



Board of County Commissioners - Staff Report

Subject: AMD2019-0006: LDR Text Amendment for Biennial LDR Cleanup

Agent/Applicant: Teton County

Property Owner: n/a; County-wide

Presenter: Rian Rooney, Associate Long-Range Planner

REQUESTED ACTION

Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1, to address a variety of issues throughout the text, including typos and corrections, clarifications, compliance with other laws and regulations, codification of existing practice for transparency and clarity, and minor policy modifications. The Teton County Planning Department has complied with the requirements of Wyoming State Statute § 9-5-304.

SUGGESTED REVIEW PROCESS

The proposed amendment is composed of 49 modifications to the LDRs. The description of each change can be found in the table in the accompanying guide dated June 1, 2020 (Attachment #1 to this report). The linked redlined version of the LDRs dated June 29, 2020 (Attachment #6) shows the complete set of proposed changes to the text. Staff is providing the following review format to facilitate the Board's review of the proposed amendment. This format has been successfully used to review other amendments that include many different components.

1. *Staff Presentation.* Staff will not go through each of the modifications but will highlight the general categories of the modifications and discuss the key issues identified below. Staff will answer any initial questions from the Board on the proposed modifications.
2. *Public Comment.* The Chair will invite public comment on the proposal. Once public comment is closed, Staff will answer any additional questions that have arisen during public comment.
3. *Identify the Modifications to Discuss.* In the Key Issues section below, Staff has recommended four modifications for the Board to discuss. Beyond those issues, Staff recommends the Commissioners each identify any listed modifications they would like to discuss further as a group. Any modification listed in this amendment that is not discussed and specifically included in an approved motion will be considered approved by the Board as represented in this staff report. Staff recommends that the Board limit its consideration of modifications to those proposed and listed in this amendment. Staff will maintain a list of additional modifications that may be generated by the Board's discussion. These additional modifications can be added to a future "Cleanup" amendment or brought before the Board as a future individual text amendment for consideration.
4. *Straw Poll Discussion Items.* Staff recommends the Board then discuss each of the items identified and take a straw poll whether to include, include with changes, or remove the modification from the approval of the overall Cleanup item.
5. *Motion.* Once all of the discussion items have been straw polled, the Commission will make a motion to approve the amendment subject to any conditions which list the changes resulting from the straw polls on individual modifications.

BACKGROUND/DESCRIPTION

PROJECT DESCRIPTION

Planning Staff regularly prepares "cleanups" of the LDRs to ensure that they are maintained, remain accurate and current, and are compliant with relevant updates to other laws and regulations. The County's goal is to complete

these cleanup amendments every two years so that implementation of the LDRs remains consistent with the Comprehensive Plan and so the LDRs are as clear as possible. The last LDR Cleanup Amendment was adopted in December 2016 and became effective January 1, 2017. This 2019-2020 Cleanup was directed through the FY 20 Implementation Work Plan.

The proposed amendments in this cleanup fall into 5 categories:

1. **Typos & Corrections.** These are insubstantial changes for misspellings and typographical errors, incorrect internal references, resolving unintentional omissions, and updating language for consistency.
2. **Clarification.** These updates are meant to clarify the text of LDRs without making any policy changes. These types of changes may enhance organization of the LDRs, rephrase existing language to clarify intent, add language to close loopholes or clarify regulations and definitions that are vague, or reference state statutes that inform the regulation in question.
3. **Compliance.** These updates reflect legal rulings, changes to state or federal law, or directives from other entities that impact our LDRs. They may indicate potential changes in policy.
4. **Codification of Existing Practice.** These changes are meant to incorporate existing practice and policy into the text of the LDRs for transparency and clarity. These changes do not indicate a shift in practice or policy.
5. **Policy.** These changes are distinct, but minor, changes in policy that are being introduced in this LDR text amendment. They are only included as cleanup items because they improve consistency of the LDRs with other regulatory standards already vetted by the Board or have minimal impact, such as the streamlining of review processes.

LOCATION

Applies County-wide.

STAFF ANALYSIS

A draft of the proposed text amendments as a full redline of the LDRs and an accompanying guide to the changes are included as attachments to this report. The guide describes the issue, location, and nature of the change for each modification in a numbered table so that each can be easily identified for discussion or editing purposes.

KEY ISSUES

KEY ISSUE 1: Evolution of LDR Cleanup Drafts

A first draft of the 2019-2020 LDR Cleanup was made available with an accompanying guide for public review on May 6, 2020, pursuant to the LDRs and Wyoming Statute §16-3-103. Following this release, additional internal departmental feedback and reviews yielded a few minor additions and changes that staff believed ought to be included in the proposed amendment. Those changes were included in the June 1, 2020 draft and accompanying guide, which were posted on the Long-Range Planning website upon release. The Planning Commission based its review and recommended conditions on the June 1, 2020 draft. Below is a complete list of the changes from the initial May 6 draft that were included in the June 1 draft:

- Addition of numbering for each modification in the guide for ease of review and discussion
- Modification 9 was adjusted to clean up an additional grammatical error/typo that was noticed during review.
- Modification 22 was added at the request of the Planning Director to address an additional item for clarification
- Modification 27 was adjusted to list townhouses rather than single-family homes as units that may be approved for short-term rentals in Teton Village II
- Modification 32 was moved from the Compliance category to the Clarification category.
- Modification 35 was added at the request of the Planning Department to address an unintended consequence in the calculation of landscape surface ratio as a result of a previous amendment.

- Modification 36 was added at the request of the Planning Department to address an unintended consequence in the calculation of site development allowance as a result of a previous amendment.
- Modification 42 was altered to add “plantings” as a listed feature requiring permitting from the United States Army Corps of Engineers (USACE), after review by Teton County Road & Levee and the USACE.
- Modification 46 was changed to add labels to each of the two flow charts documenting processes for additional clarity. This modification is further discussed in Key Issue #5.
- Modification 48 was moved from the Clarification category to the Policy category, after additional internal discussion among Staff. This modification is further discussed in Key Issue #2.

Based on the Planning Commission discussion and recommendation and public comment received on the LDR Cleanup, staff revisited and revised three proposed modifications to better clarify proposed language and reduce impacts. These three revisions are incorporated into a final redlined draft of the proposed amendment, dated June 29, 2020, and linked in the “Attachments” section of this staff report. Staff recommends that the Board use this draft as a basis for its review. To maintain clarity and continuity between changes made in each draft, a new guide was not issued with the June 29, 2020 draft. Please consult the June 1, 2020 guide attached to this report for review.

The three revisions to the modifications are discussed in further detail in the Key Issues below.

- Modification 25 was revised to keep Divisions 7.6. & 7.7. located in Article 7 and to list the standards in these Divisions in both the Physical Development and Development Options tables for each zone.
- Modification 28 was revised to clarify that the Housing Department’s Livability Standards apply to not only the Other Workforce Housing exemption but also to the Affordable Workforce Housing Unit exemption, and that the Housing Department Unit exemption must be in compliance with the Housing Department Rules and Regulations as a whole.
- Modification 48 was revised to remove the proposed 6-month minimum lease term for all ARUs and to keep it at 90 days, unless stipulated elsewhere in the LDRs or in a deed restriction. The revision also clarifies that ARUs accessory to a nonresidential use are required to record a Special Restriction for Workforce Housing and therefore are subject to a 6-month minimum lease term (per the Special Restriction). The revision adds, for clarity, that these units may continue to be “banked.”

KEY ISSUE 2: Revision of Modification #48 to remove proposed 6-month minimum lease terms for all ARUs

Modification #48 involves changes to the standards for Accessory Residential Units (ARUs) in Section 6.1.11.B. of the LDRs. Setting aside updating language to clarify the role of the Jackson/Teton County Housing Department in the restriction and enforcement of workforce ARUs, there are two key changes proposed in the original modification. Staff is now recommending removing change #1 and clarifying change #2.

1. A change to the minimum rental period for all ARUs from 90 days to 6 months.
2. The codification of the Housing Department policy that ARUs accessory to a non-residential use require a Special Restriction for Workforce Rental Housing recorded on the property.

Both changes were requested by the Jackson/Teton County Housing Department to make the LDRs consistent with the current Housing Department Rules and Regulations and policy direction on mitigation efforts since 2018.

The first is a change to the minimum rental period for Accessory Residential Units (ARUs) from 90 days to 6 months. Currently, the Jackson/Teton County Housing Department formally deed-restricts ARUs created as part of a primarily non-residential development as Workforce Rentals using a Special Restriction for Workforce Rental

Housing, which requires that the rental term of those workforce residential units be for periods of “not less than six (6) months.”¹

However, ARUs that are accessory to a primary residential use are not formally deed-restricted by the Housing Department and are regulated only through the LDRs. The modification to the lease term minimum of the LDRs from 90 days to 6 months would make this rental period consistent across all ARUs, matching the Housing Department standard for ARUs regulated with a Special Restriction for Workforce Rental Housing. The intent of the 6-month minimum lease term in the Housing Department policy is to ensure that ARUs house year-round rather than seasonal employees.

Staff recognizes that the originally proposed change in lease term minimum would mark a policy change for those ARUs that are not already deed-restricted, monitored, and enforced by the Housing Department. The Housing Department Rules and Regulations do not set a minimum lease term for all ARUs.

The second change in the proposed Modification #48 is to codify the requirement that ARUs accessory to a nonresidential use have a Special Restriction for Workforce Rental Housing, administered by the Housing Department, recorded on the property. This restriction is already policy in the Housing Department Rules and Regulations, but the Housing Department has requested the alignment of the LDRs for consistency and transparency. This addition is not a policy change, but a clarification.

While the deed-restriction may be perceived as an additional burden to the landowner, the restriction simply records existing regulations on the property: that the unit be used for workforce housing. ARUs accessory to nonresidential uses that are developed after June 4, 2018 are part of the Housing Department’s Workforce Rental program and are subject to the Special Restriction for Workforce Rental Housing. The current LDRs state that ARU occupants will be “employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations,”² unless they are guests or family members of the occupants of the primary dwelling unit. Because there is no primary dwelling unit for ARUs accessory to a nonresidential use, these units are required to be used to house the workforce in accordance with the Housing Department Rules and Regulations.

During its June 8th, 2020 hearing, the Planning Commission recommended removal of the two changes included in Modification #48 and discussed in this Key Issue. The Planning Commission recommended that these two changes be included for consideration as an individual LDR text amendment at a later date. It should be noted that the Planning Commission’s primary concern was with the requirements in part 1 of the modification: the policy shift to change minimum lease terms for all ARUs from 90 days to 6 months.

Recognizing the Planning Commission’s concerns and additional concerns raised in public comment, Staff revisited the changes in Modification #48 with the Housing Department and is now recommending a revision to ensure that the necessary cleanup to this section occurs, but that potential impacts are minimized as much as possible. The revision now recommended by Planning Staff does not change the 90-day minimum lease term requirement for ARUs. The revision is limited to only ARUs accessory to nonresidential uses. The revised text maintains the addition of clarifying language regarding standards for ARUs accessory to a nonresidential use, to align with existing Housing Department policy. The revision also clarifies that these units will still be eligible to be used as “banked” units if they are not used to fulfill a mitigation requirement at the time of restriction. The revision reiterates that these units will have a minimum 6-month lease term, in accordance with the Special Restriction for Workforce Rental Housing that they are subject to. With this revised recommendation, ARUs associated with a primary residential use, such as a single-family home, will not be impacted in this cleanup. However, existing requirements for ARUs associated with a primary nonresidential use, such as the deed restriction requirement for workforce occupancy and the corresponding 6-month rental period within that restriction template, will be made transparent in the LDRs.

¹ Special Restrictions for Workforce Housing, Section 2.E., Jackson/Teton County Housing Department, July 23, 2019.

² Teton County Land Development Regulations, Section 6.1.11.B.3.b.i., August 7, 2018.

Staff believes that these revisions address the concerns of the Planning Commission and public comment while fulfilling the necessary cleanup for this section and recommends adoption of these revisions to Modification #48.

The full redline of recommended changes to 6.1.11.B. is excerpted and attached to this report as "Revised Modification #48" dated June 29, 2020. Additionally, the Jackson/Teton County Housing Department Rules and Regulations and Special Restrictions for Workforce Housing template form are linked below in the "Attachments" section of this report for reference.

KEY ISSUE 3: Revision of Modification #28 to clarify that Livability Standards apply to not only the Other Workforce Housing exemption but also to the Affordable Workforce Housing Unit exemption

Proposed Modification #28 is intended to clarify that workforce deed-restricted residential units, while exempt from the standards of Division 6.3. of the LDRs, are still required to comply with the Livability Standards in Section 2-3 of the Housing Department Rules and Regulations. This modification was requested by the Housing Department to clarify the existing text of the LDRs regarding the applicability of the Livability Standards in the Housing Department Rules and Regulations to deed-restricted units administered by non-profit housing developers in Teton County. Section 2-3 of the Rules and Regulations states that restricted housing units are required to meet the Housing Department's Livability Standards. The Livability Standards replaced the minimum size requirements that used to be required for restricted units.

After additional review of the exemption language in 6.3.2.C. of the LDRs, staff is recommending that Modification #28 be revised to clarify that both the "Affordable Workforce Housing Unit" and "Other Workforce Housing" exemptions must be in compliance with the Livability Standards of the Housing Department Rules and Regulations. The initial language proposed in Modification #28 did not include that clarification for the "Affordable Workforce Housing Unit" exemption. The recommended revision also adds that the "Housing Department Unit" exemption must comply with the Housing Department Rules and Regulations as a whole.

In summary, residential units built and voluntarily deed restricted as workforce or affordable housing do not generate a need to mitigate for employment generation like a non-restricted residential or commercial use would. Likewise, residential units built and deed restricted as workforce or affordable housing may be used to mitigate for employment generation for a non-restricted residential or commercial use. However, on either occasion (exempted from housing mitigation or being used to mitigate housing needs generated) the units need to meet the Livability Standards of the Housing Department Rules and Regulations.

The full redline of revised changes to these exemptions is excerpted and attached to this report as "Revised Modification #28," dated June 29, 2020.

KEY ISSUE 4: Revision of Modification #25 to keep Divisions 7.6. & 7.7. in Article 7 and to list these standards in both the Physical Development and Development Options tables for each zone

Modification #25 was intended to clarify for applicants developing an individual lot that the standards of Divisions 7.6. Transportation Facilities & 7.7. Required Utilities apply to their proposed physical development, even though these standards are located in Article 7 and not Article 5 with the rest of the physical development standards. Staff had originally proposed relocating these standards out of Article 5 and into Article 7 and updating the Physical Development tables for each zone to address potential confusion. The LDRs already state in Division 1.5. Applicability that the standards of the LDRs will apply to all development, so this proposed modification is not a change in policy and was intended solely for clarification of existing standards and applicability.

However, after further internal review, staff has determined that the proposed restructuring of the LDRs may create new confusion while it clarifies the original issue. By moving Transportation Facilities and Required Utilities

out of Article 7 it may appear as though these standards no longer apply to subdivisions, which is not the case. The applicability of certain standards in these Articles to both physical development and subdivision causes a basic structural and organizational challenge in the LDRs. Staff also is concerned that this organizational change would create a significant break in the structural alignment of the County LDRs with the Town of Jackson's LDRs, a change that conflicts with Division 1.3. Purpose and Intent of the LDRs.

To better resolve this issue, staff is proposing that Modification #25 be revised to keep Divisions 7.6. & 7.7. where they are currently located in Article 7. To help to alleviate the potential confusion surrounding applicability, staff recommends adding these Divisions to the Physical Development tables in Subsection B of each zone, as proposed in the initial draft, and to also retain these standards, in a simplified form, in the Development Options tables in Subsection D of each zone. In this revised proposal, the standards will be listed twice in each zone, once under each of the tables. Staff believes that this will help to clarify the applicable standards for applicants and landowners, as the zone-based standards tables are a consolidated point of reference for what is allowable and required on a given property.

Attached to this report please find an example of a revised amendment to Section 2.3.1. Auto Urban Commercial – County (AC-TC) Zone, “Revised Modification #25, Example” dated June 29, 2020, demonstrating Staff’s recommendation to address this issue. Under the revised Modification #25, all zones would be amended in this manner and Divisions 7.6 & 7.7. would remain in place, as represented in the complete redline draft dated June 29, 2020 and linked to this report.

KEY ISSUE 5: Modification #46: Miscellaneous Planning Requests administrative procedures detailed in proposed Section 8.2.15.

8.1.1. Purpose and Intent

The purpose of this Article is to establish uniform procedures for the administration of these LDRs. The general objectives to be achieved through these procedures are to:

- A. Ensure compliance with the purpose and provisions of these LDRs;*
- B. Ensure equitable processing of all applications;*
- C. Protect the health, safety, and welfare of current and future residents of the community;*
- D. Ensure conformance and coordination of physical development, use, development options, and subdivision with the public improvement and other plans of the community;*
- E. Ensure well organized and uniform land records to facilitate the physical development, use, development options, and subdivision of land; and*
- F. Safeguard the interests of the public, landowners, and developers.*

One proposed change in the cleanup amendment is to outline a process in the LDRs for Miscellaneous Planning Requests (MSCs), described in proposed new Section 8.2.15 (Modification #46). The intent of this item is to articulate and lay out the existing processes and practices in place for reviewing miscellaneous requests to add clarity for applicants. Current Planning Staff have expressed an interest in including guidelines and direction detailing procedure for Miscellaneous Planning Requests as an aid for the public and to increase transparency in the process and anticipated timelines.

The amendment does not propose any changes to current procedure for Miscellaneous Planning Requests. However, because these items are miscellaneous, they range in scope from planner-of-the-day information requests to fee waiver requests and follow different processes and timelines. The varying nature of the requests also produce a variety of outcomes and deliverables. Some items are simply reviewed and acted upon within the Planning Department, while others go through the public hearing process for a decision before the Board of County Commissioners. As a result, there is no singular process for Miscellaneous Planning Requests and the full variation cannot be comprehensively represented in a single section and process flow chart.

To address this issue in the proposed amendment, Staff included two process flow charts that lay out the steps for simple and more extensive review procedures. These two flow charts lay out the basic procedures following the two main processes for review of planning applications. The June 1 draft labels these two charts as "Staff Review" and "Public Hearing," to distinguish between internal review and those which require a decision from the Board of County Commissioners. The "Review Process" subsection (8.2.15.E.) states that requests will follow one of the two charts. This departs from the presentation of other administrative procedures in the LDRs, which have one fixed process.

Additionally, even within a single flow chart (particularly the Public Hearing process), the nuances of procedure for different types of requests may vary. Some reviews of monitoring reports, for example, are heard by the Planning Commission, while others are not and may go straight to the BCC. To represent this variation, the flow chart indicates that the Planning Commission meeting will be held "if necessary," but does not explicitly define every instance that would or would not include a Planning Commission review. Because this miscellaneous process can be a catchall for otherwise unspecified requests and applications, it is not possible to define all potential requests and processes. Simply put, the wide array of variation that is part of the "miscellaneous" nature of these requests leaves the Miscellaneous Planning Request difficult to codify comprehensively in the LDR text.

As the intent of this update is to increase clarity and transparency of processes for the public, the proposed changes raise the question of whether they are successful in that aim. If the text is unable to accommodate the full range of procedures in explicit detail, the additional text runs the risk of confusing more than clarifying.

Planning Staff will continue working with applicants to communicate process and timelines based on the nature of specific requests and believes that the addition of this documentation as a guide and starting place is a useful and clarifying addition to the LDRs.

One alternative would be to leave out this change entirely and continue processing reviews and requests depending on their specific nature. Another alternative could be to have a single process diagram that attempts to detail the range of options captured in the two diagrams included in the proposed draft.

During the Planning Commission hearing on June 8th, 2020, Planning Commissioners expressed support for this modification, and it was not flagged for additional discussion or straw polling.

PLANNING COMMISSION ANALYSIS

The Planning Commission met on June 8th to discuss this cleanup amendment proposal. All members of the Planning Commission were present. Planning Commission discussion primarily focused on the changes to ARU standards in 6.1.11.B., detailed in Key Issue #2, particularly the issue of minimum lease terms. The Planning Commission discussed the purpose of ARUs and the existing regulations on ARUs that are not deed-restricted by the Housing Department. There were questions and concerns raised about the challenges of enforcing and monitoring lawfully nonconforming ARUs, as they could continue operating with lease periods shorter than the proposed 6 months. Planning Commissioners also discussed the current conditions for occupancy in place for ARUs and how nonresidential ARUs are thereby designated only for workforce occupants.

There was clarification regarding the jurisdictional nature of the Joint Jackson/Teton County Housing Department and the Jackson/Teton County Housing Authority and when they became joint departments. It was clarified that the addition of language that references the current names of these entities is simply cleanup for accuracy.

Commissioner Mateosky expressed concerns that the area's economy is based on seasonal work, that seasonal workers take advantage of shorter lease term rentals, and that setting up 6-month minimum lease terms might cause unenforced broken leases. There were also concerns about impositions on property owners regarding their own rights to rent ARUs seasonally, noting that there is a difference between a private ARU and one deed-restricted and monitored by the Housing Department. Commissioners Rockey and Esnard considered the proposed change to ARU rental periods to be unnecessary overreach. Discussion included questioning the utility

of additional regulation for consistency and ease of enforcement, even if enforcement would admittedly be challenging.

A majority of the Planning Commissioners shared support for seeing this amendment removed from the LDR Cleanup and reviewed separately through an independent LDR text amendment process.

Regarding Key Issue #5, Miscellaneous Planning Requests, Commissioner Rockey expressed support for the proposed addition, the drafted language and the two process diagrams, adding that it was clear and provided a useful starting point for users and applicants.

Commissioner Muromcew expressed interest in discussing modifications to Section 5.3.1. of the LDRs, Exterior Lighting Standards, proposed via public comment by Mr. Samuel Singer of Wyoming Stargazing. Commissioner Mateosky discussed the proposed changes briefly but felt that some of the suggestions were overreaching. Staff recommended that the Planning Commission limit its focus to the modifications brought forward in the proposed draft generated by County Staff and agreed that the proposed changes from Mr. Singer were greater than "cleanup" in scope. Staff also clarified that it has recommended that Mr. Singer bring the proposal forward through a separate LDR text amendment application.

No additional modifications were flagged for discussion.

The Planning Commission recommended the cleanup amendment for approval with one condition: the removal of the two ARU standards proposed in Modification #48, discussed in Key Issue #2.

STAKEHOLDER ANALYSIS

PUBLIC COMMENT

Since the proposed amendment is not specific to a single site or localized area, neither neighborhood meetings nor neighborhood notices were applicable or required. This item was noticed in the legal section of the JH News and Guide as required by the LDRs.

All public comment received as of the completion of this staff report on June 29, 2020 is attached to this report.

DEPARTMENTAL REVIEWS

The proposed amendment was sent to the following departments for review. All departmental recommendations and comments not included in the initial May 6, 2020 draft or the subsequent June 1, 2020 draft are noted in the Staff Analysis above and have been incorporated into the June 29, 2020 draft.

- County Department of Planning & Building Services
- County Attorney
- Jackson/Teton County Affordable Housing Department
- County Department of Public Works
- County Engineering Services Division

LEGAL REVIEW

Gingery

RECOMMENDATIONS

PLANNING DIRECTOR RECOMMENDATION

The Planning Director recommends **APPROVAL** of **AMD2019-0006**, as presented in the draft dated June 29, 2020, based on the findings recommended below.

PLANNING COMMISSION RECOMMENDATION

At their June 8th, 2020 meeting, the Planning Commission voted 5-0 to recommend **APPROVAL** of **AMD2019-0006**, as presented in the amendment draft dated June 1, 2020, being able to make the findings of Section 8.7.1. as recommended by the Planning Director, subject to the following change requested at the hearing:

1. Remove the proposal to update the ARU minimum rental period from 90 days to 6 months and to require a workforce deed restriction on all ARUs accessory to a nonresidential primary use; include for consideration as an individual LDR text amendment at a later date (modification number #48).

PLANNING DIRECTOR & PLANNING COMMISSION RECOMMENDED FINDINGS

Pursuant to Section 8.7.1.C of the Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Board of County Commissioners and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Board of County Commissioners 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:

Division 1.3: Purpose and Intent: *Based on the legislative discretion of the Board of County Commissioners, these LDRs are in accordance with the Jackson/Teton County Comprehensive Plan. Their purpose is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety, and general welfare of the present and future inhabitants of the community with the intent listed below.*

- 1.3.1. *Implement the Community Vision: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community, and economy for current and future generations.*

1.3.2. Implement the Common Values of Community Character

A. Ecosystem Stewardship

1. *Maintain healthy populations of all native species and preserve the ability of future generations to enjoy the quality natural, scenic, and agricultural resources that largely define our community character.*
2. *Consume less nonrenewable energy as a community in the future than we do today.*

B. Growth Management

1. *Direct future growth into a series of connected, Complete Neighborhoods in order to preserve critical habitat, scenery and open space in our Rural Areas.*
2. *The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.*

C. Quality of Life

1. *Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.*
2. *Develop a sustainable, vibrant, stable and diversified local economy.*
3. *Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation.*
4. *Timely, efficiently, and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.*

1.3.3. Implement the Illustration of Our Vision

- A. *Achieve the desired future character identified for each Character District.*
- B. *Implement the policy objectives for each Character District.*
- C. *Achieve the character-defining features identified for each Subarea.*

1.3.4. Predictable Regulations, Incentives, and Allowances

- A. *Ensure standards are consistently applied to similar applications and circumstances.*
- B. *Ensure landowners, the public, and decision-makers know the amount, location, and type of growth to expect.*

C. Use data analysis and best practices to inform standards and implement the adaptive management philosophy of the Growth Management Program.

1.3.5. Coordination Between Jurisdictions

A. Implement the joint Town/County Vision through coordinated, supportive actions.

B. Maintain a common structure, format, and definitions in Town and County LDRs.

Div. 1.4. Organization of the LDRs: These LDRs constitute the County's zoning and subdivision regulations. They have two organizing principles. Primarily, they are organized by zone in order to implement and emphasize the community's character-based planning approach. Secondarily, to provide ease of use, they are organized to answer three questions:

- *What can be built or physically developed?*
- *What uses are allowed?*
- *How can the land be developed or subdivided?*

Can Be Made. Clarifying typographical errors, definitions, references and organization of the LDRs facilitates ease of use for applicants and provides better predictability for landowners and neighbors. Updating the text to comply with state statute and legal rulings also helps to ensure that the LDRs are consistent with and aligned with current law, and do not create confusion for applicants.

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

Can Be Made. Clarified definitions and language, corrected references to other provisions of the LDRs, and codification of existing practice within the Planning Department add consistency to the LDRs, enhancing transparency and clarity.

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

Can Be Made. This amendment does not lessen flexibility for landowners within the standards. Clarifications of standards and regulations help to better define desired character. The Planning Commission found the initially proposed change to minimum rental periods for all ARUs to overly diminish landowner flexibility. To make this finding, the Planning Commission added Condition #1 in their recommendation for approval represented above. In response, Planning Staff revised the proposed language for Modification #48 as discussed in Key Issue #2 and represented in the June 29, 2020 draft.

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

Can Be Made. Several of the proposed changes reference Wyoming State Statute for clarity, but do not reflect changes to policy or procedure. Others, however, respond to court rulings and updates to Wyoming State Statute, including the regulations regarding campgrounds and exempt land subdivisions. The proposed changes align the LDRs with these legal updates. Others are also intended to align the LDRs with regulatory standards and directives from other agencies including the Jackson/Teton County Housing Department and the US Army Corps of Engineers.

5. Improves implementation of the Comprehensive Plan; and

Policy 3.3.c: Provide predictability in land use decisions

The community desires predictability in the future land use decisions that will implement this Plan. The most predictable way to achieve our Vision is by allowing and/or requiring the type of development that is desired as a base right. Where incentives are required to achieve desired character, they should be performance-based. Performance-based incentives should be limited and have clearly defined intended public benefits and ties to indicators to evaluate effectiveness. While discretionary land use tools provide additional flexibility, they may not provide sufficient predictability and thus may not be appropriate for managing growth and development in the community.

Can Be Made. The Comprehensive Plan values predictability in land use decisions to achieve the Plan's Vision. This cleanup amendment intends to improve the predictability of land use decisions by clarifying the text of the LDRs. By regularly "cleaning up" the LDRs, the County can correct and amend the text to address newly identified issues and codify practice and interpretations to ensure that the LDRs offer predictable standards for implementing the Comprehensive Plan.

6. *Is consistent with the other adopted County Resolutions.*

Can Be Made. No apparent conflict or relationship to other County Resolutions were identified by Staff in this review.

ATTACHMENTS

1. [2019-2020 County LDR Cleanup Guide \(June 1, 2020\)](#)
2. Revised Modification #48 (June 29, 2020)
3. Revised Modification #28 (June 29, 2020)
4. Revised Modification #25, Example (June 29, 2020)
5. Public Comment
6. [Redlined Draft Amendment to the LDRs \(June 29, 2020\)](#)
7. [Jackson/Teton County Housing Department Rules and Regulations \(July 23, 2019\)](#)
8. [Special Restrictions for Workforce Rental Housing Template Form](#)

SUGGESTED MOTION

I move to **APPROVE AMD2019-0006**, as presented in the amendment draft dated June 29, 2020, being able to make the findings of Section 8.7.1.

2019-2020 County LDR Cleanup (AMD2019-0006)

Draft: June 1st, 2020

Introduction

Teton County staff consistently strive to improve the LDRs by making note of errors, clarifying points of confusion, and addressing unintended consequences. The LDR Cleanup is an initiative to amend the LDRs to institute those corrections, keep the LDRs up-to-date, and ensure compliance with legal changes and rulings at the state and federal levels. Major policy changes are not addressed in the LDR Cleanup and are reserved for separate, individual review.

A Guide to Proposed Changes

This document serves as a guide to the changes that have been proposed in this version of the LDR Cleanup and is meant to accompany the redlined version of the LDRs showing all proposed changes. The guide divides corrections into 5 categories:

- 1. Typos & Corrections.** These are insubstantial changes for misspellings and typos, incorrect internal references, resolving unintentional omissions, and updating language for consistency.
- 2. Clarification.** These updates are meant to clarify the text of LDRs without making any policy changes. These types of changes may reference state statutes that inform the regulation in question, enhance organization of the LDRs, rephrase existing language to clarify intent, or add language to close loopholes or clarify areas that are vague.
- 3. Compliance.** These updates reflect legal rulings, changes to state or federal law, or directives from other entities that impact our LDRs. They do indicate potential changes in policy.
- 4. Codification of Existing Practice.** These changes are meant to incorporate existing practice and policy into the text of the LDRs for transparency and clarity. These changes do not indicate a shift in policy.
- 5. Policy.** These changes are distinct changes in policy that are being introduced in this LDR text amendment.

The tables below list, whenever possible and useful, the sections and divisions in which the stated changes occur, a description of the change or issue, and the proposed text to be amended if it is brief enough to be included. In cases where changes are more significant or difficult to snapshot in a single cell, there is direction to turn to the redlined copy to see all the changes. When proposed text is included in the tables below, proposed text is signified with *italics*, while existing text is not italicized.

Redlined Version of the LDRs

Note that the accompanying redlined version of the LDRs uses four notations to signify changes. Text that has been removed is denoted with a ~~red & strikethrough~~; text that had been added is denoted with red & underline; text that has been removed from its current location but not deleted is marked with ~~blue & strikethrough~~; and text that has been rearranged to a new location or new division entirely is marked with blue& underline.

Because changes have not yet been adopted and displaying the redlined changes increases the length of the document, page numbers, arrangement and formatting may not reflect the final, adopted version. Similarly, dates of update have not yet been changed, but will be adjusted upon adoption. Hyperlinks within the document will also be updated and corrected upon adoption.

Typos & Corrections

	Sections	Description of Change	Count
1	1.8.2.C.3, 7.1.6.D, 7.3.5, 8.2.12, 8.2.13.C.2.B, 8.2.13.C.3, 8.2.13.C.5.a, 8.2.13.C.5.c, 8.5.4, 8.7.1, 8.7.2, 8.7.3	Documents are "recorded" with County Clerk when they are being added to land records. Change "filed" to "recorded"	20
2	2.3.1, 2.3.2, 2.3.3, 2.3.4, 2.3.5, 3.2.4, 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 4.2.1, 4.2.2, 6.1.1, 9.3.2	Basic Use Permit (BUP) frequently listed incorrectly as Sec. 8.3.5. Should be 8.4.1	15
3	2.3.1, 2.3.3, 2.3.5, 3.3.1, 9.5	Update references from Sec. 6.1.7.C to 6.1.7.D ("Developed Recreation")	5
4	2.3.2.B., 3.3.2.E., 3.3.4.B., 6.4.1.A., 7.1.4.A	Change "Front Yard" to "Street Yard" to be consistent with rest of LDRs	10
5	3.2.2, 3.2.3, 3.2.4.	Development options tables say Sec. 7.1.6 for all entries. Update to say 7.1.5 for Floor Area Options, 7.1.2. for Rural PRD, 7.2.3. for Land Division Standards	3
6	3.2.2, 3.2.3, 3.3.5	Add 49-acre minimum rural area for Rural PRD standards under the Allowed Development and Subdivision Options table for zones: R-1, R-2, R-TC	3
7	3.2.3.D.4	In the Permits Required Chart in Rural 2 Zone, add a row for Rural PRD permits. It should match the Rural 1 requirement	1
8	4.3.1.F, 5.2.1.E, 5.3.2.E., 5.3.2.G., 5.3.2.H, 6.1.9.F.	Update instances of "Maximum Extent Practical" to "Maximum Extent Practicable" to be consistent with term used throughout LDRs	9
9	4.3.6.C.3, 4.3.6.D.2, 4.3.6.D.3	Update the descriptions of the Snake River Canyon Ranch Area II and Area III to be in alignment with DOP2020-0001. Correct grammatical typo in 4.3.6.C.3	1
10	5.2.2, 5.9.4. (formerly 7.6.4), 6.1.10	Update Naming: "Planning and Development Dept." and "Planning & Development Department" to "Planning and Building Services Department"	4
11	5.9.4. (formerly 7.6.4.), 6.1.9., 6.1.12, 8.10.2	Update Naming: "County Road Supervisor," "County Road and Levee Supervisor," "County Road and Levee Superintendent" to "County Road & Levee Manager"	9
12	6.1.3.B.d.i	Add "Manmade Waterbodies (Sec. 5.1.6.)" to list of agricultural exemptions	1
13	6.1.8, 6.1.10	Change "Church" to "Place of worship"	2
14	6.1.10.D.2.d.iv.f	Incorrect reference to other standards in the LDRs. Change 6.1.10.E.3.d.v.E-F to 6.1.10.D.2.v.e-f.	1
15	6.3.3.A.	Errors in example	2
16	6.3.5.	Typos	4
17	8.3.1.F., 8.3.2.F, 8.3.3.F., 8.3.4.G, 8.3.5.E, 8.4.1.E, 8.4.2.E, 8.4.3.E., 8.5.2.F., 8.5.3.C, 8.5.3.F, 8.5.4.F., 8.5.5.E, 8.6.1.E, 8.6.2.F, 8.7.1.D, 8.7.2.D., 8.7.3.G., 8.8.1.F, 8.8.2.F, 8.8.4.G.	Typos: remove extra article ("the", "a")	21
18	8.5.3.E.	Typo	1
19	9.4.8.C.	Typo in street setback definition. Change "of" to "or"	1
20	9.5.	Relocate Kelvin Temperature Chart graphic to below "Correlated color temperature" definition.	1

Clarification

Section	Description of Change	Proposed Text
21	1.6.3	Clarification that text of the LDRs rules over any examples or illustrations. <i>Where the text of these LDRs and examples or images may conflict, the text shall govern.</i>
22	5.1.1.D.2, 5.1.2.D.4, 5.3.2.D.3.	Current language describing minimum density requirements within conservation easements is ambiguous and can be misinterpreted. This modification clarifies that language.
23	5.1.2.D.	Clarify standards and process for use of buck and rail fencing. <i>New buck and rail or buck and wire fencing is prohibited unless approved by the Planning Director through a Special Purpose Fencing Exemption.</i> When buck and rail fencing is necessary due to rocky or wet soil, a portion of the fence shall be laid down or constructed to a lower height, not to exceed 38 inches, to allow wildlife movement.
24	5.1.6.D	Clarify conflicts within the berm regulations and more clearly define how to measure berm height.
25	New Divisions 5.9. & 5.10.; 7.6. & 7.7. (Removed); 2.3.1, 2.3.2, 2.3.3., 2.3.4, 2.3.5, 3.2.2., 3.2.3., 3.2.4., 3.3.1., 3.3.2., 3.3.3., 3.3.4., 3.3.5., 4.2.1., 4.2.2.; other links throughout LDRs	Relocate Div. 7.6 Transportation Facility Standards & Div. 7.7 Required Utilities to new Divisions 5.9. & 5.10. to clarify that these standards apply to physical development beyond only Subdivisions and Development Options. Update the corresponding charts in applicable zones in Articles 2, 3 & 4 to reflect this change. Update references to section 7.6 and 7.7. throughout the LDRs to 5.9 and 5.10.
26	5.10.5.A (formerly 7.7.5.A)	Clarify that relocating or moving utilities counts as "installation" and, therefore, that they should be buried. Add that the Wildland-Urban Interface is mapped. <i>All utilities shall be installed underground; except that, outside of the mapped Wildland-Urban Interface an existing above-ground fuel tank may be replaced above ground. Any relocation of existing utilities shall be buried.</i>

27	6.1.5.C	Separately list Teton Village 1 and Teton Village 2 under Short Term Rental Section because they are separate PUDs with different governing master plan documents.	See subsection for complete changes.
28	6.3.2.C.2	Add a sentence clarifying that Other Workforce Housing units are subject to Housing Department Rules and Regulations' Livability Standards.	<i>These units are subject to the Jackson/Teton County Housing Department Rules and Regulations Section 2-3 Livability Standards.</i>
29	6.3.2.C.6	Remove "Local Occupancy", replace "expansion" with "unit."	2,500 sf Detached Single-Family Unit. A detached single-family unit (6.1.4.B.) of 2,500 square feet or less. Upon expansion of such a unit beyond 2,500 sf, this Division shall apply to the entire unit.
30	6.3.3.A.1	Define $\exp()$ [e^X] and $\ln()$ [natural log] functions, which are used in Affordable Workforce Housing Requirement calculation	<i>In the residential requirement equations, "Exp(x)" describes an exponential function, or e to the power of x. Inversely, "In(x)" describes the natural logarithm of x.</i>
31	8.2.13.C.	Reference Wyoming Statute 34-12-108 in Complete and Partial Vacations standards, regarding the recording of an affidavit with the County Clerk	See 8.2.13.C.
32	8.2.14.C.3	Reference Wyoming Administrative Procedure Act in noticing requirements	Each public hearing on an application shall be advertised in the legal notice section of a newspaper of general circulation in the County no less than 15 days and no more than 30 days prior to the date of the public hearing. Except that, a public hearing on a decision to amend the LDRs shall be advertised no less than 30 days prior to the Planning Commission public hearing date and 45 days prior to Board of County Commissioners public hearing date, pursuant to Wyo. Stat. § 16-3-103.
33	8.9.5.A.	Clarification of the Nuisance LDRs as they relate to farm and ranch operations	<i>A farm or ranch operation shall not be found to be a nuisance by reason of that operation if that farm or ranch conforms to generally accepted agricultural</i>

			<i>management practices and existed before a change in the land use adjacent to the farm or ranch land and the farm or ranch operation would not have been a nuisance before the change in land use or occupancy occurred. A farm or ranch for purposes in this section is defined by Wyo. Stat. §11-44-102.</i>
34	8.9.6.A.	Clarify Civil Remedies for enforcement and cite Wyoming Statute.	The County shall have the right to enforce the provisions of these LDRs under any remedy provided under Wyoming law, including by injunction, abatement, or by civil fine as stated in Wyo. Stat. §18-2-101(a)(viii).
35	9.4.6.D.	Added language to the Landscape Surface Ratio standards to exempt site development in private or public road easements from the calculation of the LSR to address an issue that emerged from the shift from Base Site / Adjusted Site Area to Gross Site Area in a previous amendment.	The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in rural character zones (Div. 3.2.). <i>However, for properties that include private or public road easements, no site development within the road easement shall count against the required LSR.</i>
36	9.4.6.E.	Added language to the Site Development Ratio standards to exempt site development in private or public road easements from the calculation of maximum site development to address an issue that emerged from the shift from Base Site / Adjusted Site Area to Gross Site Area in a previous amendment.	The site development ratio (SDR) is calculated by dividing the site development by the adjusted site area, or gross site area in rural character zones (Div. 3.2.). <i>However, for properties that include private or public road easements, no site development within the road easement shall count against the maximum site development allowance.</i>
37	9.4.9.A.	Clarify Height of Any Point diagram and labelling.	See 9.4.9.A
38	9.4.9.B.	Clarify Labelling of Overall Height of a Stepped Structure Diagrams and add Example caption to clarify that this example shows a violation.	See 9.4.9.B.

39	9.4.10. & 9.4.17.	Move lot line and yard definitions and rules into 9.4. and out of 9.5. to be like setbacks.	See 9.4.10 and 9.4.17.
40	9.4.10.B. (Formerly in 9.5)	Update front lot line definition to be in line with "street yard" and "setback" definitions.	Front lot line means the street lot line <i>or</i> the lot line across which access is taken.
41	9.5.	Add "standalone entry gate" to definition of "Structure"	Structure means any building, bridge, fence, pole, tower, deck, liquid storage tank, gazebo, pier, dam, culvert, satellite dish, personal wireless telecommunication facilities, <i>standalone entry gate</i> , or other construction or erection greater than 4 feet in height.

Compliance

Section	Description of Change	Proposed Text
42	5.10.5 (formerly 7.7.5)	<p>At request of U.S. Army Corps of Engineers, add prohibition of sprinklers on levee easements and clarify permitting requirements for modifications to levee structures.</p> <p><i>Section 5.10.5.C.1: Sprinkler Systems Prohibited. Installation of sprinkler systems or other pressurized lines within the County easement for levees operated and maintained by the County or the United States Army Corps of Engineers shall be prohibited.</i></p> <p><i>Section 5.10.5.C.2: Permitting of Modifications to Levee Structure. Modification of levee structures, such as culverts, fences, gates, wildlife crossings/paths, plantings, or other features which require alteration of levees operated and maintained by the United States Army Corps of Engineers (USACE) must be permitted through the Walla Walla District, USACE, prior to any construction, pursuant to 33 U.S.C. 408. Modification of non-federal levees operated and maintained by the County, must be approved by the County Public Works Department with input from the USACE.</i></p>
43	6.1.5.D	<p>Address campground regulations based on court ruling. Remove ownership provision (6.1.5.D.2.f).</p> <p><i>6.1.5.D.1 Definition</i> A campground is an establishment providing campsites for camping units that are brought to the campground for overnight or short-term lease <i>and said camping units leave the campground within the time limits as delineated in subsection 6.1.5.D.2.d.</i></p>
44	8.5.4.B.8.	<p>Update Exempt Land Division standards to align with new WY State Statute</p> <p>See 8.5.4.B.8.</p>
45	8.7.1, 8.7.2, 8.7.3	<p>Reference Wyoming Regulatory Takings Act in LDR text amendment process</p> <p><i>Letter in file from County Attorney's Office demonstrating compliance with the Wyoming Regulatory Takings Act (Wyo. Stat. § 9-5-301 et seq.).</i></p>

Codification of Existing Practice

	Section	Description of Change	Proposed Text
46	8.2.15. (New Section)	Addition of Miscellaneous Planning Requests to Article 8, laying out procedure.	See section for text.
47	8.9.2	Add a subsection 8.9.2.G to state that, at the discretion of the Planning Director, new permits will not be issued for properties until existing violations are remedied.	<i>G. New Permits</i> <i>At the discretion of the Planning Director, no new permits may be issued for a parcel until any existing violations associated with said parcel are remedied. The sole exception to this rule will be permits issued pursuant to 8.9.2.D.1 for the purposes of remedying the violation.</i>

Policy

	Section	Description of Change	Proposed Text
48	6.1.11.B.	Clarification that all commercial ARUs are Workforce Housing and require a Workforce Rental Restriction provided by the Housing Department. Update minimum rental period from 90 days to 6 months to be compatible with the restriction.	See subsection for complete changes.
49	8.2.14.C.	In order to allow for public noticing for corresponding PC and BCC meetings to occur at the same time, remove noticing time maximum (currently 30 days) for public hearings on applications.	See 8.2.14.C.3.

B. Accessory Residential Unit (ARU)

1. **Definition.** An accessory residential unit (ARU) is a dwelling unit that is secondary to a principal use of the property. The intent is that accessory residential units provide workforce housing.

a. **Includes:**

- i. employee apartment
- ii. caretaker's quarters
- iii. mother-in-law suite
- iv. guesthouse

b. **Does Not Include:**

- i. Mobile Home

2. **Primary Uses:**

- a. All open space uses
- b. Detached Single-Family Unit
- c. All lodging uses
- d. All commercial uses
- e. All amusement and recreation uses
- f. All institutional uses
- g. All industrial uses

3. **Standards**

a. **Zone Specific Standards Also Apply.** In addition to the standards of this subsection, applicable standards for an ARU may also be found in Subsection C and/or E of the Section for the Zone in which the ARU is located.

b. **Occupancy.** The occupancy of an ARU shall be restricted to persons that meet one of the following standards:

- i. The occupants shall be employed within Teton County, in accordance with ~~the~~ the Jackson/Teton County Housing Department Rules and Regulations. The mechanism, and its specific provisions, for achieving the restriction shall be acceptable to the Jackson/Teton County Housing Department ("Housing Department")Authority and shall be enforceable by the Housing Department and/or the Jackson/Teton County Housing Authority; or

- ii. The occupants shall be members of the same family occupying the primary dwelling unit, such as parents or adult children; or
- iii. The occupants shall be intermittent, nonpaying guests of the family occupying the primary Detached Single-Family Unit.

c. **Use as Required Housing.** An accessory residential unit may be utilized to satisfy the requirements set forth in Div. 6.3. so long as it complies with the standards of Div. 6.3.

d. **Primary Use Is Residential.** The floor area of an ARU accessory to a residential unit shall be included in the maximum floor area/FAR and the maximum scale of development calculation for the primary dwelling unit.

e. **Rental Period.** An ARU rental period shall be a minimum of 90 days unless otherwise stipulated in a restriction or elsewhere in these LDRs.

f. **Outside Storage.** Only vehicles used for daily travel may be stored outside. All other possessions belonging to occupants of an accessory residential unit, such as recreational, secondary or inoperative vehicles, boats, motorcycles, canoes, kayaks, lumber and other construction materials not associated with an on-going construction project on the site, or other similar items contributing to an untidy appearance, shall be stored within an enclosed structure, such as a garage.

g. **Primary Use is Nonresidential.** An ARU accessory to a nonresidential use shall be used as workforce housing and requires a Special Restriction for Workforce Rental Housing, which shall be provided by the Housing Department and recorded on the property. The ARU shall comply with the Special Restriction for Workforce Rental Housing and the Jackson/Teton County Housing Department Rules and Regulations. The unit may be banked, subject to 6.3.5.D.3. using a Special Restriction for Workforce Rental Housing (Banked Units), if it is not being used to satisfy a housing mitigation requirement at the time of initial restriction. The rental period shall be a minimum of 6 months.

C. Bed and Breakfast

1. **Definition.** A bed and breakfast is a residential unit in which bedrooms are rented as lodging units.
2. **Primary Uses:**
 - a. Detached single-family unit
3. **Standards**
 - a. A bed and breakfast shall have no more than 4 lodging units (bedrooms).
 - b. A bed and breakfast shall average no more than 8 persons per night during any 30 day period.

EXAMPLE: A Planned Unit Development approved in 2004 allows commercial and residential development on a site, but does not include a specific housing mitigation plan outlining the required number of affordable and employee housing units. Upon application for a development plan, building permit, or use permit under that PUD this Division shall apply.

2. **Substantial amendment to prior approval.** In addition, this Division shall apply to all employee generating development not completed under an existing approval when that existing approval is substantially amended, regardless of whether the amendment applies to the entire uncompleted portion of the approval, and regardless of the approved Housing Mitigation Plan (or Housing Mitigation Agreement). A substantial amendment is any amendment that would increase the amount of affordable workforce housing required.

EXAMPLE: A Sketch Plan was approved for a 3 building development and included a Housing Mitigation Plan. Only 1 building has been built, and only the required housing associated with the built building has been provided. An amendment to the Sketch Plan is proposed to increase the size of 1 of the unbuilt buildings. The amount of affordable workforce housing required to approve the amendment would be equal to the current requirement for both unbuilt buildings.

C. Exemptions

The following are exempt from the standards of this Division.

1. **Housing Department Unit.** A residential unit subject to a deed restriction administered by the Housing Department: [and in compliance with the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction.](#)
2. **Other Workforce Housing.** A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area: [and in compliance with Section 2-3, Livability Standards, of the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction.](#)
3. **Historic Building.** Use of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically significant. In addition, if a historic building is used in its historic location, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt.

EXAMPLE: A 2,000 square foot historic cabin being converted into a restaurant would be exempt from this Division. If the historic cabin has not been moved and is being used as a restaurant in its historic location, another 2,000 square feet of floor area elsewhere on the site are also exempt from this division. If the historic cabin has been relocated from another location, only the cabin itself is exempt.

4. **Affordable Workforce Housing Unit.** A residential unit subject to a deed restriction administered by the Housing Department, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area and in compliance with Section 2-3, Livability Standards, of the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction. (This exemption shall not apply to an occupancy restriction as defined in the Housing Department Rules and Regulations.)

Div. 2.3. Complete Neighborhood Legacy Zones

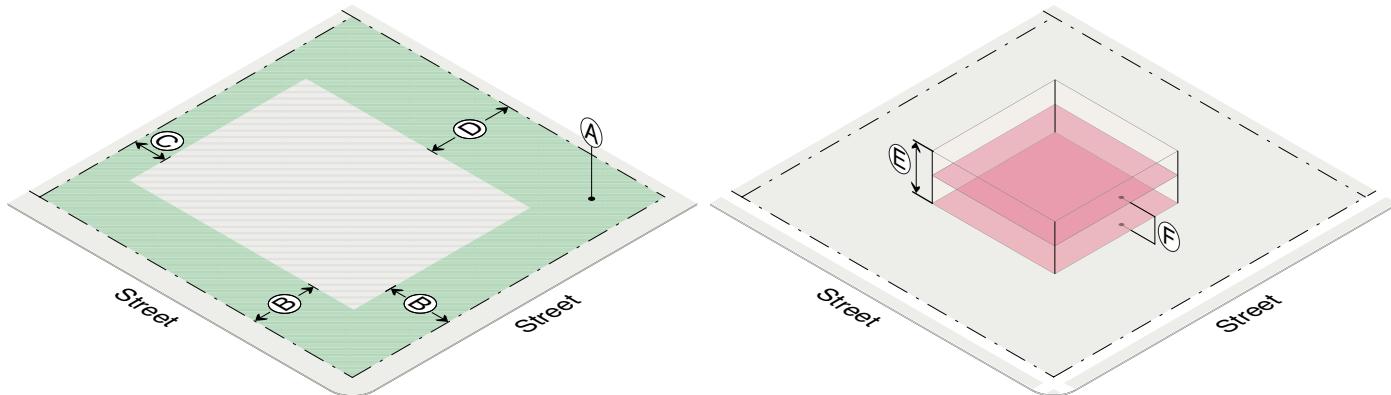
2.3.1. Auto Urban Commercial - County (AC-TC) Zone (7/18/18) (AMD2019-0006)

A. Intent

The purpose of the Auto-Urban Commercial - County (AC-TC) Zone is to provide for commercial development that is oriented to the street and is easily accessed by automobiles, with adequate parking and pedestrian connections to adjoining developments in order to promote non-vehicular movement between buildings in commercial areas. Uses in the AC-TC zone primarily serve residents' commercial needs, and some tourist service uses. The AC-TC zone is intended to be applied to community-serving commercial areas.

B. Physical Development

Standards applicable to physical development in the AC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the physical development standards applicable in the AC-TC zone, however, all standards in Article 5. are applicable in the AC-TC zone, unless stated otherwise.



1. Structure Location and Mass						
	(A) LSR (min)	(B) Street Setback (min)	(C) Side Setback (min)	(D) Rear Setback (min)	(E) Height (max)	(F) FAR (max)
Detached Single-family unit	.50	20'	10'	30'	24'	.38
with 1 attached accessory unit	.48	20'	10'	20'	24'	.40
with 1 detached accessory unit	.48	20'	10'	6'	24'	.40
with 2 accessory units	.45	20'	10'	6'	24'	.43
Dormitory or Group home	.27	50'	10'	20'	26'	.35
Other principal use	.27	50'	10'	20'	26'	.35
Accessory use	See standards for primary use with which associated					
Temporary use	n/a	50'	10'	20'	26'	n/a
Individual lot within a PRD	Standards established through PRD approval					
Exceptions						

Residential Side/Rear Yard Projections. Fire escapes may extend into a side or rear yard by not more than 4 feet.

FAR Exemption. The floor area of an accessory residential unit that is accessory to a nonresidential use shall be exempt from the FAR calculation for the site.

2. Maximum Scale of Development		6. Fencing (Sec. 5.1.2.)	
Individual Building (gross floor area, max)		Wildlife Friendly Fencing	
Part of single-family unit	10,000 sf	Special Purpose Fencing Height (max)	
Nonresidential (agricultural buildings exempt)		In street yard	4'
Contiguous to Town of Jackson	15,000 sf	In side or rear yard	6'
Other parts of Teton County	6,000 sf	Special Purpose Fencing Setback	
In compliance with specific standards (E.1.)	10,000 sf	Any yard	0'
3. Building Design		7. Environmental Standards	
Residential Building Materials		Natural Resource Setbacks (min) (Sec. 5.1.1.)	
External surfaces shall be non-reflective		Rivers	150'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Streams	50' or edge of riparian plant community up to 150'
Nonresidential Building Materials		Natural lakes or ponds	50' or edge of riparian plant community up to 150'
External surfaces shall be non-reflective		Wetland	30'
Colors shall blend into terrain using muted colors and earthy hues - additions matching existing colors are exempt		Irrigation Ditch Setback (min) (7.7.4.D.)	
External front and street sides of buildings shall be stone or wood - except that glass for displays and transparency is permitted		Irrigation ditch	15'
Metal awnings prohibited		Wild Animal Feeding (Sec. 5.1.3.)	
4. Site Development		Wild animal feeding prohibited	
Site Development Setbacks (min)		Natural Resource Overlay (NRO) Standards (Sec. 5.2.1.)	
Side/rear setback	5'	Bear Conflict Area Standards (Sec. 5.2.2.)	
Front setback		Bear proof trash required in Conflict Priority Area 1	
40% of lineal frontage	0'	8. Scenic Standards	
60% of lineal frontage	structure setback	Exterior Lighting (Sec. 5.3.1.)	
5. Landscaping (Div. 5.5.)		Light trespass is prohibited.	
Plant Units (min)		All lights over 600 initial lumens shall be fully shielded.	
Residential	1 per du	Lumens per sf of site development (max)	
Nonresidential	1 per 1,000 sf of landscape area	3	
Parking lot		Lumens per site (max)	
Institutional	1 per 12 parking spaces	All fixtures	100,000
All other uses	1 per 8 parking spaces	Unshielded fixtures	5,500
		Light Color	≤3000 Kelvin
Scenic Resource Overlay (SRO) Standards (Sec. 5.3.2.)			

9. Natural Hazards to Avoid	
Steep Slopes	(Sec. 5.4.1.)
Development prohibited	Slopes > 30%
Areas of Unstable Soils	(Sec. 5.4.2.)
Fault Areas	(Sec. 5.4.3.)
Floodplains	(Sec. 5.4.4.)
Wildland Urban Interface	(Sec. 5.4.5.)
10. Signs	
Allowable Signage	(Div. 5.6.)
Nonresidential uses	
Freestanding Sign	1 per building or complex
Wall Sign	1 per frontage for each building or storefront
Monument or Entry Sign	1 per entrance other than frontage
Residential uses	
Single-family and multi-family < 8 units	1 unlighted wall sign
Multi-family ≥ 8 units	1 freestanding or 1 wall sign
Home occupation/business	1 unlighted wall sign

Sign Area (max)	
Nonresidential	
Freestanding Sign	1 sf per linear foot of building facing the street not to exceed 40 sf
Wall Sign	1 sf per 2 linear feet of building facing the street not to exceed 24 sf
Monument or Entry Sign	6 sf
Residential	
Single-family and multi-family < 8 units	3 sf
Multi-family ≥ 8 units	6 sf
Home occupation/business	2 sf
Sign Height (max)	
Nonresidential	
Freestanding Sign	8'
Monument or Entry	4'
Residential	
	6'
Home occupation/business	n/a
11. Grading, Erosion Control, Stormwater	
Grading	(Sec. 5.7.2.)
Erosion Control	(Sec. 5.7.3.)
Erosion shall be controlled at all times	
Stormwater Management	(Sec. 5.7.4.)
No increase in peak flow rate or velocity across property lines	

12. Required Physical Development Permits					
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit					
< 5 units			X		(Sec. 5.7.1.)
5 - 10 units		X	X		(Sec. 5.7.1.)
> 10 units	X	X	X		(Sec. 5.7.1.)
Nonresidential Floor Area					
< 3,450 sf			X		(Sec. 5.7.1.)
3,450 to 12,000 sf		X*	X		(Sec. 5.7.1.)
> 12,000 sf	X*	X*	X		(Sec. 5.7.1.)
Sign				X	(Sec. 5.7.1.)

* Not required for physical development associated with an agricultural use meeting the standards for exemption outlined in Section 6.1.3.B.

Article 2. Complete Neighborhood Zones | Div. 2.3. Complete Neighborhood Legacy Zones

2.3.1. Auto Urban Commercial - County (AC-TC) Zone (7/18/18) (AMD2019-0006)

13. <u>Infrastructure</u>	
Transportation Facilities (Div. 7.6.)	
Access	required
Right-of-way for a Minor Local Road (min)	60'
Travel lane width for a Minor Local Road (min)	10'
Road and driveway design	also subject to Fire Protection Resolution
Required Utilities (Div. 7.7.)	
Water	<u>Connection to public supply, installation of central supply, or evidence of individual well required</u>
Sewer	
Connection to a public sanitary sewer required	within 500'
Small Wastewater Facility (septic) approval required	otherwise

C. Use Standards

Standards applicable to uses in the AC-TC zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited unless a similar use determination is made pursuant to 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the use standards applicable in the AC-TC zone, however, all standards in Article 6 are applicable in the AC-TC zone unless stated otherwise.

1. Allowed Uses			2. Use Requirements		
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	Y	0 sf	n/a	n/a	exempt
Outdoor Recreation (6.1.3.C.)	C	0 sf	n/a	independent calculation	independent calculation
Residential					
Detached Single-Family Unit (6.1.4.B.)	Y	0 sf	1 unit per lot	2/DU	$0.000017*sf + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$
Dormitory (6.1.4.F.)	B	0 sf	30 rooms per acre	1/bed	exempt
Group Home (6.1.4.G.)	B	0 sf	30 rooms per acre	0.5/bed	exempt
Commercial					
Office (6.1.6.B.)	B	0 sf	n/a	3.3/1,000 sf	0.000431*sf
Retail (6.1.6.C.)	B	0 sf	n/a	4.5/1,000 sf	0.000377*sf
Service (6.1.6.D.)	B	0 sf	n/a	3/1,000 sf	0.000377*sf

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5-8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Restaurant/Bar (6.1.6.E.)	B	0 sf	n/a	1/55 sf dining area + 1/30 sf bar area	0.001045*sf
Heavy Retail/Service (6.1.6.F.)	C	0 sf	n/a	2/1,000 sf + 3/ repair bay + 1/wash bay	0.000214*sf
Mini-Storage Warehouse (6.1.6.G.)	C	0 sf	n/a	1/10 storage units + 1/employee	0.000011*sf
Nursery (6.1.6.H.)	B	0 sf	n/a	2/1,000 sf + 1/4,000 sf outdoor display area + 1/company vehicle + 1/employee	0.000377*sf
Amusement/Recreation					
Amusement (6.1.7.B.)	C	0 sf	n/a	1/30 sf seating area	0.000377*sf
Developed Recreation (6.1.7. C D.)	B	0 sf	n/a	4.5/1,000 sf	independent calculation
Outfitter/Tour Operator (6.1.7.E.)	C	0 sf	n/a	independent calculation	independent calculation
Institutional					
Assembly (6.1.8.B.)	B	0 sf	n/a	independent calculation	independent calculation
Daycare/Education (6.1.8.C.)	B	0 sf	n/a	independent calculation	exempt (see 6.3.2.C.11 and 6.3.2.C.12)
Industrial					
Light Industry (6.1.9.B.)	C	0 sf	n/a	1/1,000 sf + 1/company vehicle	0.000214*sf
Transportation/Infrastructure					
Parking (6.1.10.B.)	C	0 sf	n/a	n/a	0.000214*sf
Utility Facility (6.1.10.C.)	C	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Wireless Communication Facilities (6.1.10.D.)	<u>6.1.10.D.</u>	0 sf	n/a	1/employee + 1/stored vehicle	0.000214*sf
Aviation (6.1.10.E.)	C	0 sf	n/a	independent calculation	0.000214*sf
Accessory Uses					
Accessory Residential Unit (E.2.) (6.1.11.B.)	B	0 sf	see E.2.	1.25/DU	exempt
Home Occupation (6.1.11.D.)	B	0 sf	n/a	n/a	exempt
Home Business (6.1.11.E.)	C	0 sf	n/a	1/DU	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5-8.4.1.) C=Conditional Use Permit (Sec. 8.4.2.)

Article 2. Complete Neighborhood Zones | Div. 2.3. Complete Neighborhood Legacy Zones

2.3.1. Auto Urban Commercial - County (AC-TC) Zone (7/18/18) (AMD2019-0006)

1. Allowed Uses				2. Use Requirements	
Use	Permit	BSA (min)	Density (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Family Home Daycare (6.1.11.F.)	B	0 sf	n/a	1/employee + 1 off-street pick-up/ drop-off	exempt
Home Daycare Center (6.1.11.G.)	C	0 sf	n/a	1/employee + 2 off-street pick-up/ drop-off	exempt
Drive-In Facility (6.1.11.H.)	C	0 sf	n/a	n/a	exempt
Temporary Uses					
Christmas Tree Sales (6.1.12.B.)	Y	0 sf	n/a	1/1,000 sf outdoor display area + 1/ employee	exempt
Temporary Shelter (6.1.12.D.)	B	0 sf	1 unit per lot	2/DU	exempt
Farm Stand (6.1.12.E.)	B	0 sf	n/a	5/1,000 sf display area	exempt
Temp. Gravel Extraction and Processing (6.1.12.F.)	B	0 sf	n/a	1/employee	exempt

Y=Use allowed, no use permit required B=Basic Use Permit (Sec. 8.3.5-8.4.1) C=Conditional Use Permit (Sec. 8.4.2.)

3. Maximum Scale of Use	
Individual Use (floor area) (max)	
Single family unit (detached)	
Habitable floor area excluding basement	8,000 sf
Gross floor area excluding basement	10,000 sf + 100 sf non-habitable FA per acre BSA over 10 acres. Not to exceed 15,000sf
Individual retail use excluding basement	12,500 sf habitable
Accessory residential unit	850 sf habitable
4. Operational Standards	
Outside Storage	(Sec. 6.4.1.)
Refuse and Recycling	(Sec. 6.4.2.)
Trash and recycling enclosure required	>4 DUs and all nonresidential
Noise	(Sec. 6.4.3.)
Sound level at property line (max)	65 DBA
Vibration	(Sec. 6.4.4.)
Electrical Disturbances	(Sec. 6.4.5.)
Fire and Explosive Hazards	(Sec. 6.4.6.)
Heat and Humidity	(Sec. 6.4.7.)
Radioactivity	(Sec. 6.4.8.)

D. Development Options

Standards applicable to development options and subdivision in the AC-TC zone are provided or referenced below. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the AC-TC zone. This Subsection is intended to indicate all of the development option and subdivision standards applicable in the AC-TC zone, however, all standards in [Article 7](#). are applicable in the AC-TC zone unless stated otherwise.

1. Allowed Subdivision and Development Options						
Option	BSA (min)	Lot Size (min)	Density (max)	FAR (max)	Height (max)	Option Standards
Allowed Subdivision Options						
Land Division	n/a	7,500 sf	n/a	determined by physical development		(Sec. 7.2.3.)
Condominium/Townhouse	n/a	n/a	n/a	determined by physical development		(Sec. 7.2.4.)
2. Residential Subdivision Requirements						
Schools and Parks Exactions						(Div. 7.5.)
Development Exaction				0.03 acres of land per housing unit or lot		
3. Infrastructure						
Transportation Facilities						(Div. 7.6.)
Access						required
Right-of-way for a Minor Local Road (min)						60'
Travel Lane width for a Minor Local Road (min)						10'
Road and driveway design				also subject to Fire Protection Resolution		
Required Utilities						(Div. 7.7.)
Water				Connection to public supply, installation of central supply, or evidence of individual well required		
Sewer						
Connection to a public sanitary sewer required						within 500'
Small Wastewater Facility (septic) approval required						otherwise
4. Required Subdivision and Development Option Permits						
Option	Planned Unit Development (Sec. 8.7.3.)	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Development Option Plan (Sec. 8.5.2.)	Subdivision Plat (Sec. 8.5.3.)	
Land Division						
≤ 10 lots			X			X
> 10 lots		X	X			X
Condominium/Townhouse						
Non-subdivision PRD						
0 - 4 units				X		
5 -10 units			X			
> 10 units	X		X			

E. Additional Zone-specific Standards

The following standards apply in addition to all other standards applicable in the AC-TC zone.

1. **Maximum Scale of an Individual Building.** An individual building in the AC-TC zone not adjacent to the Town of Jackson may be up to 10,000 square feet above ground if the individual building meets the purpose, intent, and standards, listed below.
 - a. The purpose of this provision is to:
 - i. meet the need for additional commercial space within the existing AC-TC zone, thereby helping to alleviate the pressure to expand the AC-TC zone; and
 - ii. allow greater flexibility to achieve the character and balance objectives for the AC-TC zone, as set forth in the Comprehensive Plan, by means of architectural treatments of facades, heights, exterior materials, colors, trim, building offsets, and other exterior design features that are in scale and character with the surrounding commercial area.
 - b. By focusing on the issues of scale, bulk, character, and balance, this provision is designed to accomplish:
 - i. more interesting design of individual buildings;
 - ii. compatibility with scale and character of surrounding commercial buildings;
 - iii. contribute, with surrounding buildings, to a sense of scale and character consistent with the goals of the Comprehensive Plan.
 - c. The flexibility shall be achieved by allowing an individual commercial building to increase the 6,000 square foot maximum floor area above ground to 10,000 square feet, if such commercial building or addition is designed to be compatible, as well as in scale, with the character of the other commercial buildings in the AC-TC zone.
 - d. In the AC-TC zone not contiguous to the Town of Jackson, individual nonresidential buildings may increase the 6,000 square feet maximum floor area above ground for an individual commercial building to 10,000 square feet, upon finding that all of the following standards are met:
 - i. The resultant building shall be compatible with the bulk and scale of the other commercial buildings in the adjacent commercial area.
 - ii. The resultant building shall have the appearance of being two or more small attached buildings rather than a single building 6,000 to 10,000 square feet in size. It is encouraged that the building components be designed in modules of 2,500 to 3,500 square feet in size, using

different roof lines, facade offsets, variation in building materials and other design techniques to achieve the desired attached small building character.

- iii. The component parts of the commercial building shall have a traditional western character through the creative use of materials and building design elements and shall contribute, with surrounding commercial buildings, to a sense of scale and character consistent with the goals of the County Comprehensive Plan.
- iv. All other applicable requirements of the LDRs (e.g. FAR, off-street parking, LSR requirements, etc.) shall be met.

2. Accessory Residential Units

- a. Primary use residential
 - i. No more than 2 ARUs per lot are allowed.
 - ii. If only one accessory residential unit is constructed on a lot, it may be attached to or detached from the primary structure.
 - iii. If 2 accessory units are constructed on one lot, one shall be attached to the primary structure, the other shall be detached. The minimum separation between detached units shall be 10 feet.
- b. Primary use not residential. The maximum number of ARUs accessory to a nonresidential use shall be determined based on the definition of Accessory Use (6.1.2.B.3.).

Rian Rooney

From: Anne <anne@housingtrustjh.org>
Sent: Monday, June 29, 2020 4:25 PM
To: Rian Rooney
Cc: Kristi Malone; April Norton; Stacy Stoker
Subject: RE: Housing Trust comments

[NOTICE: This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Thanks for the email Rian. In recognition of the fact that the Planning Commission was tasked with the review of 49 different modifications to the LDR's, I attempted to keep our comments higher level but it seems a more specific outline of our perspective is necessary.

As you noted, Section 6.3.2.C expressly exempts residential units subject to a JHCHT deed restriction from **all standards of Division 6.3-Affordable Workforce Housing Standards**. It stands to reason that Section 6.3.4.D would be covered by this exemption particularly because there is no wording in Division 6.3 that suggests we are exempt from "all standards of Division 6.3 EXCEPT Section 6.3.4.D --Livability Standards".

I have to take exception to your comment below that *the Housing Trust has not been exempt from the Livability Standards of the Housing Departments Rules and Regulations* and your suggestion that because we have not been exempt in the past, this LDR amendment represents a clarification of existing policy.

As recently as February 7, 2020 the Housing Department confirmed in writing that our voluntarily restricted units are exempt from the Livability Standards for our development on King Street. The Housing Department then affirmed it a second time on April 16th.

Before that, Valerie Adams (Housing Specialist of the Housing Authority) suggested in her formal email to Paul Anthony that the equivalent exemption section in the Town LDR's (Section 7.4.2) would apply to our Redmond Street Rentals application. The only requirement of the Housing Authority was the recordation of a covenant to describe the method of calculating rents along with occupancy and use restrictions.

In 2014, the BCC approved our Development Plan for Schwabacher Meadows which included a Condition of Approval that expressly noted this project would be exempt from the residential affordable housing standards of Division 49400 so long as a Special Restriction was recorded.

If you need me to dig back into the records for Daisy Bush and Glory View, Arbor Place and Twelve Pines I will, but my hope is that the approvals from our last three projects will suffice.

I understand that perhaps it was the intent that ALL restricted units would be required to comply with the Livability Standards but that requirement is neither stated in the LDR's nor has it been the practice to require it. On the contrary, it has been the practice that we have been exempt from all standards.

My hope is that our staffs can agree that this change would be a deviation from existing practice and as such, it should be considered a policy change and not a house keeping item--I would rather not burden the County Commissioners with something so small in the scheme of issues that are more worthy of their time and attention. If my memory is off and you have evidence that we have consistently been required to comply—by all means, send it along.

We respectfully request that this amendment be removed from consideration out of acknowledgement that it represents a change in both the policy and the practice of exempting the Housing Trust from the standards of Division 6.3. To amend the regulation through this process would be beyond the stated scope of this LDR "clean up".

Thank you for your consideration. I look forward to hearing from you,

Anne Cresswell

From: Rian Rooney <rrooney@tetoncountywy.gov>

Sent: Friday, June 19, 2020 4:56 PM

To: Anne <anne@housingtrustjh.org>

Cc: Kristi Malone <kmalone@tetoncountywy.gov>; April Norton <ahnorton@tetoncountywy.gov>; Stacy Stoker <sstoker@tetoncountywy.gov>

Subject: RE: Housing Trust comments

Dear Anne,

Thank you for your comments on AMD2019-0006, the 2019-2020 LDR Cleanup. The opinion of the Planning Department is that this is a cleanup item to clarify that the Livability Standards, Section 2-3 of the Jackson/Teton County Housing Department Rules and Regulations, apply to all restricted units of affordable and workforce housing, including those administered by the Jackson/Teton County Housing Department and Jackson/Teton County Housing Authority.

The proposed language does not reflect a change in policy. Residential units subject to a deed restriction administered by the Jackson Hole Community Housing Trust remain exempt from the mitigation requirements of Division 6.3. Affordable Workforce Housing Standards. The Jackson Hole Community Housing Trust has not been exempt from the Livability Standards of the Housing Department Rules and Regulations, which are intended to be applied to all restricted units. The proposed language merely clarifies that the Livability Standards continue to apply, as there has been confusion about the applicability of those requirements.

Your comment did cause me to review the proposed language, and for the sake of clarity and consistency, we will be recommending slightly adjusted language, with the same intent, at the Board of County Commissioners meeting. This revised language also references compliance with the Livability Standards for the exemption for "Affordable Workforce Housing Units" and clarifies that units subject to deed restrictions administered by the Housing Department shall be in compliance with the Housing Department Rules and Regulations, as a whole, at the time of restriction. The revised language is below:

C. Exemptions

The following are exempt from the standards of this Division.

1. Housing Department Unit. A residential unit subject to a deed restriction administered by the Housing Department, and in compliance with the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction.
2. Other Workforce Housing. A residential unit subject to a deed restriction administered by the Jackson Hole Community Housing Trust or Habitat for Humanity of the Greater Teton Area, and in compliance with Section 2-3, Livability Standards, of the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction.
3. Historic Building. Use of a building included on the Teton County Historical Preservation Board (TCHPB) list of historically significant properties, or that is otherwise deemed in writing by the TCHPB to be historically

significant. In addition, if a historic building is used in its historic location, floor area elsewhere on the site equal to the amount of historic floor area used on-site is also exempt.

4. Affordable Workforce Housing Unit. A residential unit subject to a deed restriction administered by the Housing Department, Jackson Hole Community Housing Trust, or Habitat for Humanity of the Greater Teton Area and in compliance with Section 2-3, Livability Standards, of the Jackson/Teton County Housing Department Rules and Regulations at the time of restriction. (This exemption shall not apply to an occupancy restriction as defined in the Housing Department Rules and Regulations.)

We recognize that the Housing Trust does develop high-quality units, and the Housing Trust should not have difficulty complying with the Livability Standards, which apply to all restricted units, detailed in the Housing Department Rules and Regulations.

Thank you again for your comments on the LDR Cleanup. The proposed amendments will be heard by the Board of County Commissioners on July 7th at 9 am. I will include your comments in the packet that I submit to the Board prior to the hearing. We generally recommend that written public comments be received at least one day prior to a scheduled meeting to ensure that Staff and Commissioners have time to review them.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

-----Original Message-----

From: Anne <anne@housingtrustjh.org>
Sent: Wednesday, June 17, 2020 11:46 AM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: RE: Housing Trust comments

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Thanks Rian. I look forward to hearing your thoughts. If you can also let me know when it would be most helpful to you and the process to receive BCC comments, let me know! We are finally catching our breath over here after breaking ground on King street....

-----Original Message-----

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Wednesday, June 17, 2020 11:31 AM
To: Anne <anne@housingtrustjh.org>
Cc: Kristi Malone <kmalone@tetoncountywy.gov>
Subject: RE: Housing Trust comments

Hello Anne,

Yes, thank you for your comments. I received them just prior to the Planning Commission meeting and made sure the Commissioners who attended in person got a hard copy. The BCC meeting will be Tuesday, July 7th at 9 am. I will follow up with some additional thoughts on your comment this week.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services PO Box 1727 | 200 S. Willow Street Jackson, WY 83001

-----Original Message-----

From: Anne <anne@housingtrustjh.org>
Sent: Tuesday, June 16, 2020 4:44 PM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: Housing Trust comments

[NOTICE: This message originated outside of the Teton County's mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Rian,

I am checking in to see if you received/had any thoughts about comments I sent into you, April and the planning commission about the LDR's (JUST before the planning commission hearing). I was not able to attend the planning commission hearing but I believe the BCC hearing is around the corner. If you have an update re: the status of our comments/your reaction and/or next steps with the BCC that would be helpful.

Many thanks,

Anne Cresswell, Executive Director
Jackson Hole Community Housing Trust

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Correspondence, including e-mail, to and from employees of Teton County, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Rian Rooney

From: Anne <anne@housingtrustjh.org>
Sent: Monday, June 8, 2020 5:06 PM
To: County Planning Commission; Rian Rooney
Cc: April Norton
Subject: LDR Amendment

[NOTICE: This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Dear Planning Commissioners,

Since 1992, the Jackson Hole Community Housing Trust has developed or acquired 146 affordable homes in Teton County, Wyoming. In the last month, we broke ground on our 8th affordable housing project-24 affordable homes at 174 North King Street--a partnership with the Town of Jackson and Jackson/Teton County Housing Department.

We are dedicated to the design and development of quality affordable housing so that we can retain the essential employees we need in our community to keep our community safe. The development of affordable housing becomes more complicated and more expensive with time. It has always been helpful to us that the LDR's have recognized the Housing Trust as a qualified provider of affordable housing, governed by the IRS. As a qualified 501 (c)3 provider, we have been exempt from Division 6.3-- Affordable Workforce Housing Standards--in its entirety. The LDR 'clean up' presented to you today is far more than a cleanup; it would amend our historic exemption and require that we comply with the Livability Standards of the LDR's. The Housing Trust has never been accused of designing or developing units that are not "livable". On the contrary, if anything, we are accused of developing homes that are "too nice".

Within the last 2 months, as we were racing to do all that is required to secure financing and pull a building permit, it was a relief that we were not required to use our limited resources to also fill out paperwork detailing how our units comply with Livability Standards of the LDR's. We ask that you remove this requirement from the LDR Text Amendment proposed and streamline the process for any private, not-for-profit housing provider.

Thank you for your consideration of our request,

Anne Cresswell, Executive Director
Jackson Hole Community Housing Trust

174 NORTH
KING
STREET
24 Affordable Homes in 2021

Rian Rooney

From: Alex Norton <alex@opsstrategies.com>
Sent: Monday, June 15, 2020 4:54 PM
To: Rian Rooney
Subject: County LDR Cleanup

Follow Up Flag: Follow up
Flag Status: Flagged

[NOTICE: This message originated outside of the Teton County's mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Rian,

Thank you for your work to make the LDRs clearer. The only comments I have are in reference to the move of Divisions 7.6 and 7.7 into Article 5.

I understand the desire that applicants understand their access and utility obligations when applying for a building permit, and agree that something should be done if they have been caught unaware. However, I believe that the proper solution is appropriate cross-references in Subsection B of each zone. The Section for each zone serves as the de-facto table of contents for most builders and is the best place to get their attention.

- The proposed addition to subsection B in each zone could be done without moving the divisions to a new article. Alternatively, the cross-references could be added to B.1 (Character Zones) and B.4 (Legacy Zones) to avoid cascading cross-references and keep the site design standards grouped together instead of putting the access and utility standards after the process standards.

The reason I think the location of the standards in Article 7 matters is because the public impact of a subdivider not understanding the applicability of the Divisions to their subdivision is far greater than the impact of a homeowner not understanding their applicability at initial site design. Only 1 or 2 of the 14 pages in Div. 7.6 will ever be applicable at building permit. More of Div. 7.7 is applicable to more building permits, but the crucially important water, sewer, and irrigation requirements are applicable at subdivision. Ensuring a subdivider understands their road, water, sewer, and water rights obligations is one of the most important public protections provided by the LDRs and the title of Article 7 says that Article 7 is where those standards are found. While a builder is likely to start in their zone, a subdivider/developer might start in Article 7. Article 1 ensures that all standards are applicable regardless of their organization, but I believe the current organization provides clarity to the more important, if not more frequent, user.

- That said, regardless of whether you move the Divisions to Article 5, I suggest keeping D.3 in each zone so subdivider/developers understand the applicability of the standards to them.

Other than organizational clarity, the location of the standards also determines the applicable nonconforming standards in Division 1.9. I do not know all of the implications of applying Section 1.9.2 instead of Section 1.9.4 to road and utility nonconformities. Standards like 1.9.4.B are specifically intended to address lots with nonconforming access and utilities. It seems like the County's requirement to remedy nonconforming access and utilities upon the building of such a lot would be lost if 1.9.2 were the applicable nonconforming standard. I understand the proposed move more in the Town development context (multi-unit buildings) and Town LDRs (their Section 1.9.2 addresses remedy of non-building Article 5 nonconformities at building permit). While I still think Article 7 is the right organizational location, if the Town intends to make the same change in their update next year, I applaud the coordination. That said, I think it is important that the Town make the same change relatively soon so that there is not any unintended purpose ascribed to the difference in organization between the two LDRs.

Thanks again for your work and please let me know if you have any questions about these comments.

Alex

--

Alex Norton, AICP
Principal, OPS Strategies
307-690-9892
PO Box 1349, Jackson, WY 83001

Rian Rooney

From: Rian Rooney
Sent: Monday, June 8, 2020 1:19 PM
To: Samuel Singer
Subject: RE: Public Comment on DRAFT 2019-2020 LDR CLEANUP

Dear Samuel,

Thank you for your comments on and suggested proposals for the 2019-2020 LDR Cleanup and for your continued dedication to dark sky initiatives in Teton County. The LDR Cleanup traditionally is meant to address issues in the application of the LDRs determined by County Staff. Your suggested edits apply to both Town and County, impact rights-of-way which are under jurisdiction of Public Works, and relate to how enforcement of lighting standards are carried out throughout the County. For these reasons, we think it is best to review your proposed changes as an individual LDR text amendment application. The procedure for LDR Text Amendments can be found in Section 8.7.1. of the LDRs. The application and checklist can be found here: <http://www.tetoncountywy.gov/DocumentCenter/View/10110/Planning-Permit-Application> And here: <http://www.tetoncountywy.gov/DocumentCenter/View/3390/Land-Development-Regulation-LDR-Text-Amendment-AMD-Checklist-PDF>.

I also suggest that you apply for a fee waiver request using this form: <http://www.tetoncountywy.gov/DocumentCenter/View/10108/Miscellaneous-Planning-Request-MSC-Application>. The applicability for your proposed application is under Fee Waiver Resolution Section 2a, as “an application that demonstrates a bona fide community benefit for the whole of Teton County, WY.”

Please let me know if you have any other questions. Thank you again for sharing your comments and proposed language. We look forward to working with you on your amendment.

Best,

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
PO Box 1727 | 200 S. Willow Street
Jackson, WY 83001

From: Samuel Singer <samuel@wyomingstargazing.org>
Sent: Saturday, June 6, 2020 9:22 PM
To: Rian Rooney <rrooney@tetoncountywy.gov>
Subject: Public Comment on DRAFT 2019-2020 LDR CLEANUP

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Dear Teton County Planning Staff,

Thank you for the opportunity to submit public comment on the 2019-2020 DRAFT LDR CLEANUP. Please find my comments below on behalf of Wyoming Stargazing and concerned citizens for LDR section 5.3.1 Exterior Lighting Standards.

Wyoming Stargazing has worked diligently over the past four years to [raise awareness about light pollution in Teton County](#). Our Save Our Night Skies campaign was recently selected by [Parade Magazine to be featured as the Wyoming example of Earth Saving Projects](#). We worked side by side with the Town and County with assistance from the International Dark Sky Association to develop best practice language for the current LDR standard 5.3.1. In recent months there has been a lot of discussion by the public and during Town/County meetings about preserving our dark night skies. Our proposals below address those concerns.

Our proposed revisions include:

1. Clarification on what is meant by string lights.
2. Inclusion of language that clearly states the County's and Town's position on new lighting.
3. Making this LDR application for lights in the public right of way (all public lights)

1. Clarification on what is meant by string lights

- Section C. Prohibited Lighting 3. Strings of lights
 - Strings or strands of lights used to highlight a sign, perimeter of a sign, any portion of a building, **other outdoor structure, tree, bush, or shrub** are not permitted, except for holiday-type decorative lighting displayed between November 15 and January 10.

The inclusion of the phrase **other outdoor structure, tree, bush, or shrub** is crucial to address the blatant disregard for this section of the standard throughout Teton County.

2. Inclusion of language that clearly states the County's and Town's position on new lighting

NEW SECTION E: Installation of New Street Lights. The City/County shall not allow the installation of any new street lights, except in cases where it is determined that a street light is deemed necessary in public right-of-ways for safety and/or security needs. All such lighting will adhere to the standards set forth above in standard 5.3.1. of the LDRs.

3. Making this LDR standard applicable for lights in the public right of way (all public lights)

Remove the exemption in section A.1.a. Lighting in the public right of way.

Please let me know if you have any questions or concerns.

Sincerely,

Samuel

--



Samuel Singer, PhD

he/him/his
Founder and Executive Director

Wyoming Stargazing

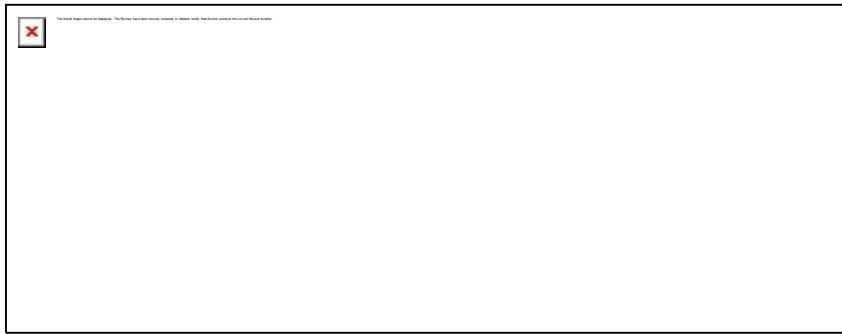
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Educating and Inspiring through Wyoming's Extraordinary Skies and the Universe Beyond



Rian Rooney

From: Susan Johnson <susan@sjplanningsolutions.com>
Sent: Monday, June 1, 2020 11:18 AM
To: Rian Rooney; Kristi Malone
Cc: County Planning Commission; Board Of County Commissioners; Stacy Stoker
Subject: RE: LDR Clean-up comments (AMD2019-0006)

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Hi Rian,

Thank you for the email. Regarding the ARU rental period changing from 90 days to 6 months, I think this fails to consider the use of ARUs as agricultural employee housing, both on and off of ranches. If indeed you move forward with this change (which I continue to believe is deeply flawed), then I would strongly recommend that any ARUs that are used as agricultural housing (these can be ARUs in Polo Ranches for example, and not necessarily located on 70 acres) be exempt from this 6 month requirement. I caution that enforcement will be difficult. As much as we need to house our year-round workforce, if we want to support continuation of agriculture and its associated open space benefits, we need to support seasonal housing for agriculture in our community.

As always, I am available to discuss any of the LDR changes if that is helpful.

Susan Johnson | SJ Planning Solutions
PO Box 523 | 60 E. Simpson Ave
Jackson, WY 83001
307.413.2694

From: Rian Rooney <rrooney@tetoncountywy.gov>
Sent: Monday, June 1, 2020 8:50 AM
To: Susan Johnson <susan@sjplanningsolutions.com>; Kristi Malone <kmalone@tetoncountywy.gov>
Cc: County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>; Stacy Stoker <sstoker@tetoncountywy.gov>
Subject: RE: LDR Clean-up comments (AMD2019-0006)

Susan,

Thank you for your thoughtful review and comments. Some of the items that you identified are issues that we have already been internally reviewing and will be incorporating into discussion and recommendation at the upcoming June 8th Planning Commission Meeting. Please see below for comments on each of your points of feedback.

1. We appreciate your comments on the specific language regarding short-term rentals in Teton Village I & II. We will review the Teton Village Master Plans, coordinate with the Housing Department, and ensure we bring recommended language forward for discussion at the Planning Commission meeting.
2. We agree that the proposed modification to the ARU rental period is a substantive change from the current LDR text, but it is in alignment with Housing Department policy, which was vetted and voted on by both the Town Council and County Commissioners. It was approved to help ensure year-round employee use rather than

seasonal. This change and the additional text in point #3 were added at the request of the Housing Department to be consistent with Housing Department Rules & Regulations and policy since 2018. My forthcoming staff report reclassifies this change as a “Policy” change, rather than a “Clarification,” and examines the issue in greater detail. Acknowledging that this is a more significant change than other cleanup items, we believe that this is a good opportunity to discuss the County’s approach to regulating ARUs and the desired extent of alignment of Housing Department and LDR policies. This proposed amendment also is in alignment with the updates to the housing mitigation LDRs in July 2018 that transitioned mitigation rates based on seasonal workers to year-round workers. It should yield meaningful discussion about the provision of seasonal vs. year-round workforce housing through ARU rentals. We recognize that this shift, if adopted, will add nonconformities and may raise additional questions regarding enforcement.

3. In 6.1.11.B., the existing LDRs state that occupancy of an ARU shall be restricted to occupants “employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations.” Or, they shall be guests of or members of the family occupying the primary dwelling unit. In cases where the primary use is not residential, these other occupancy options do not apply because there is no “primary dwelling unit”. The current LDRs also state that the “mechanism” “for achieving the restriction shall be acceptable to the Teton County Housing Authority.” Since the Housing Department now uses the Special Restriction for Workforce Rental Housing to restrict Workforce Rentals, we believe that this change is reflective of current policy and provides clear and transparent use standards for not only the developer, but future property owners and potential ARU renters.

However, your point about disincentivizing the production of additional housing is well-taken, and we will investigate the implications of this change and possible methods for addressing it.

4. This item was on our list and did not make it into the initial public release draft as we were still determining language to remedy it. We have since drafted some additional language to Sections 9.4.6.D. and 9.4.6.E. to address the issue for properties that include private or public road easements which is consistent with Town of Jackson LDRs. We are recommending those additional modifications in the staff report for the June 8th PC meeting.

Thank you again for your thorough review of the proposed LDR Cleanup and your comments.

Rian Rooney
Associate Long Range Planner
Teton County Planning & Building Services
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From: Susan Johnson <susan@sjplanningsolutions.com>
Sent: Friday, May 22, 2020 4:18 PM
To: Kristi Malone <kmalone@tetoncountywy.gov>; Rian Rooney <rrooney@tetoncountywy.gov>
Cc: County Planning Commission <planningcom@tetoncountywy.gov>; Board Of County Commissioners <commissioners@tetoncountywy.gov>; Stacy Stoker <sstoker@tetoncountywy.gov>
Subject: LDR Clean-up comments (AMD2019-0006)

Dear Kristi and Rian,

I have the following 4 comments associated with the proposed LDR Clean-up for your consideration:

1. Teton Village Area II does not allow short term rental of any single family homes, but it does allow short-term rental of all free-market condos and townhomes (that are not designated as workforce housing). There are also a few workforce-restricted condos (and Townhomes) in Teton Village Area I that may benefit the use of a specific “free market” designation similar to what I proposed below for Area II (Stacy may have some thoughts on that).

C. Short-term Rental Unit

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 31 days.
2. **Standards**
 - a. No residential unit or portion of a residential unit may be rented so as to limit occupancy to less than 31 days unless permitted for short-term rental.
 - b. Developments that have been approved for short-term rentals of less than 31 days prior to May 9, 1994 will be allowed to continue such rentals in accordance with Div. 1.9, or in accordance with the PUD approval, whichever is applicable. These developments with prior approval are:
 - i. The Aspens (condominiums and single-family homes);
 - ii. Teton Shadows (condominiums only);
 - iii. Teton Village L(condominiums and single-family homes);
 - iv. Teton Village II (condominiums and single-family homes);
 - v. Golf Creek (condominiums only);

Recommended language would be: iv. Teton Village II (all free-market condominiums and townhouses)

2. I have concerns with changing the minimum rental period of an ARU from 3 months to 6 months.

e. Rental Period. An ARU rental period shall be a minimum of 90 days 6 months.

This is actually a substantive change and not a clean-up item. This has not been a Department policy or common practice. It will create a lot of nonconformities, as every ARU/BUP Permit that was issued over the past 20+ years for an ARU states a minimum rental period of 90 days in the Permit. I am also concerned because changing the ARU rental period from 3 months to 6 months could be problematic for seasonal uses for workforce housing like in Hotel Terra, Caldera House, and other non-residential areas where the original purpose of the housing requirement was for housing seasonal workers.

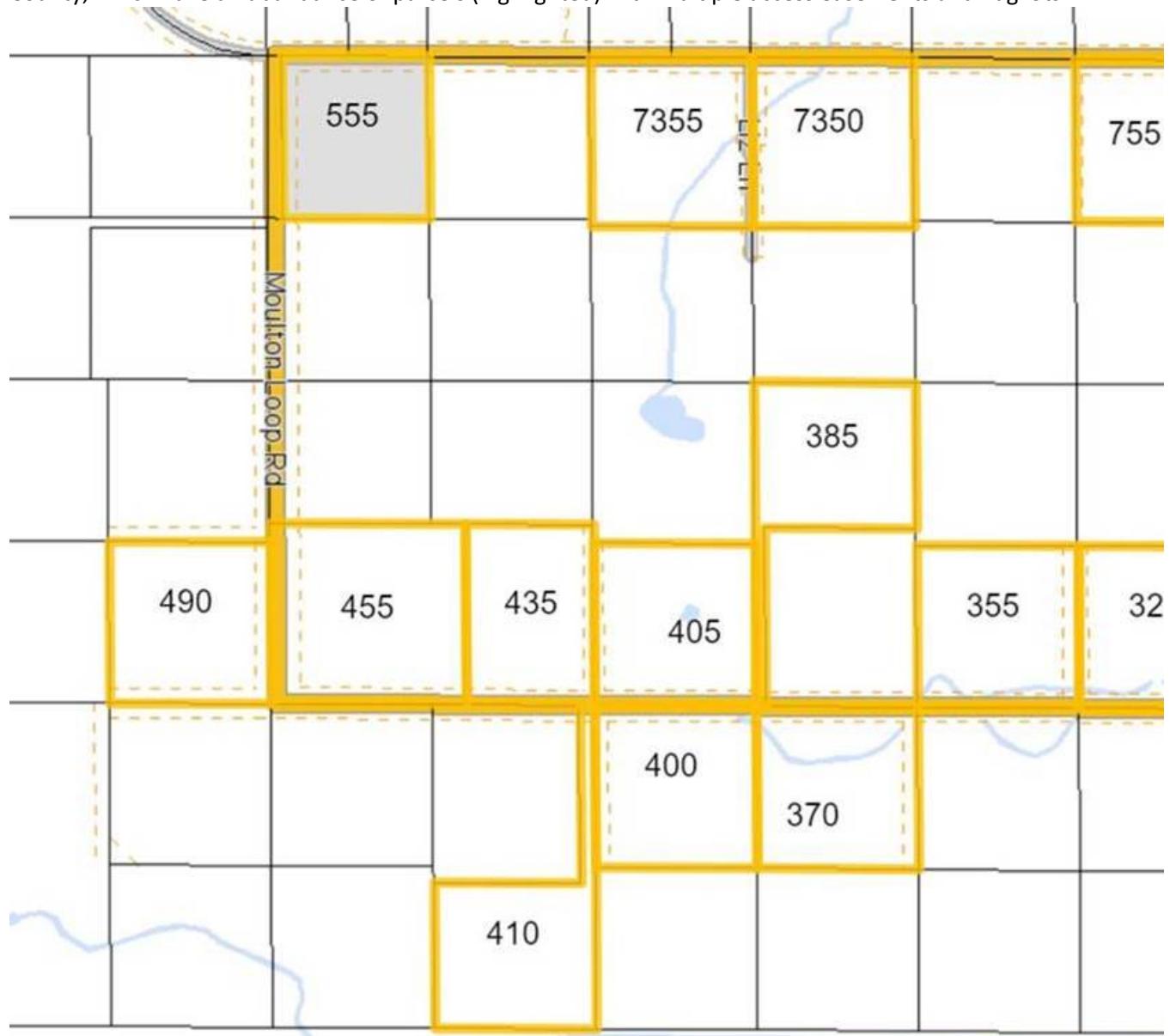
3. I also have concerns with the addition of this section on special restrictions for non-residential ARUs:

g. Primary Use is Commercial. An ARU accessory to a commercial use shall be used as workforce housing and requires a Special Restriction for Workforce Rental Housing, which shall be provided by the Housing Department and recorded on the property. The ARU shall comply with the Special Restriction for Workforce Rental Housing and the Jackson/Teton County Housing Department Rules and Regulations.

It appears **all** ARUs would need to be restricted, rather than only the units that are used to satisfy a workforce housing requirement. This has incrementally become a practice of the Housing Department without it being a requirement in the LDRs, but it is a substantive change and should be considered as such and not as a clean-up item. This could potentially disincentivize the provision of additional housing and could result in people only

building the bare minimum, rather than providing additional housing above and beyond what is required, which has resulted in many housing units for the Teton County workforce over the years. If it does get approved as part of this LDR Clean-up, I would suggest allowing the additional units to be allowed to be considered a "banked unit" for any changes in use and/or additions that may occur over time on the property per LDR Sec. 6.3.5.D.3.

4. I may have missed it, but I think an additional clean-up item that is worthy of consideration is to consider exempting areas within access easements (and the flagpole portion of flag lots) from counting as site development, as many lots in the County are encumbered by access easements crossing their property or are flag-shaped lots, which now impacts their site development calculations in the new Rural zoning designations. This was an unintended consequence of changing from using Base Site/Adjusted Site Area to using Gross Site Area in the R-1, R-2, and R-3 zoning districts. Base Site Area and Adjusted Site Area removes access easements from calculations such as site development or Landscape Surface Area. Below is just one of many areas in the County, which have an abundance of parcels (highlighted) with multiple access easements and flag lots.



These comments are intended to be helpful and are not being proposed on behalf of any clients. They are based on my review of the proposed LDR Clean-up as a community member who is familiar with the LDRs. Thank you for your consideration.

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