



Community Planning Roundup

Here's a rundown of some recent development proposals and issues affecting Teton County and the Town of Jackson. Check www.jhalliance.org for updates.

MORATORIUMS

Moratoriums are common planning tools used by communities in the process of working on their comprehensive plans. While communities figure out how to plan for responsible growth, moratoriums – pauses in day-to-day permitting decisions – provide relief from development pressures that could otherwise compromise the process.

Four different local moratoriums have been in the news – two that are in effect and two that were not approved:

Residential subdivisions: In May, Teton County commissioners voted to enact an immediate moratorium through the end of 2008 on new residential subdivisions and zone changes on parcels greater than 20 acres. This included the controversial Teton Meadows Ranch proposal (see www.jhalliance.org/Library/AllianceAction/June08AA.htm for details). On June 5, TMR's Sequoia Development filed a petition in Ninth District Court asking for a judge to overturn this moratorium, but that's as far as it's gotten to date.

Apartment-to-condo conversions: A moratorium on condominium conversions in town was set to end July 13, but on July 7, councilors voted to extend it for another 90 days while they consider a recent study as a basis for possibly revising conversion policies.

As real estate prices have shot up, more apartment building owners are converting rental units to condos. However, converted buildings haven't had to meet the same affordable-housing requirements as new construction, so displaced renters end up with fewer options for places to live.

The Conservation Alliance promotes diverse strategies to address affordable housing, including preserving current inventory and increasing mitigation rates for residential and commercial development. Policies that don't protect existing workforce housing exacerbate the demand for additional affordable units. To date, the Town Council continues to stall discussions on the need for increased affordable housing mitigation rates.

County commercial development:

On July 1, county commissioners voted unanimously against a temporary ban on all commercial developments larger than 3,450 square feet, and on those that don't promise to house all of their workers. This vote followed the planning commission's June 9 recommendation to enact the ban as proposed by planning commissioner Tony Wall. Wall had argued that commercial development is creating a need for more employee and affordable housing than developers are required to build, making the valley's housing problems worse. But county commissioners decided a freeze wasn't warranted, counting on a proposal to increase employee-housing mitigation rates that's in the works to help fix shortfalls.

Planned mixed-use developments:

On July 14, about six weeks after a Conservation Alliance request to enact an immediate, temporary moratorium on all development proposals using Jackson's planned mixed-use development tool, the Town Council and Town Planning Commission held a joint meeting to discuss the request and possible amendments to the PMD. Unfortunately, the councilors never made a motion to vote on the request, but simply acknowledged a need to modify the tool. We had hoped for a temporary pause that would have given planning staff time to: 1) focus on the Comp Plan update, and 2) evaluate the PMD to determine if or how it can be modified to better implement community goals.

It's clear that the PMD tool facilitates large-scale developments inconsistent with both the current Comprehensive Plan and the community's preferences recently voiced during the Comp Plan update process. Recent hearings have further elevated our concerns about redevelopment in Jackson (see "Mills Hotel" on next page). Officials appear to be making decisions with little regard for the public's interests, or for preserving Jackson's unique character and the role it plays in our community's long-term economic viability and cultural vibrancy.

On a more positive note, town officials say they will continue discussing possible modifications to the PMD tool to ensure that it provides more community benefit. ■

MILLS HOTEL

On July 21, the Jackson Town Council voted 4-1 to approve a 4-story, 154,000⁺-square-foot luxury condo-hotel complex at the current Painted Buffalo site near the 5-Way intersection. The applicant used Jackson's planned mixed-use development tool, rather than applying as a hotel, even though the development is nearly 93 percent lodging. The next step is for Mills Wyoming Hotel LLC to present a final development plan, which will also go through review by the Town Planning Commission and Town Council.

Throughout this approval process, the Conservation Alliance has questioned the

bulk and scale of the project, particularly given its prominence at the main gateway to downtown, and its impacts on traffic and workforce housing shortages. As mentioned on Page 14, consideration of PMDs detracts from the current Comp Plan update process, which is supposed to take into account the community's input about the kinds of development preferred in the downtown area. In all the recent Comp Plan surveys, the majority of the public has consistently said they don't want four-story buildings along major corridors.

The Alliance is very disappointed with this vote. Why does the Town Council continue

to endorse the use of the PMD planning tool when it doesn't implement the community's vision for lodging and commercial development, or facilitate smart growth?

The decision to approve such a massive structure in Jackson appears to have been largely influenced by a desire to compete with Teton Village. In reality, councilors should be worried about losing what sets Jackson apart from the Village – its character as a rural small town with lodgings that are affordable for the millions of people who are drawn to visit this area each year. Smart growth isn't about competing – it's about enhancing the attributes that make you unique. ■

AFFORDABLE HOUSING UPDATES

County and town officials have lately taken a few much-needed steps to start addressing our community's affordable housing issues. We hope that our Comp Plan update takes much bigger steps to get developers closer to covering the actual costs of mitigating impacts. *Developers need to supply at least enough affordable housing to satisfy the demand for affordable housing that new developments themselves will generate.* Even with the following actions, the public will still continue to heavily subsidize affordable housing.

County residential fee-in-lieu increase: During a reconsideration on Aug. 5, the Teton Board of County Commissioners again voted to increase the affordable housing fee-in-lieu for residential development, with minor changes.

The intent of the amendment is for residential developers to pay fees that are closer to covering the costs of providing affordable housing in the event they opt to not actually build the number of affordable homes required to mitigate for the impacts of the new development. According to an April planning staff report, "Projects using an in-lieu fee are currently paying to house only about one-tenth of the population required to be housed by the regulations. As a result, either the required percentage of people to be housed in each new development is not met, or the public subsidizes the remainder of the developer's obligation."

OTHER UPDATES

Wilson commercial zoning

district: On Aug. 5, Teton County commissioners voted to approve a commercial zoning district for Wilson, with minor modifications to their staff's proposal. After a lengthy process in which the county first set out to establish a "mixed-use" district over a larger area around Wilson, commissioners voted to approve a commercial district unique to Wilson. For details, visit www.tetonwyo.org/plan/pdplan and click on "Link to Wilson Planning Page" in the Announcements box.

Town redevelopment intensifies:

Many developers are opting to apply under the planned mixed-use development option in return for higher development potentials.

The allowable size of PMDs depends on the zoning district of the property. Recently, investors proposed a zone change in the 300 block of North Cache that would have increased building sizes and scales under the PMD option. Fortunately, planning commissioners recommended denying this request, and it was withdrawn. We'll continue to question upzones and precedent-setting PMDs that undermine the Comp Plan process.

County commercial fee-in-lieu increase: In a related matter, on Aug. 5, county commissioners also approved an amendment to increase the in-lieu fee for commercial employee housing mitigation.

Town employee housing fee-in-lieu increase: On Aug. 4, the Jackson Town Council held the first reading of a proposed ordinance to raise fees-in-lieu for employee housing for projects in town. The proposed required fee is \$112.50 per sq. ft. or \$45,000 per unit, rather than \$42.16 per sq. ft., a fee last updated in 1994.

Proposed modification of PUD-AH zoning district:

County planning commissioners are considering whether to recommend revisions to the planned unit development for affordable housing zoning district. Two proposals that sought to use the PUD-AH (Osprey Creek and Teton Meadows Ranch) highlighted its inherent problems, and county commission candidate Brian Grubb suggested changes this past spring. These included amendments that would require PUD-AH projects to be located only in specific areas of the county, and to restrict density to 125 percent of the density of surrounding neighborhoods and to 150 percent of the density permitted by right. The current PUD-AH zone has no limit on density. Planning commissioners agreed that the PUD-AH needs work, and they invited Grubb to return on Aug. 25 with more data to back up his recommendations, which now include not allowing such developments on lands zoned rural. ■

Text amendment regarding environmental assessments:

On Aug. 26, county commissioners will consider a proposed text amendment to the land development regulations that would require the county to hire the consultants who conduct environmental assessments on properties. (Developers would still pay for the required studies.)

Currently, developers hire and pay consultants to do assessments required for certain developments, such as those within the Natural Resource Overlay. This amendment would avert potential conflicts of interest. ■