

August 5, 2020
Teton County Planning Commission



RE: Please deny unaffordable upzone request ZMA2020-0002

Dear Commissioners,

Thank you for your service and for your support of smart and holistic long-range community planning. We offer the following thoughts as you consider the Gills' proposal for a significant upzone on 74 acres in Northern South Park, and the 83 large homes on 26 acres that were in their pre-application and are still underway. At a high level, we are excited by the opportunity to holistically plan and build a model neighborhood of homes that the full range of local workers can afford to live in. Unfortunately, this upzone proposal does not come close to fulfilling the promise of that opportunity. We emphatically agree with planning staff's recommendation to **deny this application** so we can create something better together.

An upzone is a gift from our community to a landowner; it creates value and gives it to the landowner. Per conservative estimates from local real estate professionals, this particular upzone would create **more than \$100 million** in additional value for the landowner, *after* accounting for infrastructure costs and the small proposed housing handouts. (Please ask staff to vet this estimate.) Such a massive and generous gift from our community to the landowner requires an equally generous amount of community benefit in return. **As of now, when we look under the hood, we find that the proposal provides minimal community benefit.**

First, we need housing that all of our working families can afford. The proposal to restrict 65% of lots to "workforce housing" is a good start, but misses the mark of **affordability**. A "workforce" restriction with a "market" price could easily mean \$1.5M+ home prices – which while affordable to some doctors, lawyers, financiers, and local workers with access to wealth, is not what our teachers, nurses, affordable housing developers, and artists are asking for. Town-size and AR-zone lots are unaffordable: tear-down homes in town frequently sell for \$1M.ⁱ If we're printing money "for housing," then that housing must come with a price tag that our working families can afford without sacrificing quality meals, healthcare services, after-school programs, or a higher education. **Please require that the deed-restricted homes serve a broad mix of all local income levels** (for example, 20% Category 1, 20% Category 2, 25% Category 3).

Additionally, 65% is a low start and ignores the 83 large and unaffordable homes in the Gill's next-door 26-acre parcel (that was a part of their pre-application) in the math. Those 83 unaffordable homes will require many service workers and will degrade the proposed benefits from this upzone.

Second, we need real conservation measures to offset the impacts of a massive new subdivision and hundreds of new residents. The Comprehensive Plan language describing northern South Park has long allowed building there *in exchange for conservation*. The County even created an entirely new tool to facilitate this: the Complete Neighborhood Planned Residential Development (CN-PRD) tool. Reportedly, this tool would require well over 1000 acres to be placed under easement. The landowner is choosing not to use this tool.

Just as housing shelters our people, protected land sustains our wildlife. Just as deed restrictions can permanently guarantee housing affordability (if done right), conservation easements can permanently “support the continuation of the Gill’s ranching operation on their remaining ranch lands, which include the agricultural meadows in central South Park, as well as the high value habitat in the Snake River riparian corridor.”ⁱⁱ Conservation easements on the Gills’ parcels to the south of these properties would provide a “green wall” against continued sprawl down Northern South Park; alternatively, easements could be targeted to the highest-value habitat in South Park. Either way, given the \$100M profit margin, it’s clear that there’s plenty of room for conservation in this deal. **Please deny this application and require a significant amount of conservation in the upcoming neighborhood plan.**

Third, we need a holistic and well-integrated neighborhood plan. The future of northern South Park is bigger than any one landowner or any one subdivision. It is the future of our whole community, and this is our last large subdivision opportunity – let’s not waste it. If we grant an upzone now, that’s the end of the conversation. We’re looking at 1,000 homes in the two Gill proposals and the Lockhart proposal, the relocation of Central Wyoming College and potentially the fairgrounds, and two new road proposals. We need a variety of housing types affordable to a full range of income levels (duplex/triplex, condo, apartment, not just single family); a truly walkable neighborhood that doesn’t incentivize more people to drive; and a well-integrated neighborhood design throughout Northern South Park. **We wholly support staff’s recommendation to deny this application so that we may all move forward with a neighborhood plan.**

In the following pages we provide more detail regarding why the findings in the Land Development Regulations cannot all be made. Thank you for your time and effort for our community’s future.

Sincerely,



Brooke Sausser
Community Planning Manager

The findings can't be made for unaffordable upzone ZMA2020-0002

In reviewing a zoning map amendment, the Land Development Regulations call for consideration of four findings, almost all of which can't be made:

*1. Is consistent with the purposes and organization of the LDRs – **FAILS***

Although the AR-TC is indeed a zone within the LDRs, it is a legacy zone. As described in Div. 1.7.1, “Legacy zones are carried forward from the previous LDRs and it is the intent that they will be phased out over time as character zones are adopted and applied.” The AR-TC zone, which only remains in a small pocket in Wilson, has been effectively phased out in practice, is intended to be phased out in policy, and therefore is not consistent with the overall purposes and organization of the LDRs.

In addition, the zone change, by adding 300 homes in the county, would seem to contradict several requirements for both Growth Management and Quality of Life outlined in Div. 1.3.2.:

- “The Town of Jackson will continue to be the primary location for jobs, housing, shopping, educational, and cultural activities.”
- “Ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally”
- “Residents and visitors will safely, efficiently, and economically move within our community and throughout the region using alternative modes of transportation”

A subdivision of 300 single-family houses within the county would clearly not maintain the town as heart. And one housing type clearly does not constitute a variety of housing opportunities, and would not even if the allowed Accessory Residential Units were ever built (a 25% chance, historically speaking).ⁱⁱⁱ Of all housing types, single family houses generate the greatest number of car trips per day,^{iv} and we have no zone requirements to guarantee that transit and pathways will be incorporated. Instead, those basic elements of a Complete Neighborhood would be an “ask” of the County at the Sketch Plan phase. This legacy zone and style of development clearly does not meet our housing vision in the Comp Plan/LDRs or the transportation goals in the Integrated Transportation Plan.

*2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan – **FAILS***

The desired future character of northern South Park has long included affordable workforce housing and conservation. Recently, the Town Council and Board of County Commissioners agreed to accelerate development of Northern South Park. The public has not yet weighed in or approved of this major course change. Until the Comp Plan Update is vetted and approved, this proposal is premature. And even if the Comp Plan

Update is adopted as currently written, the missing pieces in the Gill proposal – the lack of true affordable housing or a neighborhood plan, to start – would not meet that vision.

Currently, the Comprehensive Plan requires building in town *first* and not developing Northern South Park. And even if we were to ignore that, the Gill proposal does not move us toward the vision described in the current description of Subarea 5.6, by avoiding any offer of conservation or a neighborhood plan. Neither does it fulfill the policy goals of the character district it is located in, West Jackson. For example:

- “Emphasize a variety of housing types, including deed-restricted housing”
- “Create vibrant walkable mixed use subareas”
- “Increase the capacity for use of alternative transportation modes”
- “Complete key transportation network projects to improve connectivity.”

As a car-centric subdivision (the zone is quite literally named Auto Urban Residential) dominated by one housing type, with ARUs that could be rented but will likely never get built, the Gill proposal is clearly deficient in providing a variety of housing or deed-restricted housing. In fact, the current Gill project will threaten our community’s ability to build more infill in town due to both the nature of our limited construction workforce and our residential cap. Construction workers are in high demand, and if they’re building homes in northern South Park, they are not available to build homes in town. Our residential buildout cap forces *locational* decisions; the Gill project will not prevent homes from being built in Victor or Alpine but rather prevent homes from being built in town, or the Aspens, or Wilson. The Gill project will also increase the dependence on and capacity for *single occupancy vehicles* rather than alternative modes and will overburden our existing transportation network without contributing to connectivity solutions.

3. *Is necessary to address changing conditions or a public necessity* – **FAILS**

The current Gill proposal does little for housing our community members most in need (except a small fraction, less than 10%, donated to Habitat) for a project seeking approval under the banner of a housing crisis. Their application states that 65% of lots would be “permanently deed restricted for ownership by local workers.” But without income or affordability requirements, this does little to resolve our housing crisis for the full range of local workers. Workforce restrictions require only that the occupant live in Teton County, so our local doctors, lawyers, and real estate brokers would have shelter but our most vulnerable, marginalized, and essential community members in crisis would not.

The proposal could easily include deeper affordability and maintain profitability by including a range of housing product types. Single family homes are more expensive to build; if the Gills were to seek a range of housing types (duplex/triplex/condo/etc), the

costs of construction would go down, and the Gills would be able to offer *more* housing without cutting into their profit. Depending on ARUs (that historically aren't built) to provide more workforce housing is an ineffective strategy.

Meanwhile, we have no understanding of the impact of the 110 market lots on digging our housing crisis hole deeper. Similar lots in Cottonwood, Rafter J, and Melody Ranch sell anywhere from \$1.2-1.5M. AR-TC homes go for \$4M – see footnote. A commonly cited limitation of the current housing mitigation regulations is that they do not cover all the employees generated by second homes. In addition to the second homes that this project will generate, the Gills are already moving forward with building 83 units on 12,000 sf lots next door, which as they noted in their previous application, “would produce a housing product that is out of reach for much of the local workforce.”^v

Overall, we do not see evidence that this proposal truly meets the housing needs in our community.

This proposal does not meet the requirements for approving a zoning map amendment and should be denied on its merits.

ⁱ Homes built under AR-TC zoning currently for sale: [\\$3.95M for 4 bedrooms on East Hansen](#), [\\$2.4M for the best of in-town living](#), [\\$3.9M for 4 dwelling units and four garage bays on Hall](#), [\\$3.9M for a contemporary house with an ARU](#).

ⁱⁱ Page 2 of their application.

ⁱⁱⁱ Data from the Town Planning Department about implementation of the AR-TC zone indicate that approximately 75% of lots with the potential for ARUs never used all the development potential. The town had this zone from 1995-2018. And even if ARUs are built, there is no guarantee that they will be occupied by a local worker, given that they are often used as guesthouses. The idea that their project would be 2/3 rental seems like a stretch.

^{iv} Per Div. 7.6.4.2, each house would generate 9.5 trips per day. At 312 single family houses, that would be nearly 3,000 trips generated by this subdivision every single day. If ARUs were built, additional parking spaces would be required, which would incentivize even more vehicle dependence.

^v Page 5 of their [original “Two Choices”](#) proposal to the Board of County Commissioners.