

**MINUTES
PLANNING COMMISSION
TETON COUNTY, WYOMING
August 10, 2020**

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

ROLL CALL

Planning Commission: Glen Esnard, Kasey Mateosky, Karen Rockey, Sue Lurie, and Alex Muromcew.

STAFF: Planner Director Chris Neubecker, Senior Long-Range Planner Kristi Malone, and Chief Deputy Attorney Keith Gingery.

MINUTES

A motion to approve the July 27, 2020 minutes was made by Commissioner Rockey and seconded by Commissioner Mateosky. There was no further discussion. Motion carried 5-0.

ADOPTION OF AGENDA

A motion to adopt the August 10, 2020 agenda was made by Commissioner Rockey and seconded by Commissioner Mateosky. There was no further discussion. Motion carried 5-0.

MATTERS FROM THE PUBLIC

There were no matters from public.

OLD BUSINESS

There was no old business.

NEW BUSINESS:

A) Applicant: JACKSON HOLE HEREFORD RANCH LLC

Presenter: Kristi Malone

Permit No.: ZMA2020-0002

Request: Request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, to rezone 74 acres owned by JHHR HOLDINGS I LLC in Northern South Park from Rural-1 to Auto-Urban Residential.

Location: The subject parcel does not have an assigned street address but is generally located just south of the Cottonwood neighborhood and Town of Jackson corporate limits adjacent to High School Road and South Park Loop Road. The site is within Tracts 1 and 10 of the Hereford Ranch. The site is 74 acres, is currently zoned Rural-1 and is within the Scenic Resources Overlay.

Chair Esnard introduced the application. This is an important application and will be taken seriously. He explained that the Commission had reviewed the application thoroughly including about 100 public comments received earlier today.

STAFF PRESENTATION: Kristi Malone, Senior Long-Range Planner, first described how the public can participate remotely during the meeting. She provided the telephone number and meeting ID number for those calling in. She explained the location of the property and its zoning, which is Rural 1. Before the recent County

rezones, the property was zoned Rural. Ms. Malone explained how this application relates to the standards in the Land Development Regulations. She also explained that staff and the Director made their recommendation based on their review of the Teton County Land Development Regulations (LDRs) findings for approval but explained that the Planning Commission and Board of County Commissioners have more flexibility since this is a legislative issue.

Ms. Malone explained the difference between the existing zoning and the proposed zoning, including additional density. She explained the number of units allowed with the proposed zone and some of the differences in physical development standards. She explained that a deed restriction has been recorded on the property since the finalization of the staff report. Staff has several questions on the covenant and will work with the applicant to better understand it. She went on to describe Conditional Zoning, as well as conditions that might apply, except that staff could not find a way to write conditions relating to compliance with the Comprehensive Plan. Staff received a lot of public comment after the staff report was published. Staff emailed and provided hard copies of the comments received to date.

Ms. Malone explained that staff's analysis was based on the standards in the adopted Land Development Regulations. Application is consistent with County Resolutions and the purposes of the LDRs. Application does not meet standard #2, "improves implementation of the Comprehensive Plan", and #3, "necessary to address changing conditions or public necessity". Planning Director recommendation is for denial. Staff is not opposed to workforce housing, or development at this site, but staff believes that more information is required. Staff has been directed to perform a Neighborhood Plan for Northern South Park. Ball is rolling in the direction of development for this site, but additional planning is still needed, in order to be strategic.

Commissioner Muromcew noted the Lockhart family has also proposed development of its adjacent property. He asked if that property was also part of Subarea 5.6. Ms. Malone explained that yes, it is part of the same subarea.

Commissioner Esnard questioned how long staff expected the Neighborhood Planning process to last. Ms. Malone stated they anticipated that it would take about one year but the timeframe will be directed by the Town Council and Board of County Commissioners.

APPLICANT PRESENTATION:

Susan Johnson, Planning Consultant for Applicant, presented. She explained the proposed development and the site. Up to 312 lots, 50' x 150' can be expected. Each lot can also allow two 500 sf ARUs. A covenant was recoded that requires 65% of the lots to be deed restricted for workforce housing. Project would take about 20 years to buildout. Local workforce includes hospital workers, teachers and first responders. Project will help to reduce some of the 12,000 daily commutes. Proposal will include parks, pathways, and scenic buffers to the creek. Property is within the Scenic Resources Overlay (SRO). There are 60 new enrollments at the local schools this year (elementary, middle and high school). Ms. Johnson explained why the applicant can make all of the findings. She described finding #2, "improves the implementation of the community vision." She read from the Comprehensive Plan and described why the applicant believes that the proposal will meet the requirements of the Subarea desired future character. She described that the Board of County Commissioners had robust discussion about development here. She described the CN-PRD tool, which allows development of this area without a neighborhood planning process through conservation easements and transferring development rights. She described the requirement to plan for traffic in this area and explained that the applicant's team are working to address the anticipated additional traffic. Since the project will be phased, the full traffic impact will not be felt for many years. We are not requesting any development at this time, only rezoning, which is not the same as development. This area is less desirable for higher density development since it's near the Dairy subdivision

and not as close to town as other sites. Approval now will avoid delays for providing critical housing.

Ms. Johnson went on to explain the percent of local workforce that lives locally, which is 56%. She explained that the hospital has a shortage of housing for their employees. The rural downzoned properties provided 2,400 units of density, most of which will be in the town, but 600 in the county. Where else in the county can those units go? She described that a mix of housing inventory is needed, 160 units are needed by the hospital in the next 3-4 years to address pending retirements. She described Subarea 5.6, which is a residential district, not mixed use.

Reed Armijo, Engineer, Jorgenson Associates, described the location of the property. This location works well due to proximity to schools. Much of the traffic is already in the community but is spread out. We are very close to the START bus and the pathway, which will be expanded. The East-West Connector is needed to address traffic. We look forward to being involved in the process. Once we fully understand the development potential, we can start to plan for the traffic impact. We will also work closely with CWC college. From a transportation perspective, we have the opportunity to reduce the amount of commuter traffic. Rezones do not require a traffic study, but we have started to look into the numbers.

Amberley Baker, Attorney for Applicant, explained the restrictive covenant. The applicant will transfer the deed restricted lots to local partners, and those agencies will then create new deed restrictions. We want the covenants to be reviewed and approved by the County to ensure that the covenants address the needs of the individual developers. She described how the many organizations in the county have different deed restrictions, including County, hospital, and Habitat for Humanity, and school district. Permanent deed restrictions will be reviewed at the right time and publicly vetted. The existing covenant is a concrete foundation. We ask for approval with no conditions. The findings can be made.

Liz Brimmer, Public Affairs Strategist for Applicant - Why this, why now? We cannot wait any longer. The hospital needs housing in the next 3-4 years. The hospital cannot wait. If this community does not provide built housing in next 3-4 years, there could be shortages at hospital. We hope to also house school district employees, schoolteachers, and cleaners. They need housing. The hospital and Habitat are partners in our proposal. To actively vote down housing during a pandemic. To plan to have a shortage of healthcare workers is not planning. Development will help reduce the 8,000 – 12,000 daily commuter trips. She described the commuter impacts of lack of housing, that is not conservation. The 27,000 community commuters are part of the local community, and housing them locally will reduce impacts. Cottonwood Park was approved 3 decades ago. This project is in the right location. This is a vote on functional or non-functional hospital. What is the alternate solution to providing roofs for families in 3-4 years? We ask you to vote yes on the rezone.

Nikki Gill, Applicant – Our family has a great history, including selecting the land for the hospital. We will continue to ranch the property. She described buildings in town built by her family, including the Teton Theater, and Jackson Drug. Healthcare is now more important than ever. Denying project will not allow people to house themselves: doctors, teachers, first responders. Not all families want to live in a condo in downtown Jackson. I want those families here in town. Every elected official has campaigned to solve housing. How can we solve this need in a timely manner? Do not get lost in the message that nothing should be built here. Planning to have a shortage of teachers and first responders and healthcare workers is not good planning. Please find it in your hearts and minds to say yes for the good of our community.

Commissioner Rockey: Thank you all for being here. We all share your concern for providing workforce housing. Question for Ms. Baker, what is your definition of “workforce”?

Ms. Baker: I intentionally used the words “workforce”. This definition will be included in the subsequent covenants which will be in more detail. It would be a mistake to nail down that definition now.

Commissioner Rockey – Appreciate that you want flexibility, makes sense from the Applicant point of view. The County will have great interest in the covenants.

Ms. Baker: The applicant is very interested in the content of the covenants.

Commissioner Rockey: There has been a lot of change this year, and more people are working remotely. If someone lives in Jackson and works remotely for a business out of state, will that be allowed, working remotely?

Ms. Baker: Current definitions of workforce used by Teton County would not allow someone living in County but incorporated elsewhere. Intent was not to define workforce for our partners.

Commissioner Lurie: Are these all single-family lots? (Ms. Baker: Correct). She read from the Comprehensive Plan, refers to Subarea 5.5, which discusses a wide variety of housing, including multifamily housing. Why proposing only single-family lots, and not more variety which will address the need for variety of workers? (Ms. Johnson – Not all of Cottonwood is single family, there are also townhomes and apartments. What we propose is closer to the Range View section. We are not proposing to develop all of Subarea 5.6 , but only this western part. She described how density should reduce going farther from town.)

Commissioner Lurie: When I read Subarea 5.6, it describes a mix of housing units. That is not what is being proposed.

Commissioner Muromcew: There is significant density in Cottonwood in the northwest. On the issue of ARUs, its conceptually great, but no guarantee that any permitted ARUs will ever be built, considering the exceptionally high costs of construction. Your message seems to be “we will figure it out”. But if a developer takes it over, they may have a completely different idea, and best intentions may not be honored. I am concerned that we need more in writing and need more details nailed down. How can we be assured at this point, when we don’t have enough details in writing, that future developers will commit to these plans and to commitments made today? (Ms. Johnson: Sketch Plan is another opportunity, and there is also a Subdivision process to come. We don’t know exactly how many lots and the exact configuration.) Still wrestling with concept of workforce housing. Realtors tell me the lots will cost \$200,000 - \$300,000 and conservatively based on construction costs homes will cost over \$1 million. If you are not building townhomes or multifamily, how will homes be affordable? (Ms. Baker – We do not have pricing information yet. All the lots that are deed restricted; they will be sold below market value. Project will have a variety of housing. We are looking to house people who work in Teton County. Lot owner deed restrictions will have more details. Cost of housing is not random, restrictive zoning approaches pushes up cost of housing. Tonight, is just about making the four findings.)

Commissioner Muromcew: Community has raised issue of the great increase in value by the proposed rezoning. Asked if the Gills have considered conserving any other land in South Park as an offset? (Baker: No, that is not a requirement of a rezone. Also, adding conditions for conservation has legal issues, suggests the Commissioners speak with County Attorney).

Commissioner Esnard: This is Workforce housing, not Affordable housing. Isn’t it reasonable to have greater specificity before granting the rezoning? Why not provide more inducement? (Baker: We have done what is required.)

Commissioner Esnard: This is 37 % of the area of Subarea 5.6. We will have more discussion on Neighborhood Planning. This is the most visible and accessible land in the subarea; what happens if you already set the zoning for this land, then how does that impact the remaining lands? (Johnson: AR-TC zone is what was envisioned here, you can get ahead of yourself assuming apartments will be built in Subarea 5.6.)

Commissioner Esnard: Asked about the mix of housing compared to Cottonwood. Why not apply for zoning that allows a zoning overlay that allows more product variety. (Johnson: Higher density units could potentially go further to the east, closer to town and services. I do not know what the neighborhood plan will result, but it makes more sense to have the lower density housing near the Dairy Subdivision, and higher density to the east.)

Commissioner Rockey: There have been a lot of changes at the hospital in the past 9 months. Do you have any updates on the hospital, considering Dr. Beaupre's retirement and potential reduction in hospital workforce? (Johnson: Cannot speak for the Hospital, but Hospital is no longer building its housing project in Alpine. Living past the canyon or over the pass makes it difficult for workers to get to town.)

Commissioner Rockey: Asked if there are any formal agreements with hospital (Baker: We do not have anything that we can share with you now.)

Commissioner Lurie: Described the housing needs based on the Affordable Housing Department, including number of 1 bedroom, 2 bedroom and 3-bedroom units, and that their data shows smaller 1-bedroom units as highest demand. She asked what was the reaction of the Affordable Housing Department when you met with them? (Brimmer: Hospital has made it clear that since they will be hiring to replace retiring workers, they want larger family units; she described the retirements of hospital workers, and the housing desired by housing workers. She described a letter from the Board of St John's Hospital.) (Ms. Baker: There is an under supply of all housing in the community. Our partners can build what they need).

Commissioner Muromcew: Conceptually I love idea of higher density to east and lower density to west. Have you had any discussion with the Lockhart family on this concept? (Baker: Rezoning does not require contacting the neighbors. No, we have had no contact with the Lockhart family.)

PUBLIC COMMENT:

Rich Bloom: This is not a referendum on affordable workforce housing. This is about the LDRs and the Comprehensive Plan. This is a rezone that needs all the questions answered. It is the only leverage to get the best outcome for the community. Listen to your professional planning staff. I have worked with Kristi for over three years, and with Chris, they have the academic training and fluency of the LDRs and Comprehensive Plan. You should listen to your staff when they recommend denial and tell you that the findings cannot be made. Secondly, application is pre-mature; the tail has been wagging the dog. The Lockharts have said they will wait for the neighborhood plan. The BCC has clearly supported a joint neighborhood plan, and it has already been funded. The Comp Plan says that the planning process is needed. There is still no assurance of connection to Town stormwater, sewer or drinking water. Also, the housing will not be affordable by any measure, except for the Habitat lots. Fourth, there is no conservation, which is contrary to the primary goal of the Comprehensive Plan goals. Without a rezone, this family can still proceed with a CN PRD application. The proposal does not result in affordable housing, but results in great wealth for the applicant. Application wastes the opportunity to get greenfield development done right. Adds to the traffic problem, and there is no commitment to an east-west connector. There is no plan yet for an east west connector. Unfortunately, the applicant has not yet talked with their neighbor to the east. The applicant is request 54 times up zone. We, and they, can do a lot better. You should first complete the neighborhood planning process.

Kathy Thompkins live on Rangeview Drive – That is the neighborhood that will be copied. A 150 x 70 lot with 1200 sf home can fetch \$950,000. So, how will a new home be affordable if between 2300 – 2800 sf? Especially for the people at the hospital that need the housing. Drive through Rangeview Park, you will see 3-4 cars at each home. The upzone, by definition, is auto reliant since its Auto Urban Residential zoning. Even with good pathways and close to Smiths, 90% of residents still drive where they need to go. Do not know how the ARUs will be built and kept affordable. My son was looking to rent, and one room for rent was \$900 per month. Only people that will afford to buy homes are software workers that can live anywhere. What are the limits on the number of people you can rent to? We have 4-5 unrelated people living in one home in my neighborhood, and parking is a problem. A lot of people in Rangeview still drive their kids to school. These are the issues that still need to be addressed. How will hospital workers afford this? Also need to address traffic issues, including the traffic from the new connector and CWC. How many vehicle trips will come from the Lockhart development, we still do not know. We need a plan for all Northern South Park. We need to ensure that traffic and housing issues will not be worse.

Elizabeth Hutchings – I am a conservation advocate, mentor, business founder and a forest dwelling. I have spent 8 months living in the woods. But I must have 2 jobs to live here. I fought tooth and nail to live here. I understand affordable housing issues. Millennials want to be here, and we want to be committed to the community. A development plan that ignores the lowest income bracket is not a solution. A Neighborhood Plan is a solution. We cannot afford to rush forward. This is a 20-year plan. The proposal does not address lower income housing, we need housing for people making \$50,000 to \$100,000. We need a greater mix of housing. Need to ensure development has maximum community benefit. We appreciate the commitment to workforce housing, but we need a plan before we add \$100 million in value to the Gill family. I ask that you deny this application.

Brooke Sausser: Jackson Hole Conservation Alliance – We are excited to be discussing this project, but it does not meet community goals. First, we need to finish the Comp Plan and a Neighborhood Plan. 65% of the lots as workforce housing is nothing to shake a stick at. But only doctors, lawyers and software workers can afford these homes, but other workers cannot afford it. We need a greater mix of housing styles, and we need greater density. The AR zone does not provide this density and mix of housing. The proposal does not meet the affordability that the community needs. The proposal does not address the protection of wildlife and conservation. The CN-PRD was designed for this application and could result in protection of 1,000 acres. We need to grow smart, and we need to prevent sprawl. We support staff's recommendation for denial. A neighborhood plan can describe what we want to see and is greater than only one property owner. Duty to the public is to make sure the right infrastructure is in place and that we don't leave the cost to the rest of the community. There are a lot of changes coming to south park, including CWC, east west connector. To me, this means we need a neighborhood plan.

Gwynne Carpenter – A volunteer, caretaker, and displaced worker: Due to housing conditions which I cannot afford, it impacts my auto immune disease. Every person should have the basic need of housing. I am asking you on behalf of the workforce to deny the upzone so that we can develop a plan that works for all workers.

Ivan Jimenez - Voice my support for staff's recommendation to deny, so that we can get affordable housing, not just workforce housing. Home values go up 15% per year. Access to affordable housing is important for health. Do not lose sight of the \$100 million gift to the Gill family. Housing should be tied to income levels. Why not go to 100% affordable housing based on demonstrable need? Please say no to the rezone.

Rachel Attias – Letter read by Ivan Jimenez – Urge you to deny the application, change to affordable housing. Proposal is a business opportunity for applicant, not a housing opportunity for community. Workforce has

nothing to do with the service workers. We cannot waste land on housing that will not address our housing issues.

Wes Gardner, business owner and resident - We should take advantage of opportunity to add affordable housing. Encourage you to work with applicant, but I cannot support the application today. The proposed project will not provide the housing needed for our teachers. I have heard the applicant say that there are plenty of other bites at the apple. But we should take our time with this proposal. I understand the urgency of the hospital, but we need to take our time. The Comp Plan discuss this site, but this is putting the cart before the horse. We must first understand the affordability. Applicant should be working with county on the Comp Plan. Density will increase profitability and affordability. Use density to reach a compromise, to ensure profit for developer and affordability.

Tisa Djahangiri – I have rented 5 different houses since living here, but it's worth the effort. I have had countless smart friends move out due to the cost of housing. Demographics of our community and the people who are not here tonight, including service workers, and minorities, people that can't be here tonight. This proposal worsens housing inequality by providing single family homes that most of our workers can't afford. We need multiple family housing. Need to uphold the vision of the Comp Plan. Need to create a Neighborhood Plan. ARUs are great, but not enough. This project will have huge impact over the long term. Please make right call by following staff recommendation, instead start the neighborhood planning process.

Sophia Schwartz, Hospital worker - Ask you to deny the application. Current proposal does not meet the goal of supporting the workforce. Can teachers, nurses, restaurant workers afford this, while Gill family makes a \$100 million profit? I would like to see income restricted properties, since many workers will never be able to own a home in Jackson. I hope you deny this request.

Ryan Nourai, Shelter JH – Thank you to the Gill Family, this is an amazing opportunity. Several years ago I had a bookshelf with limited space, right when the new Star Wars movie was coming out. After seeing the movie, I did not buy the DVD since the movie was not very good, and I had limited space on that bookshelf. We have a small bookshelf in Teton County. We have limited space and should see the whole movie before allocating space.

Christian Beckwith – This project is a simple upzone of 74 acres, but we have not heard any discussion about conservation easements, or the diversity of housing that the community needs, or the adjacent 26 acres of land zoned Suburban, or the east west connector, or the upzone that will be requested by the Lockharts. Also concerned about lack of agreement from Town of Jackson. Ask us to first complete the Comprehensive Plan process, and the Neighborhood Planning process.

Samantha Danahy - – Cottonwood Resident – Lived in Jackson 15 years. We need housing now for our hospital staff. We need housing for teachers. Not everyone works in a restaurant. This is workforce housing that is desperately need. Even lawyers and doctors cannot afford a \$7 million home. This is privately owned land, urge you to approve.

Kris Greenville – Habitat for Humanity Executive Director – There is some urgency to provide affordable housing in the community, our projects are not for doctors, but for teachers, dishwashers, servers. We have turned away dozens of families. Housing 30-40 families will make significant impact. Average Habitat owner lives in town over 10 years before buying. Reduced time spent commuting is critical to health of people and their family. It is critical that the community embrace construction of homes in this community. We are fully supportive of building in this area, close to Town of Jackson.

Anna Olson – Chamber of Commerce – The Chamber did submit a letter. On a personal level, I am saddened to hear words like greed and dishonesty. We need a communal tone.

PC DISCUSSION:

Commissioner Mateosky – I have 5 minutes of attention remaining, but I have a long list of questions.

MOTION

Commissioner Rockey moved to continue Zoning Map Amendment, ZMA2020-002, to the August 24, 2020 Planning Commission meeting.

The motion was seconded by Commissioner Mateosky. There was no further discussion. Motion carried 5-0.

MATTERS FROM COMMISSION

None.

AGENDA FOLLOWUP

None.

MATTERS FROM STAFF

None.

ADJOURN

Commissioner Rockey moved to adjourn at 9:05 PM. Commissioner Mateosky seconded and the motion passed unanimously.

Respectfully submitted: kr


Glen Eshard, Chair

ATTEST:


Chris Neubecker, Planning Director

- Digital recording on file-