



November 17, 2008

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Jackson Planning Commission
Submitted Electronically

Dear Staff and Commission Members:

On behalf of the Jackson Hole Conservation Alliance, I would like to provide a few brief comments on the PUD text amendment application (P08-141) proposed by the Jackson Hole Community Housing Trust (JHCHT). These comments refer to the proposed language of the text amendment for Section 2170 of the Town's land development regulations.

While we appreciate the mission of the JHCHT – to assist in providing housing for Jackson Hole's workforce – we review all development and LDR text amendments applications in regard to their ability to implement predictable and responsible land use planning for Jackson Hole. Upon review of the language and development standards currently proposed by the JHCHT, we identified a number of issues that need to be addressed or clarified.

First, the application contains language that "a project must contain at least fifty percent permanently affordable housing...". However, there is no language that specifically defines affordable housing or that refers to Housing Authority guidelines to direct production for certain income categories. Having clear and predictable definitions of housing categories is essential in making the community's affordable housing program effective. Without a clear expectation of what types of affordable housing will be produced (such as Category 1-3, per Teton County Housing Authority guidelines), we cannot be assured that the affordable housing units will be produced in a way that meets the community's greatest need. Our recent Housing Needs Assessment (2007) states that Town and County efforts should *focus* on housing production in the lower income categories. Therefore, this "focus" needs to be clearly stated in our regulations, which would set requirements for a specific amount of Category 1-3. If categories are broadened to encompass higher income ranges (which the 2007 Housing Needs Assessment also indicated as helpful), these could be applied if, and only if, base requirements for lower income categories are met. Otherwise, without a clear definition of affordable housing for everyone involved (the developer, decision-makers, and the public), housing requirements and quantifiable community benefit are not predictable. In short, a clear, predictable definition of affordable housing is critical.

Second, the concepts of a "transition location" and transitional affordable housing development standards need to be clarified. The language in this section implies that developers can request access to increased development potential if the following conditions are met: "proposed location is within 150 feet of a higher intensity zone and can be clearly identified as a transition location." Below are a few questions:

- What methods are being used to clearly identify geographic areas as transition locations? The language does not refer to an existing map.
- What is meant by "higher intensity zone"? Does "zone" refer specifically to zoning districts, or is it something more general, such as containing higher intensity land-use? Specifically, in the case that a potential project is within 150 feet of a PUD (with higher intensity land-use), could a developer apply for the transitional standards regardless of underlying zoning? These two concepts are very different and need to be clarified. For example, on p. 2 of the October 23 letter from the JHCHT, the explanation states, " On sites adjacent to higher density,

the transitional option permits the provision of additional restricted housing units (emphasis added).” In this case, there is no mention of adjacency to a zoning district, just adjacency to higher density.

- In terms of identifying transition locations, what methods are used to determine “within 150 feet”? Is this measured from any parcel boundary or corner? Does the condition only have to be met along one boundary? What about other adjacent uses?
- Why propose transitional development standards that approach FAR permitted under a different zoning district (in this case, urban residential)?

In general, as written, the concept of transitional standards does not encourage or support predictable and responsible land use planning. It seems that this tool would work to facilitate increased and incremental encroachment into lower density areas and neighborhoods, which is in direct conflict with the Comprehensive Plan, basic principles of long-range planning, and more specifically, the development standards (particularly regarding density) of Section 2170 I. This could also lend to divisiveness and community debate with each development proposal that comes forward, which is not desirable.

Third, we have concerns with regard to this request and the ongoing Comprehensive Plan Update. While one of the criteria for reviewing text amendments is “additional flexibility,” we believe that the Update process over the last year has made the public’s desire for increased predictability very apparent. The current direction of the new Comprehensive Plan (and recently released maps) is increased predictability. Amendments such as the one proposed do not appear to fit within this larger goal.

Our fourth point is tied to the importance of community visioning and comprehensive planning. We believe that community vision and strategic planning should direct community land-use decisions. As laid out in the statements by the applicant on p. 3 of their “text amendment findings,” this proposal primarily rests on a belief that the existing land development regulations (FAR, LSR and lot coverage requirements) are unreasonable. The applicant states that “the existing FAR, LSR and lot coverage requirements has become a limiting factor for constructing affordable housing that responds to the needs of our community.” Given the implications such a statement carries, and particularly given the additional market rate housing allowed within these proposed standards, it is important to take a closer look. Is it the price of the land that makes these factors limiting? And if it is the price of land, should we be making significant amendments to our LDRs in response to profit maximization on individual parcels? We believe that community preferences for land-use, and not simply market forces, should guide community land-use decision-making. As our community moves forward in the Comprehensive Plan, we have to ask a fundamental question. In order to get more affordable housing on the ground within the Town, are we trying to increase the proportion of affordable housing within currently allowable development potential or are we trying to increase development potential overall? What are the tradeoffs?

Again, we commend the intent of the amendment proposed by JHCHT – “to [encourage] more development of affordable housing within the Town,” but given outstanding issues, the amendment should not be approved as currently proposed.

Sincerely,



Kristy Bruner
Community Planning Director