



## Planning Commission - Staff Report

**Subject:** AMD2019-0003: Amendment of LDR Div. 7.5 Development Exactions

**Agent/Applicant:** Jeff Daugherty, Teton County School District #1

**Property Owner:** n/a; County-wide

**Presenter:** Kristi Malone

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### REQUESTED ACTION

Request to amend the Teton County Land Development Regulations, pursuant to Section 8.7.1, to rewrite Division 7.5. Development Exaction Standards.

### BACKGROUND/DESCRIPTION

#### *PROJECT DESCRIPTION*

Exactions are assessed and collected land dedication or fees in lieu of land dedication to provide public facilities or services for a development project. The idea is that the developer provides land or funding to accommodate the public service needs generated by increased residential density. In large multi-unit subdivision projects, exaction land may provide for a neighborhood park or school to serve the growing population in the area. However, in recent Teton County history and with rural zoning moving forward, large multi-lot subdivisions are rare and most subdivisions result in payment of a small fee in lieu of land dedication. This proposed amendment to development exaction standards clarifies and standardizes the exaction assessment, collection and use requirements resulting in the separation of regulations for school and park exactions, standards for use of exaction land and fees, and a consistent, County-wide fee value.

#### *EXISTING CONDITIONS*

Division 7.5 of the current Teton County LDRs addresses the need for exactions of land to be provided concurrent with residential subdivisions to provide for the public services generated by increased residential density. For a subdivision resulting in very few lots of record, the exaction land owed is very small (0.03 acres per lot created) and is not typically a suitable size for a park, school site, or other public facility. Alternatively, many of these subdivisions result in payment of a fee in lieu of land dedication based on the average market value of unimproved land in the vicinity of the subdivision. Consistent application of this fee in lieu calculation methodology has been difficult in the past due to the ambiguity of the term “vicinity” and how the assessment of market land value can vary widely based on tax class, riparian land, and conservation easements within a restricted immediate area.

#### *LOCATION*

N/A; applies County-wide

### STAFF ANALYSIS

Staff supports this amendment for its following attributes:

- Improved predictability for landowners and developers regarding the amount of land dedication or fee in lieu required at the time of residential subdivision.
- Improved ease and consistency of use for Planning Staff
- Better relationship to the practical land use and public service needs of Teton County where subdivisions are few and public services are focused in Complete Neighborhoods

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*KEY ISSUE 1: Should land value for fee-in-lieu be adjusted for tax class, deductions, etc.?*

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In the proposed amendment, the amount for fee in lieu section states: “The fee-in-lieu shall be equal to the required acreage multiplied by the median, per-acre, market land value (not including improvements) most

recently established by the Teton County Assessor for private land in Teton County. The median, per-acre, market land value shall be available in the Teton County Planning Department.” Median per-acre market value of unimproved land in the County would be updated annually after assessments have been made. Further discussions and clarity could be included on the exact methodology used to find the per-acre rate and whether tax class and deduction variations among parcels throughout the County should be addressed. For example, large parcels that are taxed as agricultural land or receive a deduction due to presence of a conservation easement may lower the county-wide per-acre rate.

## **STAKEHOLDER ANALYSIS**

### *DEPARTMENTAL REVIEWS*

The application was sent to the following departments and agencies for review. All reviews are attached.

- Teton County Parks and Rec Department (Comment Attached)
- Teton County Assessor (Comment Attached)
- Teton County Treasurer (Comment Attached )

### *PUBLIC COMMENT*

Notice of this hearing was not distributed locally since it applies to the entire County. Legal notice was printed, as required per the LDRs, in the local newspaper as notification. As of the publishing of this report no comments from the public have been received.

## **LEGAL REVIEW**

Graham

## **RECOMMENDATIONS**

### *PLANNING DIRECTOR RECOMMENDATION*

The Planning Director recommends **APPROVAL** of **AMD2019-0003**, dated May 23, 2019 and updated October 15, 2019, with no conditions based on the findings recommended below.

### *PLANNING DIRECTOR RECOMMENDED FINDINGS*

Pursuant to Section 8.7.1.C of the Land Development Regulations, the advisability of amending the text of the 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;*

##### **Can Be Made.**

*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.*

The proposed amendment maintains the regulatory purpose of providing for public improvements needed to serve residential subdivisions. The provision of parks and schools contribute to ensuring a healthy community.

- 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.*

The proposed amendment continues to use exaction land resulting from residential subdivision to improve Complete Neighborhoods and provide quality local levels of service that decrease travel and associated energy consumption impacts while improving overall quality of life.

*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.*

The need for quality public services and facilities permeates all Character Districts in the Illustration of Our Vision. This amendment allows for land dedication to occur as part of residential subdivisions to accommodate the growing density or for funds to be allocated for land acquisition to occur within appropriate Subareas.

*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.*

Establishing a County-wide standard for the assessment and acceptance of exaction parcels to ensure that new subdivisions provide adequate land for parks and schools improves the predictability of regulations thereby ensuring that standards are consistently applied to similar applications and circumstances.

*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.*

This amendment brings County regulations regarding development exactions into a more similar format and methodology with current Town regulations.

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. Secondly, 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?*

This amendment is organized as standards applicable to all zones specifically related to how land can be developed or subdivided.

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

**Can Be Made.** Establishing a County-wide standard for the assessment and acceptance of exaction parcels to ensure that new subdivisions provide adequate land for parks and schools improves the predictability of regulations thereby ensuring that standards are consistently applied to similar applications and circumstances.

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

**Not Applicable.** Exaction parcels for the provision of community services are currently applied County-wide regardless of specific desired character of subarea or district. This amendment proposal improves continuity, accepting that parks and schools are integral components of the community and does not intercede standards that clearly define desired character.

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

**Can Be Made.** As an application from a public entity, this request is a response to changing conditions regarding the provision of public services in the County. With the 2016 County-wide rural area rezone, density potential was shifted into Town and the appropriate Complete Neighborhoods reducing the ability for large multi-lot subdivisions to occur in most areas of the County. This amendment seeks to address this change by standardizing methodology for payment of an exaction fee in lieu of land dedication. This way, one or two lot subdivisions that may not generate the public need for land dedicated for a park or school can alternatively and predictably provide funding for a park or school deemed a necessity elsewhere in the community. Likewise, in the instance of land divisions exempted from the application of County standards by State legislation, a County-wide standardized exaction requirement per lot ensures that the local community is compensated for the park and school needs generated by these developments regardless of location throughout the County.

5. *Improves implementation of the Comprehensive Plan*

**Can Be Made.** The proposed amendment maintains the regulatory purpose of providing for public improvements needed to serve residential subdivisions. The provision of parks and schools contribute to ensuring a healthy community. The proposed amendment continues to use exaction land resulting from residential subdivision to improve Complete Neighborhoods and provide quality local levels of service that decrease travel and associated energy consumption impacts while improving overall quality of life.

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

**Can Be Made.** This amendment for development actions does not impact any other adopted County Resolutions.

## ATTACHMENTS

- Draft Proposed LDRs
- Current LDRs Division 7.5 Development Exaction Standards
- Departmental Reviews
- Application: <http://developmentrecords.tetonwyo.org/Planning/Status?planningId=19584>

## SUGGESTED MOTION

I move to recommend **APPROVAL** of **AMD2019-0003**, dated May 23, 2019 and updated October 15, 2019, for a revision to the Development Exaction Standards in Division 7.5 of the LDRs, being able to make the findings of Section 8.7.1 with no conditions, as recommended by the Planning Director.

# TCSO Proposed Division 7.5 (10/15/19)

## Div. 7.5. Development Exaction Standards

### 7.5.1 Development Exactions

[Section number reserved, original Section deleted]

### 7.5.2. Park Exaction

#### A. Purpose and Findings

##### 1. Purpose

The purpose of the Park Exaction is to ensure that new subdivisions include adequate land for parks and recreation in order to maintain the parks and recreation level of service in the community as growth occurs.

##### 2. Legislative Finding of Impact and Benefit.

- a. Parks and recreation services benefit the health of the environment and the community. Parks protect natural resources in developed areas and recreational services are important to the physical health of community members of all ages.
- b. In addition, the community has adopted a policy to provide public recreation opportunities on Town and County lands as way to reduce the impact of growth on surrounding federal lands with greater habitat and scenic value.
- c. Parks and recreation level of service is commonly measured by acres of parks per capita.
  - i. The national median for communities with a population between 20,000 and 49,999 is 9.6 acres of parks per 1,000 residents. (2019 NRPA Agency Performance Review)
  - ii. In 2016, the Jackson/Teton County community has 7.0 acres of parks per 1,000 residents.
- d. As growth occurs, population grows. From 2002 to 2018 the annual growth rate for residential units in Jackson and Teton County was 1.6%. Over that same period the population of Teton County grew at an annual growth rate of 1.4%, mirroring the growth in development.
- e. If acres of park land do not grow as population grows, parks and recreation level of service will decrease.
- f. As a result, the Board of County Commissioners finds that new residential development in Teton County needs to include land for new parks and hereby adopts this park exaction.

#### B. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

##### 1. Includes

- a. A new platted lot that allows residential use.

- b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not already been provided.
- c. Construction of one or more residential units on a lot of record that was created through exempt land division.

2. Does Not Include

- a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.
- b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.
- c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.
- d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

EXAMPLES: A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division.

C. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County in an amount equal to 0.02 acres per new lot of record.

EXAMPLE: A subdivision creating 50 new lots of record shall dedicate 1 acre to Teton County (50 x 0.02 = 1).

1. General Formula

The General Formula that yields the requirement is based on the Teton County target level of service and the average number of residents per dwelling unit constructed in Teton County.

- a. Teton County Level of Service. The median amount of parks per capita for a community the size of Jackson/Teton County is 9.6 acres per 1,000 residents. Teton County has maintained a target level of service of 9 acres per 1,000 residents since at least 1986.
- b. Residents per Dwelling Unit. The US Census estimates that were 12,510 residents in the unincorporated County in 2017. The Planning Department counts 5,648 dwelling units in the unincorporated County in 2017.
- c. Calculation. Based on the above factors the requirement is calculated according to the below table

	Town	County	Total
2017 Population (2017 ACS 5-Year Estimate)	10,423	12,510	22,923
2017 Dwelling Units (Planning Department)	4,704	5,648	10,352
2017 Residents per Unit	2.21	2.21	2.21
Parks Target (acres per 1,000 residents)	9	9	9

Park Acre per Dwelling Unit (acres)	0.0199	0.0199	0.0199
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## 2. Update

The inputs into the general formula should be updated at least every 5 years.

## 3. Independent Calculation

An independent calculation may be submitted that provides alternate values for either component of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:

- a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and
- b. Rely on characteristics of the project type rather than the specific project.

## D. Provision and Use of Requirement

### 1. Dedication of Land

The first priority for fulfilling the requirement of this Section is the dedication of land.

- a. Identification. The land to be dedicated for parks shall be identified in the Development Plan application for any subdivision to which this Section applies.
- b. Criteria. The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.
  - i. Size. The proposed dedication shall be at least 1 acre, unless otherwise found by the Board of County Commissioners to implement the Parks and Recreation Strategic Plan. The applicant shall be allowed to provide a dedication of less than 1 acre through payment of an in-lieu fee pursuant to Section D.2, below.
  - ii. Suitability. The proposed dedication shall not include private yards, streets, parking areas not intended for park use, streetscape or landscape buffers, median strips, major utility easements over 30 feet wide, oil or gas well sites or setbacks, stormwater detention or water quality ponds deeper than 5 feet or with slopes steeper than 5:1, mine shafts or associated setbacks.
  - iii. Infrastructure. Dedicated land shall be ready for development with roads, water supply, sewage disposal, telephone, electricity, gas (if available), and other basic services as applicable provided to the property line or guaranteed pursuant to Sec. 8.2.11. In no event shall the services be provided more than 1 year after the date of conveyance of the land to the County.
- c. Acceptance. The land shall be acceptable to Teton County at the discretion of Teton County.
  - i. County Review. The Board of County Commissioners shall review acceptability on the basis of compatibility with the Comprehensive Plan and Parks and Recreation Strategic Plan.
  - ii. Suitability. Where there is concern about the suitability of soils or other site conditions to support parks and recreation facilities, a report shall be prepared by a consultant deemed qualified by the County, at the applicant's expense, stipulating whether the land is suitable for the type of construction contemplated and stating any special construction techniques that will be necessary.

- d. Dedication. The land shall be dedicated to Teton County.
  - i. Timing. The dedication shall occur at the time the subdivision Plat is recorded.
  - ii. Conveyance. The conveyance shall utilize the County deed template.
  - iii. Clear Title. Land conveyed shall have clear title, physical and legal access, and be free of any liens.

## 2. Payment of In-Lieu Fee

Where land meeting the requirements of Section D.1 cannot be provided as part of a subdivision, a fee-in-lieu of land dedication shall be paid.

- a. Amount. The fee-in-lieu shall be equal to the required acreage multiplied by the median, per-acre, market land value (not including improvements) most recently established by the Teton County Assessor for private land in Teton County. The median, per-acre, market land value shall be available in the Teton County Planning Department.
- b. Timing.
  - i. Subdivision. In the case of a subdivision, the in-lieu fee shall be calculated and paid at the time the Plat is recorded.
  - ii. Nonconforming Lot. In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.
- c. Use of Fee.
  - i. Fund. Collected in-lieu fees shall be immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.
  - ii. Refund of Fee.
    - a) Unused Fees. An in-lieu fee that is not used by Teton County within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the County earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.
    - b) Expired Approval. An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.

## 3. Credit for a Private Park

Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement of this Section, if the Board of County Commissioners determines that such a credit is in the public interest.

#### 4. Use of Dedication

The land or fee shall be used by Teton County for necessary parks and recreation facilities, which may include, but are not limited to, parks, recreation facilities, parks and recreation maintenance facilities, trails, pathways, and open space.

### 7.5.3 School Exaction

#### A. Purpose and Findings

##### 1. Purpose

The purpose of the School Exaction is to ensure that new subdivisions include adequate land for the provision of public education so that the level of service provided by Teton County School District can be maintained.

##### 2. Legislative Finding of Impact and Benefit.

- a. Enrollment in Teton County School District has grown as the number of dwelling units in Teton County has grown. Since at least 2002, enrollment in Teton County School District has grown at the same annual rate (1.6%) as the number of dwelling units in Teton County (1.6%).
- b. An increase in students requires an increase in school capacity. Teton County School District schools have capacity limits. As enrollment grows, schools have to expand to provide additional capacity.
- c. As a result, the growth in the number of dwelling units in Teton County has necessitated growth in school capacity. Continued growth will necessitate additional school capacity.
- d. Additional school capacity requires land dedicated to school function, which includes, but is not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.
- e. With only one School District in Teton County any school land in Teton County benefits the entire School District. A new elementary school in one part of the School District frees capacity in other parts of the School District, benefiting the new development regardless of the development's location. Similarly, a centralized middle or high school benefits a development regardless of its location within the School District.
- f. As a result, the Board of County Commissioners finds that new development in Teton County needs to include land for new schools, and hereby adopts this school exaction.

#### B. Applicability

The requirements of this Section shall apply to any new lot of record that allows residential use.

##### 1. Includes

- a. A new platted lot that allows residential use.
- b. An existing residential unit platted as a townhouse or condominium unit, for which an exaction has not been provided.
- c. Construction of one or more residential units on a lot of record that was created through exempt land division.

2. Does Not Include

- a. Construction of one or more residential units on a lot of record created prior the adoption of a mandatory land dedication.
- b. Construction of one or more residential units on a lot of record for which a mandatory land dedication has already been provided.
- c. Boundary Adjustment (Sec. 8.5.5) that does not result in any new lots of record.
- d. New lots of record with voluntary Affordable Housing or Workforce Housing deed restrictions as defined by the Housing Department Rules and Regulations.

EXAMPLES: A parcel that was created prior to 1978 is subdivided into 3 lots – the exaction applies to the 2 new lots being created, but not the pre-existing lot of record. An apartment building is built on an existing, conforming lot of record – no exaction applies because no subdivision is proposed. An existing apartment building is condominiumized – the exaction is applied to each condominium unit. A lot of record is created through exempt land division – the exaction for the lot is due at the time of building permit unless the exaction is paid at the time of exempt land division.

C. Requirement

Each applicable subdivision in Teton County, as defined in Section 7.5.2.B above, shall provide land to Teton County School District in an amount equal to 0.01 acres per new lot of record.

EXAMPLE: A subdivision creating 50 new lots of record shall dedicate 0.5 acres to Teton County School District (50 x 0.01 = 0.5).

1. General Formula

The General Formula that yields the requirement is based on Teton County School District configuration, acres per school established in the Wyoming School Facilities Commission, School Design Guidelines, February 2010 (or as amended), and school aged children per dwelling unit, as defined below.

- a. School Configuration. Teton County School District uses a school configuration that relies on geographically distributed elementary schools and centralized middle and high schools.
- b. Acres Per School. The Wyoming Schools Facility Commission has established the following general site size requirements.
  - i. Elementary School. 4 acres plus 1 acre for every 100 students
  - ii. Middle School. 10 acres plus 1 acre for every 100 students
  - iii. High School. 20 acres plus 1 acre for every 100 students
- c. School Children per Dwelling Unit. Of the 2,862 students enrolled in Teton County School District in 2017, 1,457 lived in Town and 1,405 lived in unincorporated Teton County. In 2017, Teton County reported 5,648 dwelling units in unincorporated Teton County.  $1,405/5,648=0.25$  students per dwelling unit.
- d. Calculation. Based on the above factors the requirement is calculated according to the below table

	Rural Elementary	Neighborhood Elementary	Middle	High	Total
2018 TCSD Enrollment	117	1,284	710	769	2,880

Number of Schools	3	4	1	1	
Required Acres	12	28.84	17.10	27.69	85.63
Total Acres per Student					0.0297
Students per Dwelling Unit					0.25
Acres per Dwelling Unit					0.0074
Note: for the purpose of calculating required acres, Summit High School was not considered a second school, however Summit enrollment was included in the high school enrollment					

## 2. Update

The inputs into the general formula should be updated at least every 5 years.

## 3. Independent Calculation

An independent calculation may be submitted that provides alternate values for any of the three components of the general formula. The independent calculation may be approved by the Board of County Commissioners in a public hearing if the alternate values:

- a. Utilize verifiable local data and generally recognized principles and methods of impact analysis; and
- b. Rely on characteristics of the project type rather than the specific project.

## D. Provision and Use of Requirement

### 1. Dedication of Land

The first priority for fulfilling the requirement of this Section is the dedication of land.

- a. Identification. The land to be dedicated for schools shall be identified in the Development Plan application for any subdivision to which this Section applies.
- b. Criteria. The proposed dedication shall meet the following criteria. If the criteria cannot be met anywhere on the site, a fee-in-lieu of dedication shall be required pursuant to Section D.2, below.
  - i. Size. The proposed dedication shall be at least 1 acre, unless otherwise found acceptable by the Teton County School District. The applicant shall be allowed to provide a dedication of less than 1 acre through payment of an in-lieu fee pursuant to Section D.2, below.
  - ii. Infrastructure. Dedicated land shall be ready for development with roads, water supply, sewage disposal, telephone, electricity, gas (if available), and other basic services as applicable provided to the property line or guaranteed pursuant to Sec. 8.2.11. In no event shall the services be provided more than 1 year after the date of conveyance of the land to the County.
- c. Acceptance. The land shall be acceptable to both Teton County and the Teton County School District. Acceptability to each jurisdiction shall be at the discretion of that jurisdiction.
  - i. County Review. The Board of County Commissioners shall review acceptability on the basis of compatibility with the Comprehensive Plan.
  - ii. School District Review. The Teton County School District shall review acceptability on the basis of the utility of the land for School District function.
  - iii. Suitability. Where there is concern about the suitability of soils or other site conditions to support School District functions, a report shall be prepared by a

consultant deemed qualified by the County and School District, at the applicant's expense, stipulating whether the land is suitable for the type of construction contemplated and stating any special construction techniques that will be necessary.

- d. Dedication. The land shall be dedicated to Teton County School District.
  - i. Timing. The dedication shall occur at the time the subdivision Plat is recorded.
  - ii. Conveyance. The conveyance shall be of a form acceptable to Teton County School District.
  - iii. Clear Title. Land conveyed shall have clear title, physical and legal access, and be free of any liens.

## 2. Payment of In-Lieu Fee

Where land meeting the requirements of Section D.1 cannot be provided as part of a subdivision, a fee-in-lieu of land dedication shall be paid.

- a. Amount. The fee-in-lieu shall be equal to the required acreage multiplied by the median, per-acre, market land value (not including improvements) most recently established by the Teton County Assessor for private land in Teton County. The median, per-acre, market land value shall be available in the Teton County Planning Department.
- b. Timing.
  - i. Subdivision. In the case of a subdivision the in-lieu fee shall be calculated and paid at the time the Plat is recorded.
  - ii. Nonconforming Lot. In the case of a lot of record created nonconforming to this Section, the in-lieu fee shall be calculated and paid at the time the first building permit on the property is issued.
- c. Use of Fee.
  - i. Fund. In-lieu fees shall be collected by Teton County and immediately deposited into an interest-bearing fund specifically designated for the requirements of this Section.
  - ii. Distribution. Teton County shall distribute the fees from the fund to Teton County School District within 30 days of receipt of a request. The request shall be submitted to the County Commissioners' Administrator and shall be approved if it is for a school facilities project, as defined below in Section D.3.
  - iii. Refund of Fee.
    - a) Unused Fees. An in-lieu fee that is not requested by Teton County School District within 7 years of collection shall be refunded upon request by the current owner of the lot for which the fee was paid. Notwithstanding, if the Teton County School District earmarks the fees for expenditure on a specific project, the Board of County Commissioners may extend the time period by 3 additional years. Fees shall be considered used on a first-paid, first-used basis. The request shall be provided in writing to the Planning Director within 1 year of the end of the seventh year.
    - b) Expired Approval. An in-lieu fee paid for an approval which has expired shall be refunded upon request by the current owner of the

lot for which the fee was paid. The request shall be provided in writing to the Planning Director within 3 months of the expiration.

3. Use of Dedication

The land or fee shall be used by the School District for necessary school facilities, which may include, but are not limited to, school buildings, support facilities, open space and recreation areas, and housing for employees and their families.

- a. Housing Restriction. If the School District uses dedicated land or funds for housing, the housing shall have a deed restriction that limits occupancy to School District employees and their families. The deed restriction may also allow the School District to allow occupancy by other members of the Teton County workforce as defined by the Housing Department Rules and Regulations.

## ATTACHMENT 2: CURRENT LDRs

### Div. 7.4. [deleted] (7/18/18)

[Division number reserved, original Division deleted]

## Div. 7.5. Development Exaction Standards

### 7.5.1. Development Exactions (1/1/17)

A development exaction is a requirement that a developer dedicate land for public use or improvements, or pay a fee in-lieu of dedication, with such fee being used to purchase land for public facilities or to construct public improvements needed to serve a proposed residential development.

#### A. Mandatory Dedication of Land

The Board of County Commissioners shall require a mandatory dedication of land for parks, playgrounds, schools and other public purposes for all divisions of land. This dedication is in addition to any conservation area provided for the purpose of receiving a density bonus.

1. The location of dedicated land shall be shown on the development plan and other documents deemed appropriate by the Board of County Commissioners.
2. The land to be dedicated shall be of suitable size and shape, topography and geology, and offer proper locations and adequate road access, as determined by the Board of County Commissioners.
3. The amount of land to be dedicated shall be 0.03 acres per housing unit or lot.

#### B. Fee In-Lieu of Land Dedication

1. If the Board of County Commissioners determines that suitable sites for public facilities cannot be dedicated, payment of a fee in-lieu of land dedication shall be required.
2. The purpose of the fee in-lieu of land dedication is to provide sufficient funds to purchase land for parks, schools and other public facilities, such facilities being needed to serve the proposed residential development. Accordingly, the fee in-lieu must be sufficient to cover the actual costs of purchasing a site at the time of the creation of new sites for dwelling units. Thus the amount of the fee in-lieu shall be based on the average market value of unimproved land in the vicinity at or immediately prior to recording of the plat or other instrument creating the proposed residential development. In the absence of agreement between the Planning Director and the applicant, this amount shall be determined by a county appointed appraiser with the cost of the appraisal to be paid for by the developer.

### C. Time of Payment for Subdivisions

The land or fees in-lieu of land required under this Division shall be dedicated or paid to the County prior to Subdivision Plat and signature by the Board of County Commissioners provided that the developer may deliver to the County a letter of credit in the amount of the fee to be paid so long as the letter of credit is callable one year from issuance and is otherwise compliant with Sec. 8.2.11.

### D. Time of Payment for Exempt Divisions

For all Exempt Land Divisions (Sec. 8.5.4.), the fee shall be due upon issuance of any building permit for a habitable structure.

### E. Use of Land

The land and fees received under the above provisions shall be used for the purpose of acquiring developable land for parks and schools and the development and construction of park, playground, school and other public purpose facilities to serve the area in which the proposed development is located. Fees paid in-lieu of land dedication shall be deposited in a special fund to be used for acquisition and development of parks, playgrounds, schools and other public purpose facilities.

### F. Credit

Where private open space for park and recreational purposes is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, the acreage of such areas may be credited against the requirement for dedication of land or payment of fees in-lieu thereof, if the Board of County Commissioners determines that it is in the public interest to do so.

### G. Alternative Dedication Requirement

If the subdivider can establish to the satisfaction of the Board of County Commissioners that, due to circumstances unique to the proposed subdivision, a park, playground, school and other similar public purpose land dedication requirement other than that which would be determined under the above formula is justified, an alternative dedication requirement may be imposed by the Board of County Commissioners.

### H. Abandonment

Any lands dedicated hereunder shall be used only for the purposes stated herein, as amended from time to time. In the event of formal abandonment, the land shall be reconveyed to the subdivider upon payment of a sum equivalent to the fee in-lieu of dedication that would have otherwise been required to be paid or, in the event such reconveyance is declined, shall be conveyed to the association of owners of lots in the subdivision or similar agency for a management and development in a manner in keeping with the surrounding neighborhood.

7.5.2. Park Exactions (1/1/15)

**I. Waiver for Affordable Housing**

At its discretion and based on a finding of public purpose and public need, the Board of County Commissioners may waive the exaction requirements of this Division where the Board determines that housing is being provided that meets affordable housing criteria established by the Board.

**7.5.2. Park Exactions** (1/1/15)

[Section number reserved, standards only apply in Town]

**7.5.3. School Exactions** (1/1/15)

[Section number reserved, standards only apply in Town]

## Jo Ellen Charlton

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**From:** Katie Smits  
**Sent:** Thursday, June 20, 2019 4:11 PM  
**To:** Jo Ellen Charlton  
**Subject:** RE: Exaction Fees to TCSD

Here's the note I found:

**Per Board of County Commission directive in 2008, Teton County School District receives 20% of the County Exaction Fees collected each year.**

Yes, I would like to receive the amendment language. Thanks for asking.

Thanks,  
Katie

**From:** Jo Ellen Charlton  
**Sent:** Thursday, June 20, 2019 4:06 PM  
**To:** Katie Smits <[ksmits@tetoncountywy.gov](mailto:ksmits@tetoncountywy.gov)>  
**Subject:** RE: Exaction Fees to TCSD

Thank you. Wondering where the 20% distribution came from. That's not referenced in our existing code.

Would you like to receive and possibly comment on the actual amendment language proposed by the school district? Happy to forward what I just sent to attorney and parks and rec.??

Jo Ellen

**From:** Katie Smits <[ksmits@tetoncountywy.gov](mailto:ksmits@tetoncountywy.gov)>  
**Sent:** Thursday, June 20, 2019 3:06 PM  
**To:** Jo Ellen Charlton <[jcharlton@tetoncountywy.gov](mailto:jcharlton@tetoncountywy.gov)>  
**Subject:** Exaction Fees to TCSD

Jo Ellen~

Nice to meet you today.

Teton County does indeed disburse 20% of the Exaction Fees collected. It is done each July for fund collected the previous fiscal year.

Last fiscal year there was \$2,890.07 collected and 20% was disbursed to TCSD (\$578.01).

*Catherine "Katie" Smits*  
*Teton County Treasurer*  
200 S. Willow Street, Suite 115  
PO Box 585  
Jackson, WY 83001  
307-732-8447  
307-739-8634 (fax)

## Jo Ellen Charlton

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**From:** Steve Ashworth  
**Sent:** Thursday, June 27, 2019 12:02 PM  
**To:** Jo Ellen Charlton  
**Subject:** Fwd: Park Exaction

Sent from my iPhone

Begin forwarded message:

**From:** Steve Ashworth <[sashworth@tetoncountywy.gov](mailto:sashworth@tetoncountywy.gov)>  
**Date:** June 24, 2019 at 9:03:25 AM MDT  
**To:** Jo Ellen Charlton <[jcharlton@tetoncountywy.gov](mailto:jcharlton@tetoncountywy.gov)>  
**Subject:** Park Exaction

Jo Ellen, I wanted to follow up on your questions regarding park exaction. Currently we have very little to do with the assessment or collection of exactions. During the budget session, the Treasurer looks at the balances in the park exaction account and determines if any of the approved P&R capital is eligible to be funded from exaction. Basically new park infrastructure improvements. If so, she recommends utilizing this funding source as a restricted fund. The last items we have used park exaction on was Munger View Park in Melody Ranch. I would not be in favor of a sunset of the funds, as it is often necessary to accumulate over many years to have a balance sufficient for a project. In regards to a set allocation percentage, I have never been real clear how that has worked in the past. I do believe a set formula would be beneficial, but not sure how that formula should be proportioned. Lastly, I believe that during any amendment to the exactions, we should also evaluate the calculation rate to ensure it is up to date. Thanks, Steve

## Kristi Malone

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**From:** Kristin Williamson  
**Sent:** Tuesday, October 08, 2019 10:01 AM  
**To:** John  
**Cc:** Kristi Malone  
**Subject:** RE: Staff Report for Review  
**Attachments:** MEDIAN PRICE PER ACRE TETON COUNTY 2019.xlsx

John/Kristi

Attached please find the list of Land Economic areas and their corresponding price/acre. I have excluded commercial lands, condominium properties, conservation easement, open space and Agricultural lands. If you need anything further, please do not hesitate to ask.

Thanks, and have a great day!

Kristin

Kristin Williamson  
Chief Deputy Assessor  
Teton County Assessor's Office  
PO Box 583  
Office (307)733-4960  
Personal (307)732-8436  
Fax (307)732-8444  
[kwilliamson@tetoncountywy.gov](mailto:kwilliamson@tetoncountywy.gov)

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LEA (LAND ECONOMIC AREA)	\$/acre	
0101	\$ 813,559	
0102	\$ 3,650,500	
0104	\$ 1,947,750	
0105	\$ 1,330,665	
0106	\$ 3,650,500	
0109	\$ 420,000	
0113	\$ 945,700	
0120A	\$ 783,750	
0120B	\$ 1,378,561	
0120C	\$ 2,414,833	
0120D	\$ 3,093,208	
0120E	\$ 3,744,200	
0121	\$ 307,679	
0129	\$ 415,000	
0135	\$ 102,300	
0137	\$ 560,256	
0140	\$ 264,000	
0141	\$ 336,300	
0142	\$ 220,000	
0144A	\$ 860,000	
0147	\$ 15,000	
0201C	\$ 275,200	
0204	\$ 965,140	
0205	\$ 609,403	
0207	\$ 548,333	
0210	\$ 1,225,000	
0213	\$ 234,080	
0213B	\$ 1,224,283	
0221	\$ 649,139	
0301	\$ 250,124	BUFFALO VALLEY/PACIFIC CREEK
0302	\$ 356,250	
0402R	\$ 1,483,119	
04030A		

0400A	\$ 2,975,000	
0404A	\$ 3,242,333	
0410	\$ 281,600	
0411	\$ 574,416	
0413	\$ 490,000	
0415	\$ 1,123,667	
0415B	\$ 429,000	
0427	\$ 663,333	
0430	\$ 104,677	
0432	\$ 719,261	
0436	\$ 243,100	
0436PG	\$ 399,700	
0443	\$ 422,651	
0461	\$ 198,000	
0463	\$ 462,000	
0465	\$ 396,000	
0472	\$ 585,987	
0474	\$ 2,508,000	
0477	\$ 1,220,000	
0478	\$ 2,568,750	
0501	\$ 120,124	
0502	\$ 75,099	ALTA
JR-1	\$ 585,205	
JR-4	\$ 291,456	
JR-5	\$ 674,500	
JR-7	\$ 655,785	
JR-8	\$ 340,120	
JR-10	\$ 585,205	
JR-15	\$ 295,393	
<b>MEDIAN</b>	<b>\$ 585,205</b>	