would reduce application review time by 6 to 9 months. Intent of the Sketch Plan process is to connect with developer on a preliminary review earlier in the process. A project would go directly to Development Plan, which still requires a staff review and a hearing, but feedback would be after detailed plans and studies are prepared.

Rockey – At what point would neighbors be notified? How will the public participate?

Hostetter – This removes Sketch Plan, but still requires a Development Plan with mailed notice, so neighbors still have an opportunity to comment.

Mateosky – As I recall, the Sketch Plan was added at the behest of developers. So, what may happen is that there is more risk to developers. It should be an option for developers that still want to go through process, but not required for those that want to take the risk. It's a bigger discussion.

Hostetter – That is a larger policy discussion that would need more research. Right now, the request is specific to this application and zone.

Mateosky – This seems to be exclusionary. I am in favor of getting rid of Sketch. Why not make it County wide?

Viehman – My questions have been asked and answered about public notice to neighbors.

Lurie – Do we have data on how many applications made it through the process without any changes required by staff or the Commission. It might cost developers more to make changes near the end. Is there any data on number of applications that looked great and did not need any changes?

Hostetter – That would take a lot of staff time to research each individual permit application and cross reference with corresponding development plan permits which we currently don't have the capacity to complete.

Muromcew – Would this only apply to Suburban zones? I was under impression that Suburban was being phased out.

Hostetter - That's right, this application is very surgical to apply to only a few cases.

Muromcew – Theoretically we could see more applications to convert to Suburban to take advantage of this exemptions.

Hostetter – Yes, there is an opportunity for others to apply.

Muromcew – I could see this for under 5 or 10 units, but for developments over 10 units you may open the floodgates to development without the Sketch Plan. There is a difference between LVE and the Horse Creek property, versus Northern South Park.

Neubecker – Clarified that it only applies to 100% deed restricted Affordable Housing, and only in the Suburban zone.

Muromcew – Does staff have other ideas on how to speed up the process?

Hostetter – We worked with our Plan Review Committee to clarify that Development Plans are still required. We also worked with application to modify and clarify the language

Rockey – I was impressed by feedback from our county departments, and their concern on ability to provide early feedback. I was under impression that Sketch was a very preliminary plan, so why does it add so much time? Also, could Affordable Housing project go to the front of the line?

Hostetter – It's a robust process, and when you add up all the dates, the process takes about 6 months.

Rockey – Definition is that Workforce is those that work locally. What is definition of Workforce? Does someone that works remotely in Jackson meet definition? When we reviewed Lower Valley Energy, they changed to say they would house not only LVE employees but possibly other workers as well. We need to ensure that our policies are directed toward those with greatest need.

Lurie – Did anyone on the Plan Review Committee not respond? The way I read the responses, some used language that is cautionary or concerning. They did not seem to think this was a good idea.

Hostetter – The Plan Review Committee is losing an opportunity for an early review in the process. When they originally reviewed this project, the request included removing both Sketch and Development Plan which is similar to what the Town does in certain instances. In order to solve some of these issues staff recommended to the applicant that only Sketch Plan be removed, and that the Development Plan process remain in place so that the agencies may provide an opportunity to comment and condition a project as necessary.

APPLICANT PRESENTATION:

Alison Lee, Jackson Hole Community Housing Trust – Appreciate working with staff. The County will still get opportunity to review, including Plan Review Committee and a public engagement process. The changes will allow projects to be reviewed. Housing costs rise faster than income. The longer we wait, the harder it gets since our projects are tied to incomes and not tied to costs of development.

Rockey – You mentioned the need for the developer to move quickly. Do you do your own development or work with other developers?

Lee – We do our own development.

Rockey – Do you pay cash or take on loans?

Lee – There is a construction loan for about what we sell the units for, but there is some type of subsidy usually from philanthropy. We have deed restrictions, usually built into a land lease, the deed restrictions are in the ground lease. Purchaser must live in community at least 10 months per year. Sales are capped and sold through the Housing Trust.

Mateosky – What happens if the plan you submit is rejected?

Lee – We would then need to redo our plan. But we think it would still take less time. We work with experienced contractors and designers. We are willing to risk it, but the risk is proportionate.

Mateosky – Wonder if skipping the process puts the County into a position of needing to say yes. I am hesitant to be put in a position down the line.

Lee – We are aware of the risk.

Mateosky – Are you aware that most of the PRC was hesitant to say yes to this proposal? One of my concerns is to eliminate opportunity for public comment by skipping Sketch Plan. If people feel that they have no say on what is happening next door to them, then opportunity for comment will be curtailed.

Lee – Comment would be curtailed. We have not yet had issues in the Town. At Horse Creek, we went through the process and there was public engagement.

Ann Cresswell, Executive Director, Jackson Hole Community Housing Trust – We sincerely appreciate the risks to the Housing Trust, and it is incumbent upon us to work with the PRC every step along the way, so that it will meet with their approval upon review. We were appreciative of the support and understanding of the need for affordable housing. They are a resource to us, and I would not hesitate to reach out to them early in the process. Time is of the essence every time we build affordable housing.

PUBLIC COMMENT: None

PC DISCUSSION:

Mateosky – I would like to ask Mr. Gingery if he has any concerns.

Gingery – There is also an opportunity for comment at plat review. Sketch Plan is not statutory, we created this locally. It was added to assist developers and allow them to submit their concept early in the process. Now, the Development Plan is often perfunctory because so much detail is provided in the Sketch Plan. The Town process is different because all the infrastructure is in place, but in the County, we need to deal with sewer and water issues. In other counties, they primarily look at state statutes to see what is required to subdivide, including access, water supply, wastewater. The plat review is often the most important review since that is when we get details on these issues. This text amendment will help one specific project, Horse Creek. If we get a rush of applications for 100% affordable housing, maybe that's a good thing.

Mateosky – There still will be public notice. We need to start putting roofs over heads. The Jackson Hole Community Housing Trust has helped my family. Reducing 6 to 9 months helps. I am here to vote yes.

Rockey – Concur with Mateosky, 100%. I would love to see this get under way. But I have to come back to the Pandora's Box question, and if it was limited to the Housing Trust I would support immediately. Could this be misused in some way?

Gingery read some language from the proposed text amendment on the deed restrictions and which organizations can approve the restrictions.

General discussion about the language proposed relating to deed restrictions and the organizations that can approved or administer the deed restrictions.

Hostetter – We suggested adding language to ensure that the project is 100% deed restricted.

Rockey – Stand with Commissioner Mateosky, I support.

Viehman – I appreciate all the comments from Chief Deputy County Attorney Gingery. If the applicant is willing to take on the risk, its their own impact. I am ready to move forward as proposed.

Lurie – I have looked through the comments from the PRC members. There could be more impacts on staff time if there are significant changes needed. Concern about Natural Resources and ability to incorporate change in an efficient manner. She read from staff comments on PRC. Maybe there could be a queuing process to move affordable housing applicants to the front of the line. Not a good sign to have this many comments and concerns from the PRC.

Muromcew – Is there a risk that we are creating a special category of application, and will this encourage other changes to the LDRs? Will others come before us requesting that certain rules don't apply?

Hostetter – I view this as a pilot project. We have had discussions about steps we can take to help deed restricted affordable housing. This is one step we can take to encourage and help affordable housing. We would need to do some analysis to see what the impacts would be. Staff sees this as a way to understand how the process can help to make affordable housing happen.

Gingery – We are supposed to be doing land use planning on large swaths, not building zones around specific projects. You are going to see more and more spot zoning and more specific text amendments. Sketch plans are getting very detailed, and they are intended to be more conceptual. We should not put so much emphasis on Sketch Plan. Your conversations are the same as those I had with Ryan and Chris. The planners have considered all these issues. The only drawback I can think of on this particular property at Horse Creek is, are we going to address the water quality issues early on? Or does this just flow on through and will we miss something that we might have caught if we had a Sketch Plan process?

MOTION: Mateosky

SECONDED: Viehman

VOTE: The vote showed 4 in favor. One opposed. The motion Passed (Opposed: Lurie)

**MATTERS FROM COMMISSION
AGENDA FOLLOWUP
MATTERS FROM STAFF**

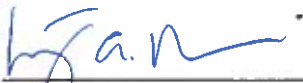
ADJOURNMENT

A motion for adjournment was made by Mateosky and Rockey seconded. The meeting was adjourned at 7:16 p.m.



Alex Muromcew, Chair

ATTEST:



Chris Neubecker, Planning Director

- Digital recording on file-