

AGENDA

Planning and Zoning Commission

July 1, 2020 – REGULAR MEETING

5:30 PM

The New Business items have been placed on the agenda in the order they were received. Please note that at 9:00 p.m., the Commission will evaluate the remainder of the agenda to determine if time constraints will permit the full agenda to be heard at this meeting. All items not heard at this meeting will be postponed to the next regularly scheduled PC/BOA meeting of July 15, 2020 or to a special meeting scheduled by the Commission.

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

1. NEW PUBLIC COMMENT OPTIONS

Meeting ID **146 562 4148**

Password **toj**

Event address for attendees:

<https://townofjacksonwy.webex.com/townofjacksonwy/onstage/g.php?MTID=e4df187f19322c37608e499e0c2a4>

2. CALL TO ORDER

3. ROLL CALL

4. MATTERS FROM THE PUBLIC

5. APPROVAL OF MINUTES

I. June 17, 2020

6. OLD BUSINESS

7. NEW BUSINESS

8. BOARD OF ADJUSTMENT

- I. **ITEMS P20-088 & P20-124:** REQUEST FOR A VARIANCE FROM THE CURB CUT STANDARD AND A VARIANCE FROM THE PARKING SETBACK REQUIREMENT IN THE NEIGHBORHOOD LOW DENSITY-5) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 30 STORMY CIRCLE

9. PLANNING COMMISSION

- I. **ITEM P20-045:** APPROVAL OF FINAL DEVELOPMENT PLAN FOR PHASE 2 OF POWDERHORN EMPLOYMENT HOUSING PUD

10. MATTERS FROM THE COMMISSION

11. AGENDA FOLLOWUP
12. MATTERS FROM STAFF
13. ADJOURNMENT

Due to recommended social distancing practices the public is encouraged to view meetings online and participate remotely. Planning Commissioners, presenters, and staff members may not be physically present at the meeting and may all be participating remotely.

Your options for watching or participating in public meetings:

To just watch a meeting live: www.jacksonwy.gov/live (town's website)

3 Ways to Make Public Comment, either on items that are on the agenda or not on the agenda

1. Public comment can be sent anytime via email to planningcommission@jacksonwy.gov. These emails get sent to each Planning Commissioner and are placed in the public record.
2. Public comment can be made virtually through a Webex platform in real-time.
 - a. In brief, those wishing to make verbal public comment may do so by joining the meeting via Webex and using the 'hand raise' feature.
 - b. Instructions are below for using the Webex platform.
3. Public comment can be made in-person at the Town Hall.
 - a. Planning Commissioners may participate remotely, so don't expect an in-person audience.
 - b. You will be speaking into a microphone without the Planning Commissioners present (please consider using Webex).
 - c. Due to the Public Health Order prohibiting gatherings of 10 or more people, and for the public's safety, the Town will be managing the social distance of public in attendance.
 - d. If a large number of community members come to a council meeting, you may be asked to wait outside or in your car until the item you are interested in begins.
 - i. Additional measures may be taken to ensure distancing.

Instructions to join a meeting via Webex:

This option is intended for those who wish to participate in a meeting as the applicant or a member of the community making public comment.

1. Pull-up the meeting agenda. The Webex link is provided on the agenda and is shown as the first item.
 2. Click the link or copy the URL to your browser. The Webex password is “toj”
 - a. Remember, Webex links will change for each meeting and will be found on the agenda.
 - i. Find meeting agendas here: <http://townofjackson.com/491/Agendas-Minutes>
 3. Type in your first and last name and your email address as prompted. The password is “toj”
 - a. Those who do not provide a valid name will not be recognized and will not have the ability to speak in the meeting.
 4. Once you have joined the meeting, familiarize yourself Webex’s tools and options.
 - a. Of particular importance is the “raise hand” feature. Please locate this tool if you desire to make public comment. This is the only way we will know you want to make a comment.
 - b. As you join the meeting, your audio will automatically be muted.
 5. When public comment is open. Town staff will look for those that have “raised their hand.” Your name will be announced, and your microphone will be unmuted. At that time, you can state your name and comment.
 - a. You will be heard by all those participating in or watching the meeting. Your video will not be projected, only audio.
 - b. Please be in a place with no background noise and speak in a clear, strong voice.
- Those using only the telephone call-in feature through Webex telephone will not be recognized.
 - The Webex chat feature will not be used.
 - We encourage you to log in early for any given meeting. Generally, the Town of Jackson strives to have the Webex platform ready at least 10 minutes before a listed meeting’s start time.
 - If you’ve not used Webex before, you may be required to download Webex’s tools and/or software and apps. The Webex platform, its tools, and apps are provided by Webex directly. As these services are from a third party, we aren’t able to provide support directly to end users. If you should have trouble with the platform, please reference Webex’s help resources at <https://help.Webex.com/en-us/>

Please understand for these virtual Planning Commission meetings, just like any public meeting, uncivil discourse, threatening language, or disruptions will not be allowed from participants.

**MINUTES
SPECIAL MEETING
PLANNING AND ZONING COMMISSION
TOWN OF JACKSON, WYOMING
JUNE 17, 2020**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 6/17/2020, in the Town Hall Council Chambers.

ROLL CALL:

☒ Anne Schuler, ☒ David Vandenberg, ☒ Katie Wilson, ☐ Abby Petri, ☒ William Gale,
☒ Thomas Smits

STAFF: Paul Anthony

MATTERS FROM THE PUBLIC: None

APPROVAL OF MINUTES:

June 3, 2020

A motion was made by: Anne Schuler seconded by: William Gale
Motion approved by a 5 to 0 vote

OLD BUSINESS: None

PLANNING COMMISSION

- 1. ITEM P20-045:** APPROVAL OF FINAL DEVELOPMENT PLAN FOR PHASE 2 OF POWDERHORN EMPLOYEE HOUSING PUD

STAFF PRESENTATION: Paul Anthony

APPLICANT PRESENTATION: Bill Collins, Jim Barlow, Bill Schreiber

PUBLIC COMMENT: Fred Hibberd

PC DISCUSSION:

- Where will there be lighting? In the parking lot and the facade of the building.
- Can JHMR create a park and ride? This can be discussed but, not sure there are enough parking spots.

MOTION:

Development Plan: Based upon the findings for a Development Plan as presented in the staff report and by the applicant for Item P20-045 related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with Town Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals, I move to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations to recommend approval to Town Council of Phase 2 of the Powderhorn Employee Housing PUD land division at the property addressed as 625, 645, and 675 Powderhorn Lane, subject to the department reviews attached to the staff report dated June 11, 2020, and the following conditions of approval:

1. The project shall obtain final review from the DRC prior to Council approval.
2. The applicant shall provide drafts of all required workforce housing deed restrictions prior to approval by Council.

A motion was made by: Anne Schuler seconded by: Katie Wilson
Motion approved by a _5_ to _0_ vote

NEW BUSINESS:

MATTERS FROM COMMISSION:

AGENDA FOLLOWUP:

MATTERS FROM STAFF:

ADJOURN: 6:51 pm

A motion was made by: Anne Schuler seconded by: Katie Wilson
Motion approved by a _5_ to _0_ vote



TOWN OF JACKSON BOARD OF ADJUSTMENT AGENDA DOCUMENTATION

PREPARATION DATE: JUNE 26, 2020
MEETING DATE: JULY 1, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: BRENDAN CONBOY

SUBJECT: **ITEMS P20-088 & P20-124:** REQUEST FOR A VARIANCE FROM THE CURB CUT STANDARD AND A VARIANCE FROM THE PARKING SETBACK REQUIREMENT IN THE NEIGHBORHOOD LOW DENSITY-5 (NL-5) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 30 STORMY CIRCLE

APPLICANT: JEFF LAWRENCE

OWNER: TERRI DAVIS

STATEMENT/PURPOSE

The applicant is requesting a Variance from the curb cut standard in the NL-5 zone to allow 27 feet of curb cut where the Land Development Regulations (LDRs) allow only 20 feet of curb cut, and a Variance to the 20 foot parking setback requirement to allow parking within the 20 foot setback and adjacent to the primary street lot line for the property addressed at 30 Stormy Circle.

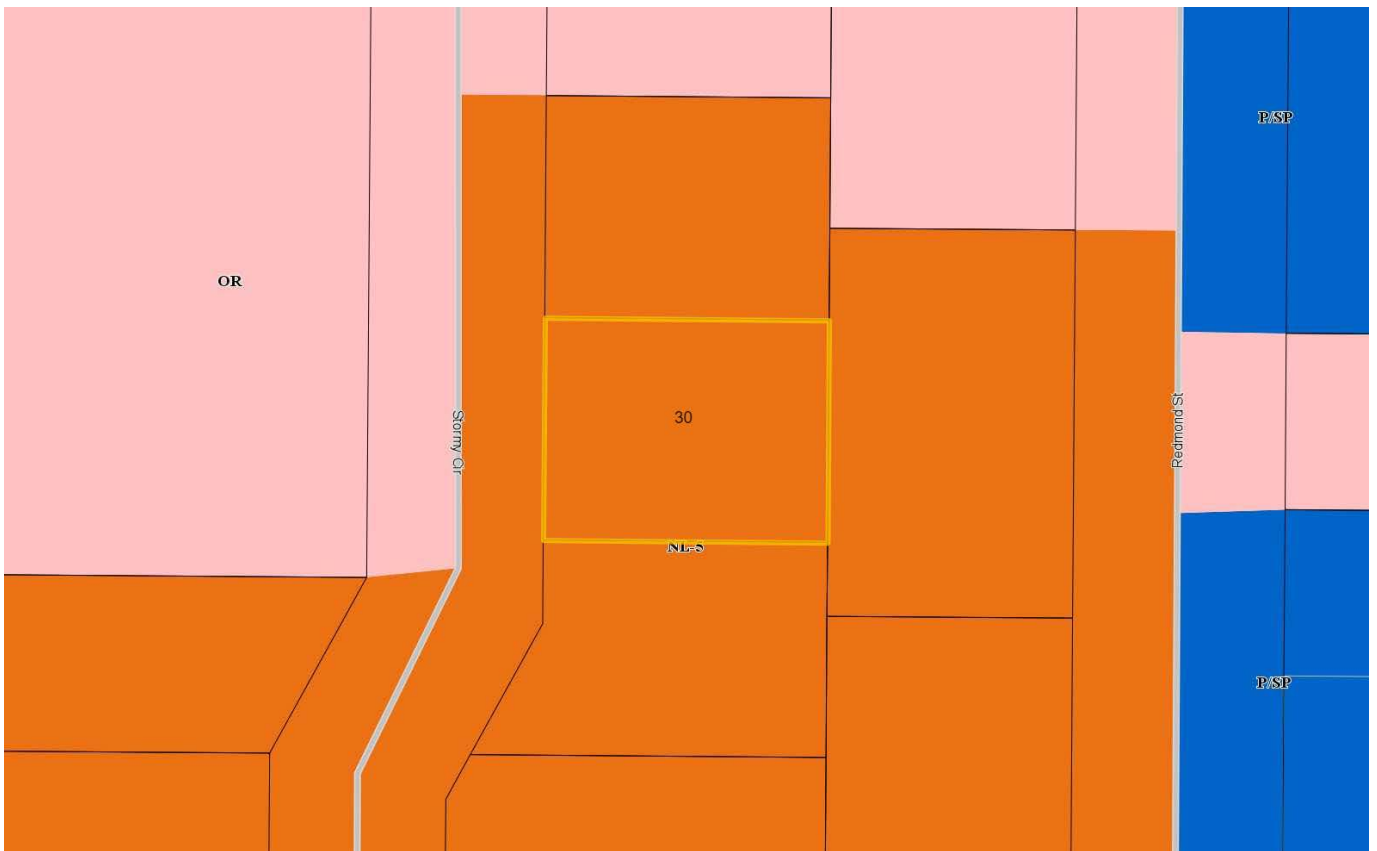
APPLICABLE REGULATIONS

Section 8.8.2. Variances

Section 2.2.6. Neighborhood Low Density-5 (NL-5)

LOCATION

The subject property is described as Lot 3, Pinewood Addition to the Town of Jackson, and is addressed as 30 Stormy Circle. An aerial photo and zoning map are shown on the following page:



BACKGROUND/ALTERNATIVES

Existing Site Characteristics

The subject property was rezoned from Neighborhood Conservation - (NC-ToJ) to NL-5 in July 2018. The surrounding zoning to the north, south and east is also NL-5 with Office Residential - (OR) to the west. The lot is 81 feet deep by 63 feet wide (0.117 acre, 5,097 sf) and located on Stormy Circle, a cul-de-sac. Curb and sidewalk are installed along Broadway Avenue, however, Stormy Circle has curb but no sidewalk.

Currently the site has a single-story structure: a 1,008 sf detached single-family home built in 1978 with a 1,008 sf basement unit. The basement unit has not received any approval from the Town and was constructed illegally by a previous owner. Currently the existing home is considered nonconforming to the maximum allowable floor area ratio (FAR) because the 'basement' just barely does not meet the LDRs definition of basement and instead is considered an above grade floor. The LDR definition of basement is at least 50% of the perimeter of the structure is less than 4' from grade to the finished floor above. However, the applicant has conducted a pre-application conference for a Grading and Erosion Control Permit (GEC) in order to address issues of positive drainage around the structure. Preliminary plans indicate that the revised grades will make the structure compliant with the definition of basement, which is subject to Town Engineer approval to ensure that grade has not been altered in order to manipulate the measurement of another standard of the LDRs (in this case the definition of basement) and is the minimum amount of disturbance necessary to meet the stated goals of positive drainage.

The applicant intends to apply for a Basic Use Permit to convert the single family home into two apartment units if the variance requests for parking and setbacks are approved. Currently a 20-foot wide driveway serves the property, however there is no garage on site and therefore the existing parking on site is nonconforming to the 20' parking setback in the NL-5 zone. At present vehicles parked in the driveway encroach into the right of way in the location where future sidewalk improvements would be located.

Applicant's Request

The applicant is requesting a variance from the 20-foot maximum curb cut standard to allow 27 feet of curb cut along Stormy Circle in order to accommodate three parking spaces which is required for two apartment units. The expanded driveway will add 7' to the north of the existing driveway. In addition, the applicant intends to reduce the size of the entry porch in front of the house in order to park vehicles entirely on site and out of the right of way. While residential projections such as decks and eaves are allowed to encroach into a primary street setback up to 6 feet, the modified porch entry will bring the entire structure to within the building setback and allow for vehicles to be parked on site out of the right of way. Because the applicant is expanding the driveway, the additional parking within the 20 foot parking setback requires a variance.

STAFF ANALYSIS

From 1994 until the zoning changed to NL-5, the previous NC zoning had a curb cut standard that allowed for 40% of your lot width. With regards to the subject lot, NC zoning would have allowed 25.2 feet of curb cut which is approximately what the applicant now seeks (27 feet). However the new zoning allows curb cuts of 20 feet or 40% of the lot width, whichever is less. This change does not affect typical 50' x 150' lots, but does affect wider lots such as the applicant's because it now allows only a single 20-foot curb cut. The intent of the rule change is to limit and consolidate curb cuts where possible to create a street character better suited for pedestrian movement while encouraging access to be taken off of the alley. For lots such as 30 Stormy Circle, the curb cut change means that redevelopment can be more challenging, specifically when it comes to meeting the parking requirements for multiple units when the existing structure limits alternative parking solutions.

In reviewing the applicant's request, Staff finds special circumstances related to the subject lot in terms of its configuration and existing development of the building. The subject lot is 63 feet wide x 81 feet deep with the residence on site measuring approximately 45 feet across. This leaves little room to accommodate any sort of access drive around the north side of the house for parking in the rear of the structure. The south property line has significant grade change which would result in significant site disturbance. Even if such a drive aisle were contemplated it would require a variance to the 5' side yard parking setback as only 10 feet of space separates the house from the side yard lot line on either side, and would result in a substantial reduction in landscaping on site. Therefore, staff is supportive of the applicant's request as it is the minimum variance sought in terms of impacts to the visual character of the neighborhood.

Under the findings below, Staff finds that due to the special circumstances of the subject lot, strict application of the 20-foot curb cut standard would create a hardship on the applicant's plans to bring the site into compliance with the Land Development Regulations for apartment use because it limits a lot wider than 50 feet to only 20 feet of curb cut making it difficult to meet parking requirements for multiple units. Staff finds that the applicant's request meets all findings for a variance, meets the intent of the zoning and will encourage the owner to develop their property in a reasonable manner consistent with surrounding development. In addition, the applicant is helping to remedy a nonconforming situation by bringing the vehicles out of the right of way by reducing the size of the entry porch to accommodate parking on site. Lastly, the Board of Adjustment approved a variance for Item P19-085 at 610 East Hall Avenue for a similar request to allow two 20 foot curb cuts on a 100' wide lot in order to accommodate multifamily development.

PUBLIC COMMENT

Staff has received no public comment at this time.

STAFF FINDINGS

Item A - P20-088: Curb Cut

Pursuant to Section 8.8.2 Variances of the Land Development Regulations, the following findings shall be made prior to granting the Variance.

1. ***Special conditions and circumstances exist.*** *There are special circumstances or conditions which are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood.*

Complies. Staff finds that special circumstances and conditions do exist on the property at 30 Stormy Circle, specifically related to the configuration of the existing structure as it pertains to the 63 foot wide by 81 foot deep lot, and the lack of an alley. As a result, options for access to the subject lot are limited to Stormy Circle with no more than 20 feet of curb cut permitted for the entire 63 feet of lot width. In other words, the subject lot in the past would have been entitled to 25.2 feet of curb cut by right which is very close to the curb cut width requested. Ultimately residential development is dependent upon the ability to provide parking and access to meet the minimum LDR requirements but also to ensure the site functions practically. Providing parking and access becomes difficult because the existing configuration of the house results in limited lot depth forcing development to spread horizontally across the property without a sufficient amount of curb cut to accommodate new residential development. No sidewalk improvements is likely to be built on Stormy Circle in the near future, however the applicant's proposal would accommodate a future sidewalk in front of their property.

2. ***Not result of applicant.*** *The special circumstances and conditions have not resulted from any willful modification of the land or building.*

Complies. As the lot existed prior to the applicant purchasing the property and prior to the adoption of the 1994 Land Development Regulations, the variance request is not the result of any actions by the applicant. Furthermore, the applicant has approached the Planning Department in good faith in order to bring the basement unit into compliance with the LDRs by bringing the parking out of the right of way. The current owner did not create the illegal unit and therefore should be commended for trying to remedy the situation through legal channels.

3. ***Strict application deprives reasonable use.*** *The special circumstances and conditions are such that strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community.*

Complies. Staff finds that the strict application of the 20 foot curb cut standard on the subject lot would create a hardship for the applicant greater than the protection afforded the community. Staff determines that the variances sought are a balance between the reasonable use of the property and the Town's desire to bring the units and parking into compliance. The intent of the curb cut standard is to encourage alley access but still provide sufficient space for primary street access while maintaining a street character that does not result in expansive curb cuts that interfere with pedestrian movement. However, based upon the special circumstances described above in Finding #1, the application of the curb cut standard limits the subject lot to only 20 feet of curb cut even though the lot is wider than a typical 50' x 150' lot. As a result, redeveloping the subject lot with multiple units becomes challenging with regard to meeting the minimum parking requirements and those units having to share a single 20-foot wide curb cut and driveway. This is not a circumstance that typical 50' x 150' lots with alley access deal with as they can access and park vehicles off of the alley. Given that the lot is 63 feet wide, 27 feet of curb cut is reasonable and will allow the applicant similar development rights as those lots within adjacent neighborhoods in town such as off of East Simpson Avenue which are not similarly constrained.

4. ***Minimum Variance.*** *The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant.*

Complies. Staff finds that 27 feet of curb cut is the minimum variance necessary to provide a balance between the purpose of the regulation sought and its impact on the applicant based upon the width of the applicant's lot at 63 feet. A typical parking space is 9 feet wide. This results in the need for 27' of curb cut to accommodate 3 vehicles which is the parking requirement for 2 apartment units. Since the LDR standard for curb cuts on typical 50' x 150' lots is 20 feet, Staff finds that 27 feet of curb cut is consistent with the desired street character for Stormy Circle. In addition, the expanded driveway is the least impactful possible alternative to providing parking without adding a substantially larger amount of impervious surface to the site. Lastly, the applicant intends to modify front porch entry to ensure that vehicles parked on site are not within the right of way.

5. ***Not injurious to neighborhood.*** *The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and it is otherwise not detrimental to the public welfare.*

Complies. Staff finds that this request will not be injurious to the surrounding neighborhood because the request will not create additional curb cuts beyond what is anticipated for the NL-5 zone and Stormy Circle.

6. ***Consistent with the LDRs.*** *The granting of the Variance is consistent with the general purpose and intent of the Land Development Regulations.*

Complies. Staff finds this variance to be consistent with the general intent of the Land Development Regulations as it seeks to maintain the anticipated street character and pattern of Stormy Circle. In addition, the request allows the applicant to reasonably develop their lot for housing that will likely be rented to workforce individuals and is consistent with the allowed density within the NL-5 zoning district.

Item B - P20-124: Parking Setback

Pursuant to Section 8.8.2 Variances of the Land Development Regulations, the following findings shall be made prior to granting the Variance.

1. ***Special conditions and circumstances exist.*** *There are special circumstances or conditions which are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood.*

Complies. Staff finds that special circumstances and conditions exist on the property at 30 Stormy Circle as discussed in Finding 1 for **Item A** above.

2. ***Not result of applicant.*** *The special circumstances and conditions have not resulted from any willful modification of the land or building.*

Complies. As the lot existed prior to the applicant purchasing the property and prior to the adoption of the 1994 Land Development Regulations, the variance request is not the result of any actions by the applicant. Furthermore, the applicant has approached the Planning Department in good faith in order to bring the basement unit into compliance with the LDRs to provide workforce housing. The current owner did not create the illegal unit and therefore should be commended for trying to remedy the situation through legal channels.

3. ***Strict application deprives reasonable use.*** *The special circumstances and conditions are such that strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community.*

Complies. Staff finds that the strict application of the 20 foot parking setback on the subject lot would create a hardship for the applicant greater than the protection afforded the community. Staff determines that the variances sought are a balance between the reasonable use of the property and the Town's desire to bring the units and parking into compliance. Allowing parking in the setback helps enable the provision of housing that will likely be rented to the workforce and will remedy an existing nonconformity by removing the encroachment of vehicles into the right of way. This is a greater public benefit than a strict application of the parking setback as required by the LDRs.

4. ***Minimum Variance.*** *The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant.*

Complies. Staff finds that the requested variance from the parking setback is the minimum variance necessary to provide a balance between the purpose of the regulation sought and its impact on the applicant based upon the location of the existing single family home in relation to the lot line. A typical parking space is 20 feet long which the applicant will provide entirely on site. In addition, the expanded driveway is the least impactful possible alternative to providing parking without adding a substantially larger amount of impervious surface to the site. Lastly, the applicant intends to modify

the front porch entry to ensure that vehicles parked on site are not within the right of way. Of all of the alternatives staff discussed with the applicant, this request is the least impactful.

5. ***Not injurious to neighborhood.*** *The granting of the Variance will not be injurious to the neighborhood surrounding the land where the Variance is proposed, and it is otherwise not detrimental to the public welfare.*

Complies. Staff finds that this request will not be injurious to the surrounding neighborhood because the request will help remedy an existing nonconforming parking situation on Stormy Circle by providing entirely off-street parking spaces.

6. ***Consistent with the LDRs.*** *The granting of the Variance is consistent with the general purpose and intent of the Land Development Regulations.*

Complies. Staff finds this variance to be consistent with the general intent of the Land Development Regulations as it seeks to maintain the anticipated street character and pattern of Stormy Circle. In addition, the request allows the applicant to reasonably develop their lot consistent with the allowed density within the NL-5 zoning district.

ATTACHMENTS

Applicant Submittal
Departmental Reviews

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

Item A – P20-088 - Curb Cut: The Planning Director recommends **approval** of Item P20-088, a Variance to the 20-foot maximum curb cut standard in the NL-5 zone to allow 27-feet of curb cut for the property addressed as 30 Stormy Circle subject to the Land Development Regulations, and the department reviews attached to this staff report dated June 26, 2020.

Item B – P20-124 - Parking Setback: The Planning Director recommends **approval** of Item P20-124, a Variance to the 20-foot parking setback standard in the NL-5 zone to allow parking within the 20' street yard setback for the property addressed as 30 Stormy Circle subject to the Land Development Regulations, and the department reviews attached to this staff report dated June 26, 2020.

SUGGESTED MOTION

Item A – Curb Cut: Based upon the findings for a Variance as presented in the staff report related to 1) Special conditions and circumstances exists; 2) Not result of applicant; 3) Strict application deprives reasonable use; 4) Minimum Variance; 5) Not injurious to neighborhood; and 6) Harmony with LDRs as presented by the applicant and staff for Item P20-088, I move to **approve** a Variance to the 20-foot maximum curb cut standard in the NL-5 zone to allow 27-feet of curb cut for the property addressed at 30 Stormy Circle, subject to the departmental reviews attached to this staff report dated June 26, 2020.

Item B – Parking Setbacks: Based upon the findings for a Variance as presented in the staff report related to 1) Special conditions and circumstances exists; 2) Not result of applicant; 3) Strict application deprives reasonable use; 4) Minimum Variance; 5) Not injurious to neighborhood; and 6) Harmony with LDRs as presented by the applicant and staff for Item P20-124, I move to **approve** a Variance to allow parking within

the 20' street yard setback for the property addressed at 30 Stormy Circle, subject to the departmental reviews attached to this staff report dated June 26, 2020.

Town of Jackson
Project Plan Review History

PLANNING

Project Number	P20-088	Applied	5/7/2020	STOL
Project Name	Variance - 30 Stormy Circle	Approved		
Type	VAR PARKING	Closed		
Subtype		Expired		
Status	STAFF REVIEW	Status		
Applicant	Jeff Lawrence	Owner	DAVIS, TERI NOELLE & HARKER, C	
Site Address		City	State	Zip
30 STORMY CIRCLE	JACKSON	WY	83001	
Subdivision		Parcel No	General Plan	
PINEWOOD ADDITION	22411634112003			

Type of Review	Status	Dates			
Contact		Sent	Due	Received	Remarks
Notes					
Building Kelly Sluder	NO COMMENT	5/7/2020	5/28/2020	5/21/2020	

Fire Kathy Clay	NO COMMENT	5/7/2020	5/28/2020	5/14/2020	
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Joint Housing Dept Stacy Stoker	NO COMMENT	5/7/2020	5/28/2020	5/19/2020	
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Legal Lea Colasuonno		5/7/2020	5/28/2020	
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Parks and Rec Steve Ashworth (5/15/2020 1:08 PM STOL)	NO COMMENT	5/7/2020	5/28/2020	5/15/2020	
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No comment from P&R on P20-088, Parking Variance.

Pathways Brian Schilling		5/7/2020	5/28/2020	
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Planning Tyler Sinclair		5/7/2020	5/28/2020	
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Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Police Todd Smith (5/7/2020 3:17 PM STOL) Appears to have adequate site distance for backing out into the roadway safely. No concerns.	APPROVED W/CONDITI	5/7/2020	5/28/2020	5/7/2020	
Todd					
Public Works Caitlin Barilec (5/26/2020 12:28 PM CB) Parking Variance- Approved	APPROVED	5/7/2020	5/28/2020	5/26/2020	see notes
P20-088 ADDRESS: 30 Stormy Circle OWNER: Teri Davis APPLICANT: Jeff Lawrence					
5/26/2020 Caitlin Barilec, 733-3079					
DATE OF SUBMITTAL: 05/07/2020 DATE OF MATERIALS: REVISION NO.: 00					
The engineering division has reviewed your application for a PARKING VARIANCE submitted on and with application materials as dated above.					
NOTES:					
1. Stormy Circle is not currently proposed in our Capital Improvements Sidewalk Plan.					
START Darren Brugmann		5/7/2020	5/28/2020		

LETTER OF AUTHORIZATION

Teri Davis and Colleen Harker, "Owner" whose address is:

30 Stormy Circle, Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property

more specifically legally described as:
Lot 3, Pinewood Addition

(If too lengthy, attach description)

HEREBY AUTHORIZES Jeff Lawrence

as agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:

Teri Davis

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title:

(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF Wyoming

)

COUNTY OF Teton

)SS.

)

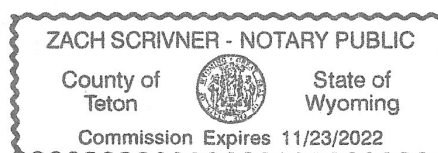
The foregoing instrument was acknowledged before me by Teri Davis this 6th day of May, 2020.

WITNESS my hand and official seal.

(Seal)

(Notary Public)

My commission expires: 11/23/22



MEMORANDUM

Date: May 6, 2020

Project: Davis Residence- Parking Variance

Project Location: 30 Stormy Circle
Lot 3 Pinewood Addition
Jackson, WY 83001

Project Number: 1901.10

Dear Town of Jackson Planning Department and the Board of Adjustment,

I am writing on behalf of Teri Davis, requesting a variance to a couple of parking requirements for her property located at 30 Stormy Circle in Jackson, WY.

Introduction:

Teri Davis, the owner of the property at 30 Stormy Circle, has an existing two-story home on the property. When she acquired the property in October 2018, the lower level was rented as one apartment and the upper level as another. She is currently living upstairs and renting out the lower level to other tenants. The home is about 2,000sf on both levels and sits on 0.12 acres. There are currently 2 parking spaces which are located partly off of the property and into the public way.

Relevant General Zoning Info:

- Zone is NL-5
- Up to 3 separate units are allowed. 2 apartments are currently in use.
- For 2 apartment dwelling units, 3 parking spaces are required (1.5/DU)
- Parking Setbacks are 20' from the primary street.
- Curb-cut max width is 20' or 40% of lot frontage ($62.75' \times 0.40 = 25.1'$), whichever is less.
- Parking spaces are to be 9'x20' in size minimum.

Problem:

The current parking is problematic in that it contains only 2 parking spaces and with two separate apartments, 3 spaces are needed. Also, the parking is currently located partly off of the property into the public way as shown on the existing survey and existing parking plan.

Proposed Solution:

The owner would like to add a space to make it legal per the current town regulations and also improve on the parking non-conformity by having the parking spaces be entirely on her property. In order to locate all of the parking onto the property, the owner is willing to adjust some of the existing building by modifying the entry porch and stairs to accommodate a few more feet of depth on the site for parking and also locating the porch and stairs entirely within the building setback. Refer to the Proposed Parking Plan for specifics.

Variances Requested:

In order to add a parking space and also locate them entirely on her property as shown in the proposed site plan, two variances are needed.

1. A variance is requested to remove the 20' parking setback requirement at the front yard (refer to 2.2.6.NL-5- B)
2. A variance is requested to modify the maximum curb cut from 20' to 27'. (refer to 2.2.6.NL-5- B)

The variance requested to remove the parking setback is needed because it is impossible to locate the parking within the setback as defined in the LDRs- due to the location of the existing house. However, the owner is willing to improve upon the existing condition by modifying some of the existing home so that all of the parking will fit on her property as well as locating the building entirely within the 20' setback.

The other variance is to the minimum width of the curb cut. Because of the constraints of the lot and to have the least impact to the site, parking needs to be drive in, park and back out - so with three spaces at 9' wide each, 27' of curb cut width is needed.

Findings for Approval:

1. Due to the special circumstance that the existing house is located where it is (at no fault of the owner), no parking can exist within the required 20' setback. Due to the need for 3 parking spots, the least impactful parking layout is to drive directly from the street into the parking space, resulting in the need for 27' of width.
2. The special circumstance has not resulted from any willful modification of the land or building. The house was located before the current regulations were in effect.
3. Strict application of the parking setback regulation would mean no parking could exist on the property with the house located where it is. Strict application of the curb cut max would mean only two parking spaces could be provided instead of three which would provide a hardship to the owner and tenants.
4. We have had multiple meetings with the town to discuss options and based on all of the discussions, it seems that this solution is the best and has the least impact to the site and also improves upon the existing problem of parking that is located in the public way.
5. The granting of this variance does not seem to be injurious to the neighborhood or detrimental to the public welfare. It seems that it should improve the public welfare by taking the cars out of the public way and locating the porch and stairs within the current building setback regulation.
6. The granting of the variance seems consistent with the general purpose and intent of the LDRs as it both increases the parking to meet the use and also get the parking off of the public way and onto her property.

Attachments: Existing Survey, A1.0 Existing Site Photo, A1.1 Existing Parking Plan, and A1.2 Proposed Parking Plan.

Thank you for your consideration with this.

Sincerely,

Jeff Lawrence, AIA
Architect
74jeff@gmail.com
307.690.2056

2.2.6. NL-5: Neighborhood Low Density-5 (7/18/18, Ord. 1197)

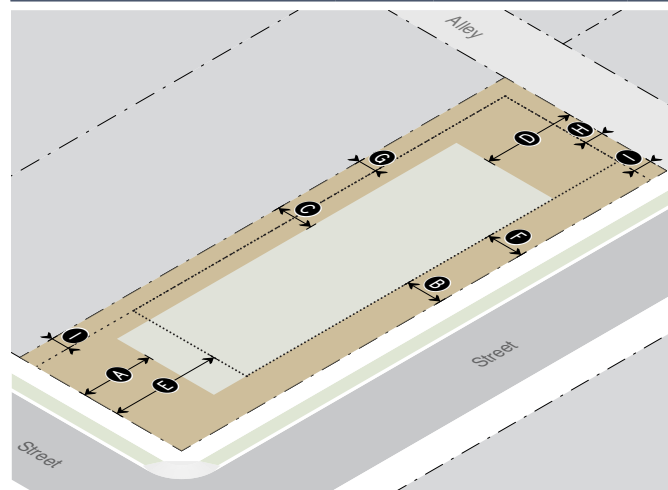
A. Intent

1. General Intent: The intent of the Neighborhood Low Density-5 (NL-5) zone is to enhance the character and cohesiveness of residential neighborhoods while allowing for a flexible range of residential types, including single-family detached units, duplex units, and triplex units. A maximum of three detached or attached units per lot is permitted. This flexibility is intended to create opportunities for workforce housing because all apartment units are required to be rented to members of the local workforce. This zone is intended for Stable neighborhoods where increased residential density is not intended.
2. Buildings: Buildings can be up to 2 stories in height. Multiple detached buildings or multiple attached units on a site is common. Incentives are provided to encourage variety in roof pitch and design.
3. Parking: Parking is provided primarily on-site in garages or with surface spaces. Parking is typically accessed from an alley where present or a primary street where no alley exists.
4. Land Use: Single-family detached homes, duplex, and triplex units, with additional apartments as allowed to not exceed three units per lot maximum density.
5. Comprehensive Plan: Based primarily on Subarea 3.1 in the Comprehensive Plan.

B. Physical Development

Standards applicable to physical development are provided in this Section. Where a cross-reference is listed, see the referenced division or section for additional standards. Standards in Article 5 apply unless stated otherwise.

1. Lot Standards



Primary Building Setbacks

(Sec. 9.4.8.)

Primary street (min)	20'	A
Secondary street (min)	10'	B
Side interior (min)	10'	B
Rear (min)	10'	D

Accessory Structure Setbacks

(Sec. 9.4.8.)

Primary street (min)	30'	E
Secondary street (min)	10'	F
Side interior (min)	5'	G
Rear (min)	5'	H

Site Development Setbacks

All site development, excluding driveways or parking.

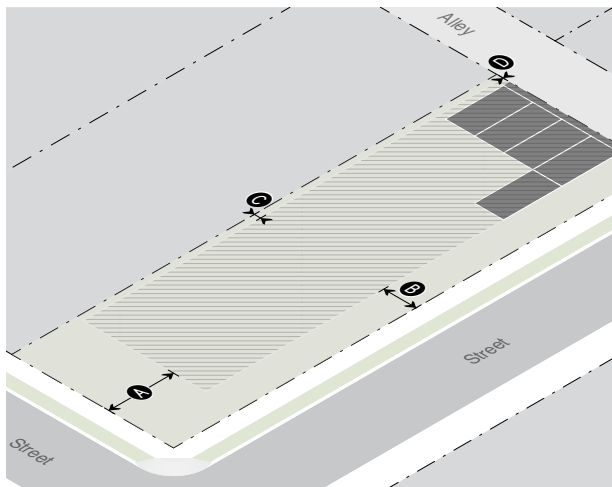
Primary/secondary street (min)	Same as primary building	
Side interior/rear (min)	5'	I

Landscaping

(Div. 5.5.)

Landscape surface ratio (min)	
1 unit	.45
2 units	.35
3 units	.30
All other allowed uses	.45
Plant units (min)	
Residential	1 per lot
Nonresidential	1 per 1,000 sf of landscape area
Parking Lot (all uses)	1 per 12 parking spaces

2. Vehicle Access Standards



Access

Primary street	Allowed
Secondary street	Allowed
Alley	Allowed

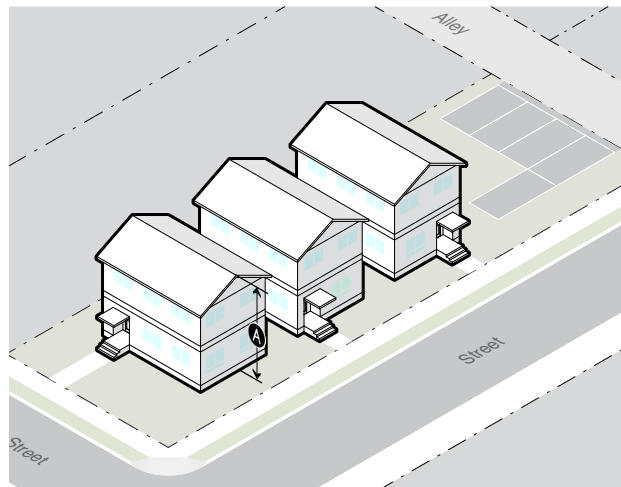
Curb-cut width (max)	20' or 40% of lot frontage, whichever is less	A
Driveway width in primary/secondary street setback (max)	20'	B

Parking Setbacks

	1 or 2 units	3 units/nonresidential	
Primary street (min)	20'	20'*	A
Secondary street (min)	10'	10'*	B
Side interior (min)	5'	1'	C
Rear (min)	5'	5'	
Rear alley (min)	2'	2'	D

* Excludes 20' max driveway allowed in primary/secondary street setback

3. Bulk & Mass Standards



Design Guidelines

(Div. 5.8.)

The Design Guidelines apply to all residential and nonresidential development of three attached units or greater, except where exempted by Planning Director for additions of 20% or less that are consistent with existing architecture.

Primary Building Height

(Sec. 9.4.9.)

Height: roof pitch $\leq 3/12$ (max)	2 stories, not to exceed 26'	A
Height: roof pitch $4/12, 5/12$ (max)	2 stories, not to exceed 28'	A
Height: roof pitch $\geq 6/12$ (max)	2 stories, not to exceed 30'	A

Accessory Structure Height

(Sec. 9.4.9.)

All other accessory structures (max)	14'
--------------------------------------	-----

Scale of Development

(Sec. 9.4.13.)

Floor area ratio (FAR max)	
1 unit	.30
2 units	.35
3 units	.40
All other allowed uses	.40
Individual Building (max gross floor area)	10,000 sf

10. Required Physical Development Permits						
Physical Development	Sketch Plan (Sec. 8.3.1.)	Development Plan (Sec. 8.3.2.)	Building Permit (Sec. 8.3.3.)	DRC Review (Sec. 8.2.6.)	Sign Permit (Sec. 8.3.5.)	Grading Permit (Sec. 8.3.4.)
Dwelling Unit						
< 5 units			X			(Sec. 5.7.1.)
5 - 10 units		X	X			(Sec. 5.7.1.)
> 10 units	X	X	X			(Sec. 5.7.1.)
Nonresidential Floor Area						
≤ 5,000 sf			X	X		(Sec. 5.7.1.)
5,001 - 15,000 sf		X	X	X		(Sec. 5.7.1.)
> 15,000 sf	X	X	X	X		(Sec. 5.7.1.)
Sign					X	(Sec. 5.7.1.)

C. Allowed Uses and Use Standards

Standards applicable to uses in the NL-5 zone are provided or referenced below. Allowed uses are listed in Subsection 1. Uses that are not listed are prohibited, unless a similar use determination is made pursuant to Section 6.1.2.D. Where a cross reference is provided, please see the referenced division or section for additional standards applicable in the NL-5 zone. This Subsection is intended to indicate all of the use standards applicable in the NL-5 zone, however, all standards in Article 6. are applicable in the NL-5 zone, unless stated otherwise.

1. Allowed Uses				2. Use Requirements	
Use	Permit	Density (max)	Individual Use (max)	Parking (min) (Div. 6.2.)	Affordable Workforce Housing Units (min) (Div. 6.3.)
Open Space					
Agriculture (6.1.3.B.)	B	n/a	n/a	n/a	exempt
Residential					
Detached Single-Family Unit (6.1.4.B.) (E.1.)	Y	E.1.	8,000 sf habitable- excluding basement	2/DU	$0.000017(sf) + (Exp(-15.49 + 1.59*Ln(sf)))/2.176$
Apartment (6.1.4.D.) (E.2.)	B	E.1.		1/DU if < 2 bedrooms and < 500 sf; otherwise, 1.5/DU	$0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/2.176$
Dormitory (6.1.4.E.)	C	n/a	n/a	1/bed	exempt
Group Home (6.1.4.G.)	C	n/a	n/a	0.5/bed	exempt
Institutional					
Assembly (6.1.8.B.)	C	n/a	n/a	independent calculation	independent calculation
Transportation/Infrastructure					
Utility Facility (6.1.10.C.)	C	n/a	n/a	1/employee + 1/stored vehicle	0.000246 * sf
Wireless Communications Facilities (6.1.10.D.)				1/employee + 1 per stored vehicle	0.000246 * sf
Minor	B	n/a	n/a		

Y=Use allowed, no use permit required, B=Basic Use Permit (Sec. 8.4.1.), C=Conditional Use Permit (Sec. 8.4.2.),

3. **Location.** Bicycle parking shall be located in a clearly designated, safe and convenient location. A safe parking location is defined as a location whereby activity around bicycle parking is easily observable, conveniently located to the bicyclist's destination, and adequately separated from motor vehicles and pedestrians. Surfaces around bicycle parking facilities shall be maintained, mud, and dust free.

E. Required Loading

A structure, or a complex of structures, which contains uses that require deliveries or shipments, shall provide loading facilities that are designed so as not to interfere with any emergency or disability access. An application shall address how the specific loading needs of the proposed use are being addressed.

6.2.3. Location of Required Parking (1/1/15, Ord. 1074)

A. On-site, Off-street

Unless a shared parking agreement is approved, all parking spaces, aisles, and turning areas shall be located off-street and entirely within the boundaries of the land served.

1. **Residential Uses.** For all residential uses all off-street parking shall be located within 150 feet of the structure the parking is to serve.

B. Off-Site, Off-Street

Required parking may be provided off-site with the approval of a shared parking agreement. The off-site parking shall be within 1,000 feet of the use it serves as measured along an established pedestrian route. A deed restriction may be required to ensure the off-site parking is permanent.

C. Parking Areas Shall Not Encroach

All parking spaces, aisles, and turning areas shall not encroach on any road or other public right-of-way. No parked vehicle shall encroach into any road or public right-of-way.

6.2.4. Maintenance of Off-Street Parking and Loading (1/1/15, Ord. 1074)

A. General

All off-street parking and loading areas shall be maintained adequately for all weather use and be properly drained.

B. Storage Prohibited

Off-street parking spaces shall be available for the parking of operable passenger automobiles of the residents, customers, patrons, and employees of the use for which they are required by this Division. The storage of inoperable vehicles or materials, or the parking of delivery trucks in such spaces shall be prohibited.

D. Parking Facility Dimensions

1. Parking Space Dimensions

- a. **Width.** A parking space shall be 9 feet in width.
- b. **Length**
 - i. **Standard Parking Space.** A standard parking space shall be 20 feet in length.
 - ii. **Over Hang With Wheel Stop.** The length of parking spaces may be reduced to 18 feet, including wheel stop, if an additional space of 2 feet in length is provided for the front overhang of the car, provided that an overhang shall not reduce the width of an adjacent walkway to less than 4 feet in width.
 - iii. **Ally Access.** Any parking space accessed directly from any alley shall have a minimum length of 22 feet.
 - iv. **Parallel Parking Space.** All parallel parking spaces shall have a minimum length of 22 feet.
- c. **Vertical Clearance.** Parking spaces shall have a vertical clearance of at least 7 feet.

2. **Parking Module Dimensions.** The table below specifies the minimum widths for parking rows, aisles, and modules. The figures below illustrate the standards.
3. **Gravel Area Dimensions.** The minimum size of a gravel parking area shall be 10% larger than required of a paved area.
4. **Underground Parking Facility Design Guidelines.** Town-wide underground parking facility design guidelines have been established and adopted by the Town pursuant to Resolution No. 09-25 and are available in the Planning Department Office or on the Town's website: www.townofjackson.com.
5. **Queuing Space Design Standards.** Queuing spaces shall be a minimum of 20 feet in length and 10 feet in width. All required queuing shall be contained on-site, shall not encroach into any public right-of-way, and shall not be designed so as to block entry or exit from other on-site parking.

Minimum Dimensions for Parking Modules					
	Space Angle				
	Parallel	30°	45°	60°	90°
Single Row of Parking					
Parking Space Depth	9'	18'	21'	22'	20'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	21'	30'	34'	40'	44'
Two Rows of Parking					
Parking Space Depth	9'	18'	21'	22'	20'
Drive Aisle Width	12'	12'	13'	18'	24'
Total Module Width	30'	48'	55'	62'	64'

8.8.2. Variance (1/4/17, Ord. 1165)

A. Purpose

The purpose of a variance is to allow a specific deviation from these regulations that is not contrary to the desired future character for the site when, due to special circumstances of the land, strict application of these regulations would result in undue and unique hardship.

B. Applicability

A variance may be sought for any standard of these LDRs unless the variance would:

1. Increase maximum density, FAR, or maximum scale of development;
2. Allow a prohibited sign;
3. Allow a prohibited use or allow additional expansion of a nonconforming use;
4. Reduce the requirements of a development option (e.g. required open space, minimum lot size, unit type mix);
5. Reduce a requirement where an option for independent calculation of the requirement exists (e.g. housing, development exactions); or
6. Reduce the threshold for review of an application.

C. Findings for Approval

A variance shall be approved upon finding:

1. There are special circumstances or conditions which are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in the neighborhood;
2. The special circumstances and conditions have not resulted from any willful modification of the land or building;
3. The special circumstances and conditions are such that the strict application of the regulation sought to be varied would create a hardship on the applicant far greater than the protection afforded to the community;

4. The variance sought is the minimum variance necessary to provide balance between the purpose of the regulation sought to be varied and its impact on the applicant;
5. The granting of the variance will not be injurious to the neighborhood surrounding the land where the variance is proposed, and is otherwise not detrimental to the public welfare; and
6. The granting of the variance is consistent with the general purpose and intent of these LDRs.

D. Effect

Issuance of a variance shall not ensure the approval of any other application. A variance is unique to the special circumstances identified in the findings and does not create precedent. A variance approved for a specific development or use shall only apply to that development or use.

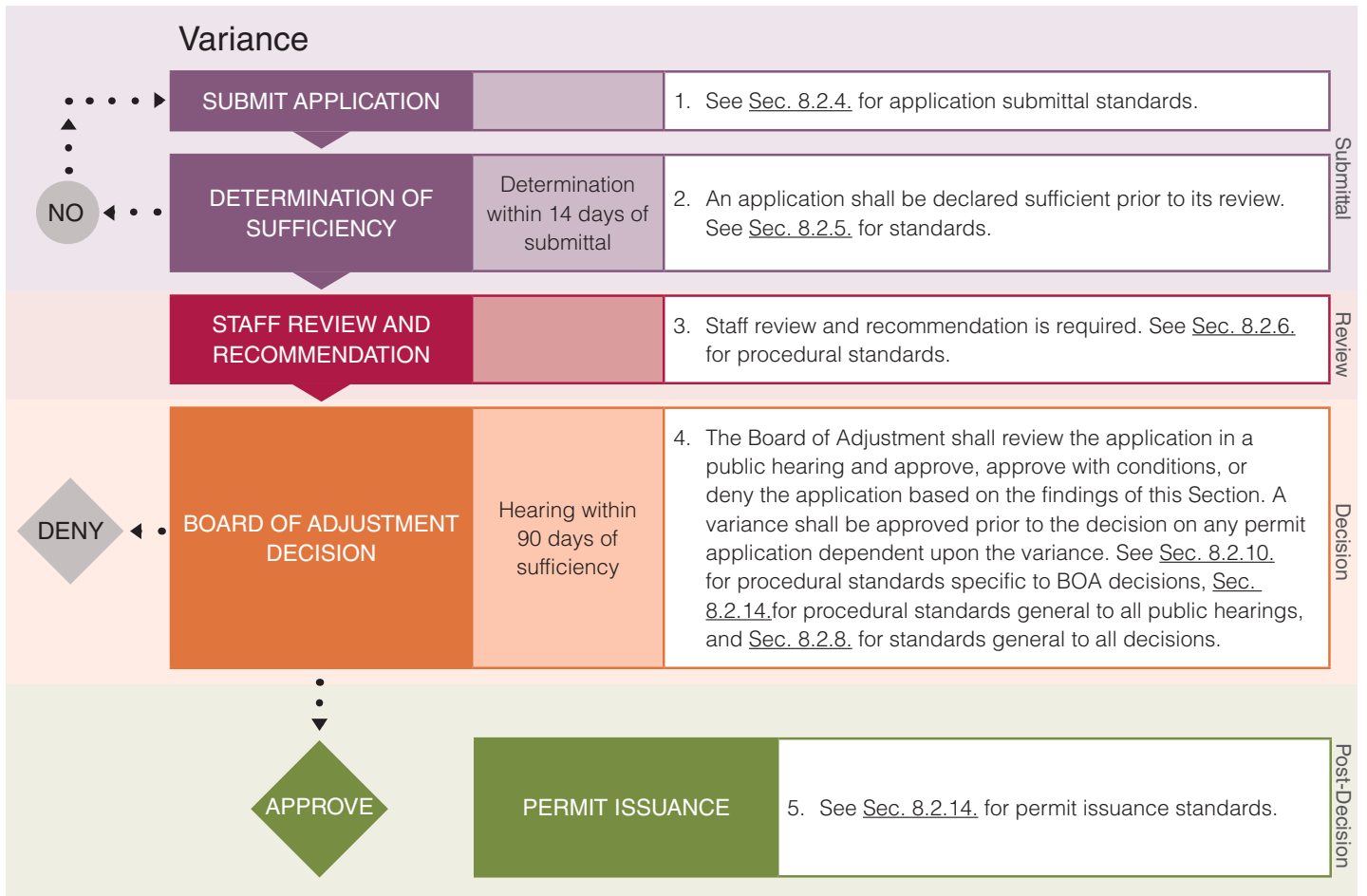
E. Expiration

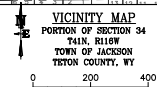
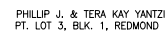
A variance shall expire one year after the date of approval except under one of the following circumstances:

1. The use, physical development, development option, or subdivision permit enabled by the variance is under review or implementation;
2. In the case of a phased development, not more than one year has passed since the completion of a physical development, development option, or subdivision, or initiation of a use, enabled by the variance; or
3. Another expiration has been set through the approval of the variance.

F. Review Process

All steps and deadlines in the following chart are required unless noted otherwise. An applicant must complete the each step before moving to the step below.





- | | | |
|------------|----------|------|
| DATE | 9/9/2019 | REV. |
| SURVEYED | DK | |
| ENGINEERED | - | |
| DRAWN | BIG | |
| CHECKED | LR | |
| APPROVED | | |

**NELSON
ENGINEERING**
P.O. BOX 1599, JACKSON WYOMING (307)

RAWING TITLE
EXISTING SITE SURVEY

JOB TITLE
JEFF LAWRENCE
30 STORMY CIRCLE
JACKSON, WYOMING

DRAWING NO	1
JOB NO	19-253-01



Existing Site Photo

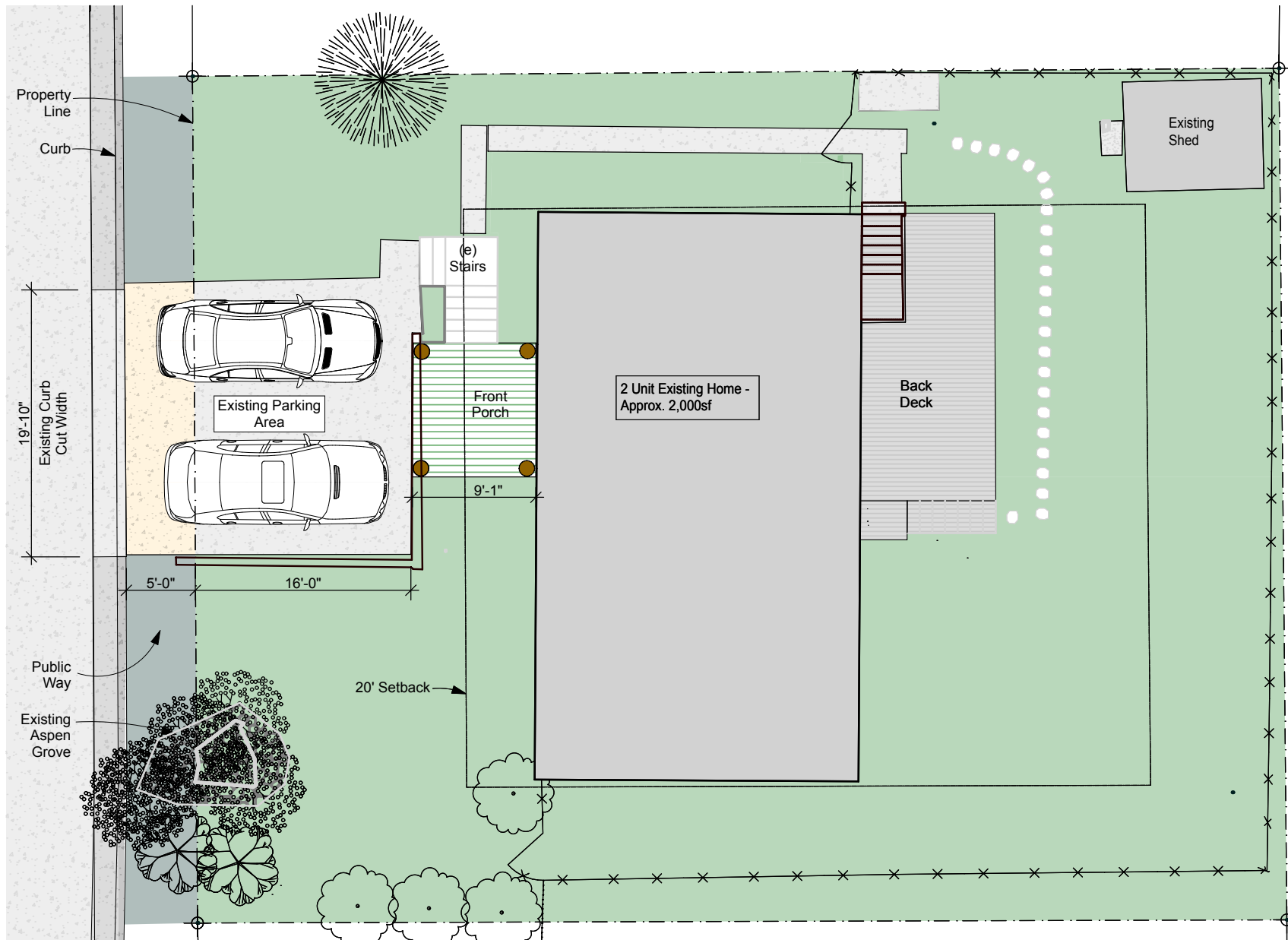
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Existing
Site Photo

Parking Variance Submittal
May 6, 2020

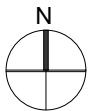
DAVIS RESIDENCE
30 Stormy Circle, Jackson, WY 83001

Jeff Lawrence, Architect
P.O. Box 42, Kelly, WY 83011
74jeff@gmail.com - 307.690.2056



Existing Parking Plan

SCALE: 1" = 10'



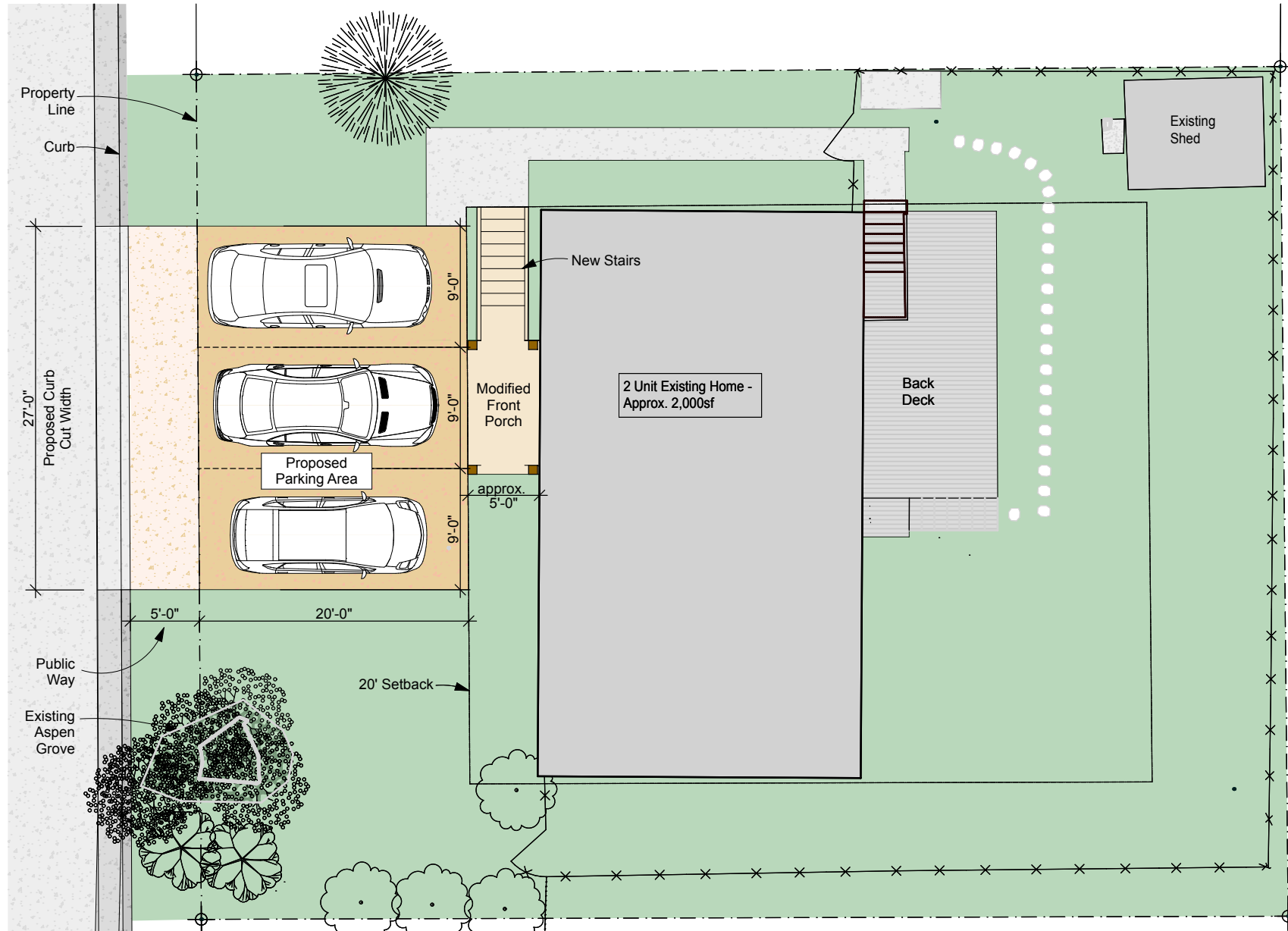
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Existing
Parking Plan

Parking Variance Submittal
May 6, 2020

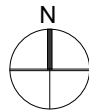
DAVIS RESIDENCE
30 Stormy Circle, Jackson, WY 83001

Jeff Lawrence, Architect
P.O. Box 42, Kelly, WY 83011
74jeff@gmail.com · 307.690.2056



Proposed Parking Plan

SCALE: 1" = 10'



A1.2

Proposed
Parking Plan

Parking Variance Submittal
May 6, 2020

DAVIS RESIDENCE
30 Stormy Circle, Jackson, WY 83001

Jeff Lawrence, Architect
P.O. Box 42, Kelly, WY 83011
74jeff@gmail.com - 307.690.2056



TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

PREPARATION DATE: JUNE 26, 2020
MEETING DATE: JULY 1, 2020

SUBMITTING DEPARTMENT: PLANNING
DEPARTMENT DIRECTOR: PAUL ANTHONY
PRESENTER: PAUL ANTHONY

SUBJECT: **ITEM P20-045:** APPROVAL OF FINAL DEVELOPMENT PLAN FOR PHASE 2 OF POWDERHORN EMPLOYEE HOUSING PUD

APPLICANT: BILL COLLINS FOR POWDERHORN HOUSING LLC

REQUESTED ACTION

The applicant is requesting approval of a Development Plan for Phase 2 (final phase) of the Powderhorn Employee Housing Planned Unit Development (PUD).

NOTE: The applicant also applied for a text amendment to the Powderhorn Employee Housing PUD to allow an "Apartment" use. It was discovered during the review process, however, that the existing approved PUD Use Table already allows the "Apartment" use as a Basic Use Permit (BUP). Thus, this request was not necessary and is not reviewed in this staff report.

NOTE #2: This item was continued from the Planning Commission's June 17, 2020, meeting because a noticing mistake required that final action be postponed to allow the noticing issue to be resolved (which it has). The Planning Commission heard presentations from staff and the applicant, as well as public comment, at the meeting on June 17 and so should be ready to discuss the item and make a motion if ready.

APPLICABLE REGULATIONS

Section 8.7.3 Planned Unit Development
Section 4.4.1 Planned Unit Development – Town
Section 8.7.1 LDR Text Amendment

LOCATION

The property is located at 625, 645, and 675 Powderhorn Lane, legally described as Lot 4 - 7, Powderhorn Housing Addition to the Town of Jackson. An aerial photo and zoning map are shown below:



BACKGROUND

- The Town Council approved on June 17, 2013 a Sketch Plan for a 2-phase PUD, a CUP for an Institutional use (dormitory), and Final Development Plan for the 1st Phase of the PUD. Under the 2013 approval, Phase 1 of the PUD would consist of three buildings (already built) while Phase 2 would consist of two buildings for a total of five buildings. The five buildings would be organized around a central open space area and parking. Phase 1, which totals about 35,000 sf, has been built and is occupied by local employees as intended.
- In 2016 the applicant was approved for an amendment that changed the number of building in Phase 2 from two to three buildings but did not change the total number of approved units, allowed floor area, or height of the Phase 2 buildings. The Phase 2 buildings have not been built but they are approved for 22 – 24 units or 96 bedrooms and 19,112 – 31,232 sf of floor area. The exact number of units, floor area, and design of buildings (e.g., number of stories) for Phase 2 will be determined at Final Development Plan approval.
- In addition, as part of the 2016 approval, the property was subdivided into a townhouse plat so that each building became an independent lot with one large open space lot. The 2016 approval also converted the entire PUD project from a PUD option to a PUD zone (PUD-UR) to be consistent with current LDRs.
- In 2018, an amendment to the PUD was approved to allow 48' tall buildings with a fourth story according to the workforce housing bonus provided in for certain UR properties [now only provided in the CR-3 zone].
- Finally, the PUD Sketch Plan in 2013 was approved with the following four conditions of approval that apply and must be met by the Phase 2 Development Plan:
 1. The applicant within 60 days of the approval of the application shall comply with the requirements of Paragraph L/Certificate of Standards in Section 2170 of the Land Development Regulations.
 2. The applicant as part of the phase 2 Final Development Plan shall consider additional benches and shade trees around the central open space area.
 3. The amount of parking provided will be reviewed for the entire development during the Final Development Plan for future phases or sooner if deemed necessary by the Town and the applicant will be required to secure additional on and/or offsite parking if deemed necessary at that time. The additional amount of parking to be added onsite shall not be limited to the maximum of 90 spaces indicated in the Sketch Plan if deemed necessary. Shared parking agreements with neighboring property owners may be an option to be considered.
 4. The applicant shall be required to provide additional landscape or fencing screening along the northern property boundary during the review of the Final Development Plan for phase 2 to adequately screen these parking areas from adjacent properties.

PROJECT DESCRIPTION

The applicant is requesting approval of a (final) Development Plan for Phase 2 of the Powderhorn Employee Housing PUD to build the final three employee housing buildings in their approved locations.

All units in Phase 2 will be deed-restricted for workforce housing, either as banked units to be used for required mitigation for future development or to satisfy the allowance for the fourth story and 48' height bonus. The applicant is also requesting to convert six 4-br dorm units into six 1-br apartments and six 2-br apartments for a total reduction six bedrooms from the current Phase 2 conceptual approval.

All three buildings will be four stories and just under 43' in height, as permitted by bonus height allowance in the approved in PUD. The middle building will have an elevator required by building code and then

elevated walkways are proposed to connect to the two outer buildings. These connecting walkways will require a minor redesign of the Phase 2 platted building lots and associated Limited Common Areas (LCE). The amended subdivision plat is not part of this application but this Development Plan will serve as the required Development Plan for the future plat that will need to be submitted and approved prior to occupancy of the apartment buildings.

The Phase 2 development will provide additional vehicular parking, bike parking, and landscaping. The existing parking lot in the northeast corner will be extended to the west as originally planned in the Sketch Plan for Phase 2 and additional trees and shrubs are planted on the perimeter of the site and around the common area.

STAFF ANALYSIS

“Apartment” use

Staff has already stated that there is no need to address the applicant’s request to amend the PUD text to allow an “Apartment” use because the use is already allowed. As evidence for the record, staff has provided below the Use Table from the 2016 PUD amendment that is still valid.

Master Plan			
Allowed Uses			Allowed/Proposed
Residential			
Attached	Single-family	Unit	B
(condominiums / townhouses)			
Apartment			B
Dormitory			C
Transportation/Infrastructure			
Utility Facility			C
Accessory Uses			
Home Occupation			B

General Compliance

Staff’s review is focused primarily on determining whether the applicant’s proposed Development Plan is consistent with the terms and conditions of the existing Sketch Plan and PUD. As demonstrated below, the proposed Development Plan appears consistent with all applicable LDRs.

Below is a summary of the projects’ compliance with general dimensional standards in the PUD and LDRs:

	Allowed/Required Both Phases (P1 & P2)	Approved Both Phases (Phase 1 & 2)	Complies? (Phase 2 only)
FAR	.65 (65,575 sf)	.65 (65,222 sf)	Yes (30,884 sf)
LSR	.30 (30,266 sf)	37.7 (38,023 sf)	Yes
Plant Units	1 per unit & 1 per 12 parking spaces.	46 plant units	Yes (46 plant units)
Minimum Lot Size	15,000 SF	100,885 SF	Yes (100,885 SF)

Height	35' – 48'	35' – 48'	Yes (42'9')
Density	No limit	54 units	Yes (30 units)
Parking	Independent*	87 spaces	Yes (44 spaces)
Front Yard Setback	12'	15'	Yes (160'+)
Side Yard Setback	5'	10'	Yes (13.5')
Rear Yard Setback	20'	10'	Yes (11')

*72 spaces approved for 48 dorm units, however, area reserved for 90 spaces available if necessary

The submitted application provides a more detailed summary of compliance with the LDRs.

Sketch Plan Conditions

The proposed Development Plan must also meet the four conditions of approval from the Sketch Plan:

1. The applicant within 60 days of the approval of the application shall comply with the requirements of Paragraph L/Certificate of Standards in Section 2170 of the Land Development Regulations.

Complies. The applicant has been met by the submission of the Certificate of Standards in this application.

2. The applicant as part of the phase 2 Final Development Plan shall consider additional benches and shade trees around the central open space area.

Complies. The submitted landscape plan provides 5 additional benches and many large, shade trees around the central open space.

3. The amount of parking provided will be reviewed for the entire development during the Final Development Plan for future phases or sooner if deemed necessary by the Town and the applicant will be required to secure additional on and/or offsite parking if deemed necessary at that time. The additional amount of parking to be added onsite shall not be limited to the maximum of 90 spaces indicated in the Sketch Plan if deemed necessary. Shared parking agreements with neighboring property owners may be an option to be considered.

Complies. The submitted parking plan that shows that a total of 87 parking spaces will be provided based on the observed existing parking demand of Phase 1.

4. The applicant shall be required to provide additional landscape or fencing screening along the northern property boundary during the review of the Final Development Plan for phase 2 to adequately screen these parking areas from adjacent properties.

Complies. The submitted landscape plan shows many trees and shrubs planted tightly together on the northern property line. In addition, two spruce trees are included in the northwest corner that will provide year-round screening for the property to the north.

Height

In 2015 the Council approved an amendment to the LDRs to allow additional height (and a possible 4th story) in the Urban Residential (UR) zone if the property was at least 2 acres in size, the additional floor area on the 4th story (or an equivalent) was deed restricted for the workforce, and other requirements (see below). This amendment was proposed by the JHMR team as a tool that was intended to apply to the Powderhorn PUD.

Please note that the UR zone no longer exists in the LDRs and that the same height bonus option now exists only in the CR-3 zone using the same approval criteria. Despite the approval of the LDR amendment, the PUD still needed to be formally amended to allow the same 48' height option. This PUD amendment was approved in 2018 and so the applicant is now proposing apartment buildings in Phase 2 that would use the 48' height option under the same conditions as required for the option in the CR-3 zone.

The criteria for approval are below:

1. The following standards apply to the amount of additional floor area achieved through the increase in structure height; however, the actual floor area to which the following standards apply may be distributed throughout the structure.

- a. It shall be deed restricted workforce, affordable, or employee housing with an occupancy restriction;

Complies. The applicant will provide a workforce deed restriction (draft attached to the staff report) to restrict all units on the fourth stories that is acceptable to the Teton County/Jackson Housing Department prior to occupancy of the units.

- b. It may have an employment and/or price restriction.

Complies. The required deed restriction will have an employment and price restriction.

- c. It shall be exempt from the calculation of affordable housing required by Division 7.4, but shall not be used to meet the affordable housing requirement for the project.

Complies. The units on the 4th story are exempt from mitigation requirements and cannot be converted in the future to meet the mitigation requirements of any other development.

2. The project shall provide the affordable housing required by Division 7.4 on site.

Complies. The applicant will provide a workforce deed restriction (draft attached to the staff report) to restrict all units on the fourth stories that is acceptable to the Teton County/Jackson Housing Department prior to occupancy of the apartments.

3. The site shall be at least 2 acres to provide opportunity for sufficient setback from, and building height step down to small scale development.

Complies. The applicant's site is 2.32 acres and so meets this requirement.

4. The site shall be served by transit within 1/4 mile.

Complies. There is a START bus stop on Maple Way near (former) K-Mart that is within a 1/4 mile of site walking distance.

5. The site shall be within 1/4 mile walking distance from numerous commercial services routinely needed by residents.

Complies: The site has the (former) K-Mart plaza, Picnic, and other commercial services within ¼ mile of the site.

6. The additional building height shall not increase the floor area allowance or decrease the required open space.

Complies: Approval of the 42' 8.75" tall apartment buildings does not increase the amount of floor area allowed in the PUD, which is still limited to the .65 FAR maximum.

It should be noted too that due to recent zoning amendments of the Town's commercial areas in 2018, the proposed 42' 8.75" height is within the same height limit on the property to the north (Mr. Hibberd's property) after it was rezoned from AC to CR-3 and now has a 42' – 46' height maximum in three stories. In the past, Mr. Hibberd has stated his concerns that the northern-most apartment building would block his views and light. It was agreed that this issue would be addressed during the approval of Phase 2. However, now that Mr. Hibberd's property can have buildings 42' – 46' in height with a 10' setback, and that the applicant's building is less than 43' in height with a 13' – 15' setback, staff finds that the proposed height and setbacks are consistent with the character of Mr. Hibberd's property and other surrounding properties.

Parking

Phase 1 was approved with 2 parking spots per 4 bedroom dorm unit. According to the monitoring data provided by the applicant, this amount of parking has proven to be adequate, even at peak average demand. For example, with 50 current spaces available, the highest average utilization in the past five years was 42 cars (winter 18'-19') and the summer average has not yet exceeded 40 cars. Based on this data, the applicant is proposing to use the same winter park average ratio observed in the Phase 1 dorms (i.e., 2.2 br/space or 42 spaces for 96 bedrooms) as the parking standard for the Phase 2 dorms. In addition, the applicant is proposing 1 parking space for each 1-br and 2-br apartment (12 parking spaces). Thus, the applicant is proposing to increase the parking from 50 spaces to a total of 87 spaces for the entire site. The Original Sketch Plan planned for a maximum of 90 on-site spaces with the possibility that off-site shared parking might be required if necessary.

Staff finds the proposed amount of parking to be adequate given the unique parking needs of the JHMR employees and based on actual parking data.

Also, the proposed plan shows 72 covered bicycle parking spaces provided at a ratio of .75 spaces per bedroom for the entire development. In addition, there are 18 uncovered bike spaces provided for a total of 90 bike parking spaces. Brian Schilling of Pathways supports this plan as does planning staff.

Landscaping

The approved Sketch Plan and PUD require a total of 46 plants units of screening (24 plant units Phase 1 and 22 plant units for Phase 2). This was calculated based on the assumption that all units would be dorm units. However, as explained above, the applicant is proposing to convert 6 dorm units to 12 apartments (six 1-br and six 2-br). Regardless, the bulk and scale of the Phase 2 buildings are not affected by this internal floor plan change so staff sees no reason to increase (or decrease) the amount of required landscaping based on the new mix of units.

However, relevant to this project, the LDRs allow the Planning Director to reduce the amount of required plant units if providing all of the plant units would compromise the landscape/open space goals of the project. (Sec. 5.5.3.E.3.a). In addition, benches (Sec. 5.5.3.E.4.b) and bike racks (Sec. 5.5.3.E.4.c) can be substituted for plant units. The applicant's landscape plan applies all three of these options for flexibility.

Given the desire to maintain the grass open space free of trees to allow for games of soccer and other large gatherings, staff agrees that planting trees on the perimeter of the open space only is reasonable and still provides adequate screening of the large buildings. In addition, the landscape plan shows plantings surrounding the entire site and parking lots with a substantial mix of large trees and smaller shrubs, leaving little other space for vegetation without looking overcrowded and messy. In addition, the plan shows five benches and nine “U” bike racks that can accommodate 18 bicycles. In total, the landscape plan provides \$30,600 of landscaping and public amenities. While this is substantially less than the 22 plant units (22 x \$2,600 = \$57,200), the original amount of 46 plant units is excessive in staff’s opinion and does not fit the site plan. Thus, staff finds that the proposed landscaping plan provides enough screening of the buildings and parking lots to meet the intent of the landscaping requirements of the LDRs and of the PUD.

Replat of Existing Townhouse Plat

The application shows proposed changes (Sheet C1.1) to the approved townhouse plat for the PUD (Plat 1365). Due mostly to the need to connect the two outer buildings to the middle building with elevated walkways that cross common areas, and minor changes to the footprints of the three Phase 2 buildings, the existing plat will need to be amended. Approval of this Development Plan, should it be provided, would provide the required pre-approval to allow the applicant to submit the amended plat application in the future to reflect the approved changes. In terms of timing, the applicant may want to wait until a building permit consistent with this Development Plan approval is issued and the buildings are under construction before submitting the replat to ensure that it is accurate to the as-built condition.

Workforce Housing

Phase 2 is proposing 18 dorm-style units and 12 apartments (six 1-br units and six 2-br units). Under the approved PUD, the dorm units are exempt from housing mitigation requirements. The 12 apartments are not exempt and create a mitigation requirement of .243 units or a fee of \$50,645. However, because the applicant is proposing to deed restrict all 12 apartment units in Phase 2 with a workforce restriction to bank the units to potentially meet the housing mitigation requirements of future JHMR development or for other projects, planning staff and the Housing Department are supportive of not requiring any mitigation now because the 12 workforce deed restrictions provide substantially more housing value than a fee of \$50,645. Staff has a draft deed restriction for banked units but the draft has not yet been approved by the Town Council and County Commissioners, though approval is expected in the next few months. The soon-to-be approved deed restriction will be the one that needs to be recorded for any banked units in Phase 2.

A similar but slightly different workforce deed restriction will need to be recorded to meet the requirements of the height bonus (i.e., 48’ and 4th story) for workforce housing. In this case, the applicant is required to place a deed restriction on units proposed in the 4th story (or on an equivalent amount of floor area to the 4th story). In this case, the applicant plans to restrict the six dorm-style units on the fourth story of the three buildings. The Housing Department has an approved deed restriction for rental workforce units that will need to be used for the 4th story units. The applicant has asked for modifications to the approved deed restriction and is currently in discussions with the Housing Department and Town Attorney about those changes.

DESIGN REVIEW COMMITTEE REVIEW

The DRC reviewed the project on June 10, 2020, where the DRC continued the item to address concerns about the pedestrian entrances in the back of the building which could present issues of safety, defensible space, and that are otherwise difficult to find. Options to improve the situation, such as fencing and wayfinding signage,

could help but the DRC was also interested in seeing architectural/site plan options to better address their concerns. The project is scheduled to be reviewed again by the DRC on July 8, 2020.

STAFF FINDINGS

Item A: Pursuant to Section 8.3.2 Development Plan of the Land Development Regulations, a development plan shall be approved upon finding the application:

1. ***Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.***

The proposed application is located in Character District #4 Midtown, specifically Sub-area 4.3 Central Midtown of the 2012 Comprehensive Plan. In order to review the application for conformance with the Comprehensive Plan, staff has reviewed the Policy Objectives for District 4 as follows:

Common Value 1: Ecosystem Stewardship

Not Applicable.

Common Value 2: Growth Management

Policy 4.1.b: Emphasize a variety of housing types, including deed-restricted housing

Staff finds that the proposal to allow 48' and a 4th story will help the PUD provide a variety of housing types with regard to size and rental product, including a significant number of deed restricted units used to satisfy the development requirements for other projects throughout the community.

Policy 4.1.d: Maintain Jackson as the economic center of the region

Staff finds that the proposal to allow 48' and a 4th story will help the PUD provide workforce housing in this location and so will help to promote the economic viability of the region by creating additional customers for local businesses.

Policy 4.2.c: Create vibrant walkable mixed use subareas

Staff finds that the proposal to allow 48' and a 4th story will help the PUD contribute to a vibrant mixed use subarea by providing an increase in the residential population needed to support local commercial businesses within walking distance to the development.

Policy 4.3.a: Preserve and enhance stable subareas

Not Applicable

Policy 4.3.b: Create and develop transitional subareas

Staff finds that the proposal to allow 48' and a 4th story will help the PUD revitalize an underutilized site in a prominent transitional subarea into a project consistent with the desired future vision described for Subarea 4.3.

Policy 4.4.b Enhance Jackson gateways

Not Applicable

Policy 4.4.d: Enhance natural features in the built environment

Not Applicable

Common Value 3: Quality of Life

Policy 5.2.d: Encourage deed-restricted rental units

Staff finds that the proposal to allow 48' and a 4th story will help the PUD provide deed-restricted rental units through a creative program allowing for the pooling and upfront construction of rental housing units to be deed restricted in the future to meet development requirements of other development projects.

Policy 5.3.b: Preserve existing workforce housing stock

Not Applicable

Policy 6.2.b: Support businesses located in the community because of our lifestyle

Not Applicable

Policy 6.2.c: Encourage local entrepreneurial opportunities

Not Applicable

Policy 7.1.c: Increase the capacity for use of alternative transportation modes

Staff finds that the proposal to allow 48' and a 4th story will help the PUD increase the use of alternative modes of transportation by concentrating a high density residential project in the center of the community easily served by all transportation modes.

Policy 7.2.d: Complete key Transportation Network Projects to improve connectivity

Not Applicable

Policy 7.3.b: Reduce wildlife and natural and scenic resource transportation impacts

Not Applicable

Staff finds that the project is consistent with all the applicable policies listed above from District 4 of the 2012 Comprehensive Plan.

In addition, staff finds that the application should be reviewed for consistency specifically with subarea 4.3 Central Midtown which states as follows as the desired vision for the subarea:

This TRANSITIONAL Subarea in the core of the district will be critical in achieving the overall goal of transforming the area into a walkable mixed use district. Opportunities should be taken to expand the currently limited street network in order to break up large existing blocks and increase connectivity for all transportation modes. Key to this transition will be the addition of increased

residential intensity in a variety of types and forms to take advantage of the Complete Neighborhood amenities in the area. Mixed use structures will be encouraged with non-residential uses located predominantly on the street level and residential units on upper levels. Multifamily structures in a variety of forms will also be desirable. Mixed use and multifamily residential buildings should be a combination of two and three story structures oriented to the street, though a buffer should be placed between buildings and the street with green space and/ or hardscaping. Parking areas should be predominantly located behind buildings or screened from view. Live-work housing opportunities will be encouraged, as well as any other opportunities to promote local entrepreneurship. Single family residential units are not envisioned for this area. Particular care and attention will need to be given to ensure a successful transition between this mixed use subarea to the adjacent Midtown Residential (Subarea 4.3). The location of buildings and parking, types of uses and overall intensity of use should be considered to ensure a successful blend of these two subareas.

Staff finds that the project is consistent with the vision for subarea 4.3 as described above by assisting in the full development of a multifamily project with significant residential intensity in this subarea that is identified for redevelopment.

2. *Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable.*

Not applicable.

3. *Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.*

Staff finds that the proposed development will not have a significant adverse impact on public facilities because it will not increase the intensity of use on the site or demand for public services.

4. *Complies with the Town of Jackson Design Guidelines, if applicable.*

The DRC reviewed the project on June 10, 2020, where the DRC continued the item to address concerns about the pedestrian entrances in the back of the building which could present issues of safety, defensible space, that are otherwise difficult to find. The project is scheduled to be reviewed again by the DRC on July 8, 2020, so approval has not yet been obtained. Staff has added a condition of approval that DRC approval shall be obtained prior to Council approval.

5. *Complies with all relevant standards of these LDRs and other Town Ordinances.*

Staff finds that the proposed project complies with the standards of these LDRs as the request meets all requirements such as FAR, LSR, setbacks, height, etc. In addition, the project is in compliance with all other Town Ordinances.

6. *Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.*

Staff finds that the proposed project is in substantial conformance with prior permits and approvals, specifically the approved PUD-NH-1.

[ATTACHMENTS](#)

Applicant Submittal
Department Reviews

RECOMMENDATIONS/ CONDITIONS OF APPROVAL

The Planning Director recommends **approval** of a P20-045 to for a Development Plan Phase 2 of the Powderhorn Employee Housing PUD located at 625, 645, and 675 Powderhorn Lane subject to the departmental reviews attached hereto with the following conditions of approval.

1. The project shall obtain final review from the DRC prior to Council approval.
2. The applicant shall provide drafts of all required workforce housing deed restrictions prior to approval by Council.

SUGGESTED MOTIONS

Development Plan: Based upon the findings for a Development Plan as presented in the staff report and by the applicant for Item P20-045 related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with Town Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals, I move to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations to recommend **approval** to Town Council of Phase 2 of the Powderhorn Employee Housing PUD land division at the property addressed as 625, 645, and 675 Powderhorn Lane, subject to the department reviews attached to the staff report dated June 11, 2020, and the following conditions of approval:

1. The project shall obtain final review from the DRC prior to Council approval.
2. The applicant shall provide drafts of all required workforce housing deed restrictions prior to approval by Council.

PLANNING

Project Number P20-045 **Applied** 3/9/2020 **STOL**
Project Name DevPlan - Powderhorn Emp Housing **Approved**
Type DEVPLAN **Closed**
Subtype **Expired**
Status STAFF REVIEW **Status**

Applicant Collins Planning Associates **Owner** POWDERHORN HOUSING LLC

Site Address **City** **State** **Zip**
625 POWDERHORN LN

Subdivision **Parcel No** **General Plan**
22411632443004

Type of Review	Status	Dates			Remarks
		Sent	Due	Received	
Contact					
Notes					
Building Kelly Sluder (3/26/2020 8:40 AM KS) The new construction will be required to meet the current adopted building codes.	APPROVED W/CONDITI	3/20/2020	4/10/2020	3/26/2020	
Fire Kathy Clay (3/24/2020 12:11 PM CLAY) See pre-app notes dated 12/10/19.	APPROVED W/CONDITI	3/20/2020	4/10/2020	3/24/2020	See Notes
Joint Housing Dept Stacy Stoker (4/22/2020 10:33 AM SAS) All restricted units will be required to meet the Livability Standards in the Jackson/Teton County Housing Department Rules and Regulations. The applicant will be required to submit a Livability Standards Questionnaire, which can be obtained from the Housing Department, along with floor plans of the units including demensions and furniture placement. Approval from the Housing Department must be received prior to issuance of a Building Permit. The applicant must designate which units are to be restricted to mitigate for the 4th floor allowance and provide square footage for the units. Prior to issuance of Certificate of Occupancy, the following shall occur: -All banked units and 4th floor mitigation units will be required to have a Workforce Housing Restriction recorded. -The applicant must meet with the Housing Department to review the compliance process. -The Housing Department shall inspect the units. -A Housing Mitigation Agreement is required to be recorded. The applicant has submitted Redlined Affordable Rental restrictions. The Jackson/Teton County Housing Rules and Regulations do not allow changes to the Standard Restriction Templates. The Town Council can consider changes to the Templates on a case by case basis, however approval is rare. The Housing Department will work with the Legal Department and the applicant on the Restriction and the Housing Mitigation Agreement to help find a way to resolve this.	APPROVED W/CONDITI	3/20/2020	4/15/2020	4/22/2020	
Legal Lea Colasuonno		3/20/2020	4/15/2020		

Type of Review Contact Notes	Status	Dates			Remarks
		Sent	Due	Received	
Parks and Rec Steve Ashworth (3/23/2020 12:04 PM STOL) Landscape plantings and planting details look good..no comment on P20-045,046.	NO COMMENT	3/20/2020	4/10/2020	3/23/2020	

Andy Erskine, CPSI

Pathways Brian Schilling (4/16/2020 3:45 PM STOL) No additional comments from Pathways. The applicant has addressed all our conditions.	NO COMMENT	3/20/2020	4/15/2020	4/16/2020	
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Planning Paul Anthony		3/20/2020	4/15/2020		
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Police Todd Smith		3/20/2020	4/15/2020		
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Public Works Jeff Silliman (4/16/2020 2:34 PM JSIL) Development Plan – APPROVED	APPROVED	3/20/2020	4/15/2020	4/16/2020	see notes
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P20-045
ADDRESS: 625, 645, 675 Powderhorn Lane
OWNER: Powderhorn Housing LLC.
APPLICANT: Collins Planning Associates

4/16/2020
Jeff Silliman, 733-3079

DATE OF SUBMITTAL: 3/18/2020
DATE OF MATERIALS:
REVISION NO.:

The engineering division has reviewed your application for a DEVELOPMENT PLAN submitted on and with application materials as dated above.

CONDITIONS OF APPROVAL

1. Water, sewer and stormwater utilities associated with this development shall be privately owned.

START Darren Brugmann (3/23/2020 8:11 AM STOL) No comments from START at this time.	NO COMMENT	3/20/2020	4/10/2020	3/23/2020	
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**JACKSON HOLE MOUNTAIN RESORT
POWDERHORN EMPLOYEE HOUSING**

**PUD AMENDMENT for CHANGE of USE
and
PHASE TWO FINAL PLAN**

Prepared by:

*Hoyt Architects
Hershberger Design
Collins Planning Associates
Nelson Engineering and Surveying*

March 4, 2020

**JACKSON HOLE MOUNTAIN RESORT
POWDERHORN EMPLOYEE HOUSING**

**PUD AMENDMENT for CHANGE of USE
and
PHASE TWO FINAL PLAN**

TABLE OF CONTENTS

1.0 Project Description and Site History

2.0 Site Planning

3.0 Land Development Program

4.0 Select LDR Standards

5.0 Findings for Approval

Appendix A – Application, Letter of Authorization

Appendix B – Existing Conditions, Grading and Stormwater Plan, Utility Plan, Engineering Report, Water Sewer Calculations, Landscaping Plan, Parking Lot Lighting

Appendix C – Parking Management Letter, Housing Operating Principles, Deed Restrictions

Appendix D – Building Elevations, Floor Plans, Images of Buildings, Exterior Building Lighting

1.0 PROJECT DESCRIPTION AND HISTORY

Description of Application

The Jackson Hole Mountain Resort proposes a two part application for the Powderhorn Employee Housing development. This application proposes

1. converting six 4 BDRM dorm units to six 1 BDRM and six 2 BDRM apartments; and,
2. a Final Plan for phase 2 that is consistent with the previously approved Sketch Plan.

The previously approved plans contained all 4 BDRM units in both phases 1 and 2 that were designed for seasonal employees. JHMR now wishes to provide some housing for mid-level management personnel. Therefore, the applicant proposes changing a limited number of dorm style units to 12 apartment style units. This change reduces the number of bedrooms by six and increases the number of units by six. The six 4 BDRM units would contain 24 BDRM; the apartments will contain 18 BDRM. $[(6 \times 4 = 24) \text{ versus } (6 \times 1) + (6 \times 2) = 18]$ The six dorm units will become 12 apartments. All of the 1 BDRM and 2 BDRM units will be on the ground levels of the three buildings.

This application also proposes the Final Plan for phase 2, including 42 foot, 8 $\frac{3}{4}$ inch tall buildings (measured at the highest point) with four levels as allowed by a 2015 LDR amendment. (The 2015 amendment actually allows 48 foot tall buildings.)

Location and Zoning of Property

The development is west of the U.S. Post Office and behind the building that formerly housed Kmart. The property was Lot 23 in the Webster Laplant Homestead 5th Addition but in 2016 it was further subdivided into seven lots (six building lots, one common lot) that make up the Powderhorn Housing Subdivision. This application involves three of the building lots and the common lot (lots 4 – 7) located at 625, 645 and 675 Powderhorn Lane. The property was zoned Urban Residential when the Powderhorn Planned Unit Development was approved but it now is zoned PUD – NH 1.

Status of Property

The Mayor and Town Council, on June 17, 2013, granted several approvals for this property that continue to be active. These decisions

1. approved a Conditional Use Permit for Institutional Residential,
2. amended the previously approved plan for Webster Laplant to show three buildings in phase 1 and two buildings in phase 2,
3. approved a two - phase Planned Unit Development, and
4. approved a Final Development Plan for phase 1.

After the 2013 approvals, the three phase 1 buildings were constructed and they now are occupied by employees. The details for phase 2 were not determined at the time of the 2013 approvals, and therefore the phase 2 Sketch Plan described ranges for the number of housing units, amount of floor area, and number of levels in the future buildings.

In the Summer, 2015, the Mayor and Town Council approved an LDR text amendment that allowed 48 foot tall buildings in UR – PUD, which included this Powderhorn development,

provided certain criteria are met. The Powderhorn Employee Housing Development satisfies these criteria, which are discussed below.

On September 6, 2016, the Mayor and Town Council approved

1. an amendment to the phase 2 Sketch Plan that reconfigured the building footprints and converted two larger buildings into three smaller buildings, and
2. created a townhouse subdivision plat for the total PUD.

In August 2018, the Mayor and Town Council approved an amendment to the Powderhorn PUD to allow 48 foot tall buildings consistent with the 2015 text amendment.

Sketch Plan Conditions of Approval

The Sketch Plan for phase 2 was previously approved with the four conditions below. Each condition was accomplished or will be accomplished with this Final Plan. The numbered statements below are the phase 2 conditions followed by the italicized applicant responses.

1. The applicant within 60 days of the approval of the application shall comply with the requirements of Paragraph L/Certificate of Standards in Section 2170 of the Land Development Regulations.

This condition was accomplished.

2. The applicant as part of the phase 2 Final Development Plan shall consider additional benches and shade trees around the central open space area.

This application incorporates this condition.

3. The amount of parking provided will be reviewed for the entire development during the Final Development Plan for future phases or sooner if deemed necessary by the Town and the applicant will be required to secure additional on and/or offsite parking if deemed necessary at that time. The additional amount of parking to be added onsite shall not be limited to the maximum of 90 spaces indicated in the Sketch Plan if deemed necessary. Shared parking agreements with neighboring property owners may be an option to be considered.

JHMR monitored the actual use of the parking lot since the occupancy of phase 1 and no parking issues have occurred. The number of parking spaces has been sufficient and the multi-modal transportation plan for phase 1 has worked.

4. The applicant shall be required to provide additional landscape or fencing screening along the northern property boundary during the review of the Final Development Plan for phase 2 to adequately screen these parking areas from adjacent properties.

This application incorporates this condition.

2.0 SITE PLANNING

See the site plans in the Appendix to this application. This phase 2 Final Plan matches the previously approved Sketch Plan and its main features are described below.

- The Final Plan retains the organizing feature of the development which is a large common open space in the center of the property. Both phase 1 and phase 2 buildings have patios or balconies that open onto this open space.
- The taller four story buildings are internal to the property and do not front a street.
- Four level buildings require an elevator and one is proposed in this application. The three buildings will be connected by open-air walkways to provide elevator access to each building.
- The currently approved plan for Powderhorn shows 72 parking spaces with land area reserved for an expansion to 90 spaces if they are needed. This plan expands the parking lot to 87 spaces for the total development.
- The buildings are 11 feet from the rear property line to accommodate existing trees on the neighboring lot that overlap the boundary line onto the Powderhorn property.

3.0 LAND DEVELOPMENT PROGRAM

The tables below present the development program for the existing phase 1 and the proposed phase 2.

NUMBER of UNITS and BEDROOMS				
	Four Bedroom Units	Two Bedroom Units	One Bedroom Units	Total Number Bedrooms
Phase 1 Existing	24	0	0	96
Phase 2 Proposed	18	6	6	90
Totals	42	6	6	186

DIMENSIONAL LIMITATIONS			
Gross Site Area	2.316 acres		
LDR Standard	Allowed/Required Total PUD	Phase 1 Existing	Phase 2 Proposed
Floor Area	65,690 sq. ft.	34,338	30,884
Landscape Surface	30,320 sq. ft.	38,023 total PUD	38,295 total PUD
Lot Coverage	50,530 sq. ft.	14,915	No longer applicable
Building Height	48 ft.	29' 8"	42' 8 ³ / ₄ "
Street Setback	PUD standards allow flexibility	15	n/a
Side/Rear Setback	PUD standards allow flexibility	10	11
Parking	PUD standards allow case by case determination	2 per 4 BDRM unit	1.76 per 4 BDRM unit 1 per 2 BDRM unit 1 per 1 BDRM unit

Parking

Phase 1 was approved with one parking space per 2 BDRM based on the profile of the future residents, and the proximity to transit and services used in daily routines. A letter co-signed by the Town planning director and the then JHMR president outlined a plan for monitoring parking lot use and provided the Town the opportunity to require a solution if parking demand exceeded parking supply. This application maintains this letter for phase 2 and the letter is included as an Appendix to this application.

Multiple times each winter and summer season, JHMR counted the number of cars in the parking lot. The table below lists the average number of cars in the lot during each season since phase 1 of Powderhorn was occupied.

The data show a higher number of cars during the winters of 2017-2018 and 2018-2019. For these two winter seasons, JHMR was unable to hire as many international employees as they usually hire and therefore relied more on local employees. The local employees had more cars than the typical international employees. Nonetheless, the parking lot contained a sufficient number of spaces for the worst case scenarios that occurred during these two winters. JHMR now is back to a more normal hiring routine with the typical number of international employees.

Actual Parking Demand by Season – Phase One					
Avg. # Cars	Available Spaces	Actual Demand BDRM / Car	Avg. # Cars	Available Spaces	Actual Demand BDRM / Car
Winter 14-15			Summer 15		
32	50	3.00	19	50	5.05
Winter 15-16			Summer 16		
29	50	3.31	25	50	3.84
Winter 16-17			Summer 17		
30	50	3.20	38	50	2.52
Winter 17-18			Summer 18		
41	50	2.34	n/a	50	n/a
Winter 18-19			Summer 19		
42	50	2.28	36	50	2.66
Winter 19-20			Summer 20		
TBD	50	TBD			
Phase one approved with 2 BDRM per 1 parking space.					

Parking for Phase 1, Phase 2 and Total Development		
Parking Demand – Existing Phase 1		
	Actual Use Worst Case Scenario	Actual Demand Worst Case Scenario
Phase 1 – 96 Bedrooms	2.28 BDRM per car	42.10 (96 / 2.28)
Proposed Parking – Phase 2		
72 BDRM in dorms – proposed	2.28 BDRM per space	31.75 (72 / 2.28)
12 1 & 2 BDRM units – proposed	1 space per unit	12
Proposed Parking – Total Development		
Parking Demand – Total for Phases 1 and 2		85.85 = 86 (42.10 + 31.75 + 12)
Parking Provided – Total Development		87 (2.13 BDRM / space)

Bicycle Parking

Phase 2 will contain the following bike parking spaces.

1 and 2 BDRM units.

- 1 bike storage space under roof per bedroom on the same level as the bedroom it serves.
 - Two 1 BDRM and two 2 BDRM units per ground floor level; 6 total BDRM per ground floor level; 6 bike storage spaces per ground floor level.

For upper building levels (2 – 4) that contain two 4 BDRM dorm style units per building level, bike parking will be provided as follows.

- .75 bike storage space under roof per bedroom on the same level as the bedroom it serves.
 - Two 4 BDRM units per level; 8 total BDRM per floor; 6 under roof bike storage spaces per floor.
- 18 additional exterior/uncovered guest bike parking spaces in inverted U style racks.

Total for all three buildings.

- 72 under roof weather protected bike storage spaces on the same level as the bedrooms they serve.
- 18 additional exterior/uncovered bike parking spaces in inverted U style racks.
- 90 total bike parking spaces for 90 bedrooms in 30 units.

Phase 1 contains more than one bike parking space per bedroom counting the combination of spaces under roof and the exterior spaces. The on-site manager observed the usage of the phase

1 spaces and concluded that the exterior spaces are seldom used and the spaces under roof are only partially used. The proposed number of bike storage spaces in phase 2 exceeds the observed level of usage of the phase 1 bike spaces.

4.0 SELECT LDR STANDARDS

Criteria for 48 Foot Height

The 2015 LDR amendment allowed a building height of 48 feet provided the development complies with the six criteria listed below. This application does not propose the fully allowed height, but rather 42 foot, 8 ¾ inch tall buildings. Because the buildings will be taller than 35 feet, however, the criteria still apply. The numbered statements below are the criteria followed by the applicant's italicized responses.

1. The building must be in a PUD with UR zoning district.
Powderhorn Employee Housing was approved as a PUD on June 17, 2013, and the underlying zoning at that time was UR.
2. The structure is totally devoted to workforce or employee housing.
The 2013 applications document JHMR's plan to use all of the Powderhorn units as employee housing. Consistent with this plan a CUP was issued for Institutional Residential. This application converts six dorm units to 12 conventional apartments, thereby removing them from the Institutional Residential category, but these apartments also will be used exclusively as employee housing. All of the phase 2 units will be deed restricted like the existing units in phase 1.
3. The site is at least 2 acres to provide opportunity for sufficient setback from, and building height step down to small scale development.
The Powderhorn Employee Housing site is 2.316 acres.
4. The site is served by transit.
A transit stop is 150 yards from the development as measured along the sidewalk that borders the streets, however the residents walk along a more direct route.
5. The site is within 1/4-mile walking distance from numerous commercial services routinely needed by residents.
Within one-quarter mile, considered the ten minute walking distance for most people, are eight restaurants, a barber shop, the post office, discount retailers, two banks, two doctor's offices, two dental clinics, a town park and a grocery store.
6. The additional building height does not increase the floor area allowance or decrease the required open space.
The additional building height did not increase the floor area allowance or decrease the required open space that were required by the LDR when the PUD was approved.

Compatibility of the Northern Building Height with the Neighboring Property

1. After the LDR were amended in 2015 to allow 48 foot tall buildings, the overall town wide LDR were amended. A prominent part of this LDR overhaul increased building heights for much of the Town. The Town LDR now permit 46 foot tall buildings on the neighboring lot. The only criterion for 46 foot height is that the roof pitch be 5:12 or steeper. A flatter roof pitch permits a 42 foot tall building. This Powderhorn application proposes 42 foot, 8 ¾ inch tall buildings (measured at the highest point) in phase 2.
2. Regardless of any plans the neighbor may have, or not have, to redevelop his property, the newly allowed building heights of 42 and 46 feet demonstrate the vision and plan for the adjoining property. The Comprehensive Plan, and the LDR that implement it, desire and allow the same building height on the surrounding properties as is proposed for the Powderhorn development.
3. The 2016 amendment to the phase 2 Sketch Plan rotated the buildings and shifted them further west toward the property that used to house Kmart. This new arrangement widened the open space corridor across the Powderhorn development as seen from the existing building on the neighboring lot. The neighboring building is aligned with and overlooks the common open space lot in the Powderhorn development.
4. A landscape screen will be installed between the northern building and the northern property line, and also between the parking lot and the northern property line. This landscape plan was discussed with the northern neighbor and will be designed to provide screening of the development without blocking the neighbor's view across the common open space lot.

Workforce Housing

The 4 BDRM dorm style units are exempt for workforce housing requirements. The 12 apartment style units ordinarily would be subjected to workforce housing requirements as detailed below, except they will be deed restricted for workforce housing.

Four 1 BDRM units at 546 square feet and two 1 BDRM units at 570 square feet.

Four 2 BDRM units at 715 square feet and two 2 BDRM units at 736 square feet.

The workforce housing requirement for the 12 units ordinarily would be 0.240 workforce housing unit. However all units in phase 2, except for the fourth floor units, will be restricted as workforce housing for the purposes of banking them for credit against future housing requirements, per the Powderhorn approval.

Also, an amount of building floor area equal to the fourth level in each building will be deed restricted as workforce housing as a condition of the fourth building level. The units deed restricted for this purpose will not be banked for future credit as described in the previous paragraph. These units are not eligible for banking for future credit.

And finally, a set of Housing Operating Principles was approved as part of the previous applications. These Principles remain in effect and are a part of the phase 2 plan. The Principles

outline how the Powderhorn units will be used to satisfy future workforce housing requirements and a copy of them is in an Appendix to this application.

Grading, Stormwater Management, Utilities

The Appendix contains plans for grading, storm water management and utilities. Also, in the appendix are an engineering report and calculations that demonstrate available capacity to accommodate phase 2.

Use Standards

Phase 2 consists of dormitories and apartments. Consistent with the standards for these two land uses, each dorm unit and apartment will contain only one kitchen, will not be rented for less than 31 days and will not be subdivided into a separate unit of ownership.

Landscaping

During the 2013 PUD approval, the number of plant units required for the total development was determined to be 46. This number differs from the requirement normally applied to residential development because the actual approved land use was Institutional Residential. Converting six dorm style units to 12 apartments modifies this calculation slightly, however this application proposes maintaining the required number of 46 based on the following points.

- Powderhorn is a PUD which allows flexibility in the dimensional requirements.
- Several large existing trees on the neighboring property spillover onto the Powderhorn property, consuming area that otherwise could be landscaped and serving as existing vegetation.
- The purposes of a landscape plan are achieved, namely screening the development from the northern neighbor, softening the building mass and creating a visually pleasing development.
- Landscaping is proposed for all available areas in phase two without compromising the large common open area in the center of the development, which residents wish to remain open for soccer and other activities.

Lighting

The phase 2 parking lot expansion will use the same style light as exists in phase 1. See a photo of this lighting fixture in the Appendix.

Natural Hazards

There are no natural hazards on the site.

Operational Standards

Phase 2 will be occupied and used as phase 1 has been and there has been no violation of the operational standards or nuisances during the five years of phase 1 occupancy.

5.0 FINDINGS FOR APPROVAL

Findings for Planned Unit Development

Changing the use of six dorm style units to 12 apartments is a PUD amendment and requires compliance with the following findings. The numbered statements are from the Town LDR followed by the applicant's italicized responses.

1. Improve the implementation of the desired future character of the area identified in the Jackson/Teton County Comprehensive Plan.

The Powderhorn development is located in District 4, subarea 4.3, a Transitional area. The 2012 Comprehensive Plan calls out many detailed objectives for this subarea, including the following that are directly achieved by the Powderhorn development:

- Increased residential population.
 - *Proposed phase 2 adds 90 bedrooms, accommodating about 90 resident employees, bringing the total for Powderhorn to 186 bedrooms.*
- Walkable mixed use district.
 - *Site plan contains a network of internal sidewalks and fronts on an existing walk in Powderhorn Lane. Sidewalks are prevalent throughout the neighborhood and provide easy access to many commercial services. Within one-quarter mile of Powderhorn are eight restaurants, a barber shop, the post office, two banks, two doctor's offices, two dental clinics, a grocery store, discount retailers, a town park and the pathway network.*
- Variety of housing types focused on workforce housing.
 - *Proposal will be 100% workforce housing with 18 dormitory style units, an atypical housing type in the Town, and 12 apartments with combination of one or two bedroom units.*
- Specifically including deed restricted units.
 - *The units will be deed restricted to help the JHMR and other commercial businesses satisfy employee housing requirements. An amount of building floor area equal to the fourth level of each building will be deed restricted to workforce housing.*
- 2 and 3 story buildings oriented to the street.
 - *Existing phase 1 fronts the street and consists of 3 buildings that are a combination of 2-story and 3-story components. The 2-story component is nearer the street.*
 - *3 buildings along rear lot line, adjoining the rear of Kmart are proposed as 4 stories above grade and 42 feet, 8 ¾ inches in height and do not front a street.*
- Parking areas predominantly behind buildings or screened from the street.
 - *No new parking spaces front the street in phase 2; all new parking is interior to the site and screened from the street by buildings or landscaping.*
- Consider natural resources and wildlife movement that are in or adjacent to the District.
 - *The site is an infill development surrounded on all sides by buildings and parking lots and does not contain or adjoin any natural resources.*
- Improved alternative transportation and connectivity.

- *The resident population will rely significantly on transit and several sidewalks connect the site internally and to the Town network of sidewalks. A START transit stop is 150 yards from the development as measured along the sidewalk.*
 - In addition to the character district goals, the Plan establishes the goal to house 65% of the community's workforce.
 - *This proposal will house about 90 employees, bringing the total development to 186 employees.*
 - The Plan also promotes multi-modal transportation, including bike travel.

Phase 2 continues the design and management approaches that exist in the first phase. Namely, this proposal contains a number of parking spaces that is less than the standard requirements, is located in close proximity to START transit stop, near essentially all services required in daily routines, contains more than one bike parking space per bedroom, and connects to the Town sidewalk network.
2. Comply with the requirements of the underlying base zoning to the maximum extent practicable.

The underlying zoning district of Urban Residential, that existed with the Powderhorn development was approved, no longer exists. At the time Powderhorn was approved it complied with the UR zoning.
 3. Complies with the standards of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable.

Not applicable.
 4. Not adversely impact public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

The resident population in phase 1 did not contribute to the demand on schools and the intended population in phase 2 will not either. The common courtyard will provide on-site space for recreational activities. The technical review performed by the Town staff demonstrated that all utilities and services can accommodate the development.

Findings for LDR Text Amendment

The LDR appear to require compliance with the findings for an LDR text amendment. The six numbered findings below are from the LDR followed by the applicant's italicized responses.

1. Is consistent with the purposes and organization of the LDRs.

The stated purpose of the LDR is to implement the Jackson/Teton County Comprehensive Plan and promote the health, safety and general welfare of inhabitants. This proposed phase 2 completes a workforce housing development that implements the Plan in an exemplary manner. See the applicant's response to #1 under the Findings for a PUD. Phase 1 of this development has been occupied for about five years without any concerns about the health and safety of its residents. Phase 2 will continue this record. Finally, no text amendment is proposed that alters or conflicts with the organization of the LDR.

2. Improves the consistency of the LDRs with other provisions of the LDRs.
How this finding applies to the application is confusing; the phase 2 plan does not propose an LDR amendment.
3. Provides flexibility for landowners within standards that clearly define desired character.
The PUD process provided flexibility in the standards for parking and setbacks, and phase 2 takes advantage of this flexibility. However, no text amendment is proposed that would provide any further flexibility.
4. Is necessary to address changing conditions, public necessity, and/or federal regulations.
Phase 2 provides workforce housing to address an ever worsening housing need.
5. Improves implementation of the Comprehensive Plan.
See the applicant's response to #1 under the Findings for a PUD.
6. Is consistent with other adopted Town Ordinances.
There is no known inconsistency between the proposed plan for phase 2 and other town ordinances.

Findings for Zoning Map Amendment

The LDR also appear to require compliance with the findings for a zoning map amendment. The six numbered findings below are from the LDR followed by the applicant's italicized responses.

1. Is consistent with the purposes and organization of the LDRs.
See #1 above under the Findings for an LDR text amendment.
2. Improves implementation of the desired future character defined in the Illustration of Our Vision chapter of the Comprehensive Plan.
See the applicant's response to #1 under the Findings for a PUD.
3. Is necessary to address changing conditions or a public necessity.
Phase 2 provides workforce housing to address an ever worsening housing need.
4. Is consistent with the other adopted Town Ordinances.
There is no known inconsistency between the proposed phase 2 and other town ordinances.

Findings for Final Plan Approval

Compliance with the following Final Plan findings is required for the phase 2 plan. The numbered statements are the findings from the LDR followed by the applicant's italicized responses.

1. Is consistent with the desired future character described for the site in the Jackson/Teton County Comprehensive Plan.
See above discussion in #1 under the Findings for a PUD.

2. Achieves the standards and objective of the Natural Resource Overlay (NRO) and Scenic Resources Overlay (SRO), if applicable.

Not Applicable.

3. Does not have significant impact on public facilities and services, including transportation, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.

The resident population in phase 1 did not contribute to the demand on schools and the intended population in phase 2 will not either. The common courtyard will provide on-site space for recreational activities. The technical review performed by the Town staff demonstrated that all utilities and services can accommodate the development.

4. Complies with the Town of Jackson Design Guidelines, if applicable.

Plans for phase 2 will be submitted to the Design Review Committee for review.

5. Complies with all relevant standards of these LDRs and other Town Ordinances.

The proposal complies with all applicable regulations and ordinances.

6. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

The currently constructed Phase 1 is in full compliance with all prior permits and approvals.

Appendix A

Application Letter of Authorization

LETTER OF AUTHORIZATION

Powderhorn Housing / Jerry Blinn "Owner" whose address is: POB 290 Teton Village WY 83025
(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

, as the owner of property
more specifically legally described as: lots 4-7 Powderhorn Housing

(If too lengthy, attach description)

HEREBY AUTHORIZES Collins Planning Associates as agent to represent and act for Owner in making application for and receiving and accepting on Owners behalf, any permits or other action by the Town of Jackson, or the Town of Jackson Planning, Building, Engineering and/or Environmental Health Departments relating to the modification, development, planning or replatting, improvement, use or occupancy of land in the Town of Jackson. Owner agrees that Owner is or shall be deemed conclusively to be fully aware of and to have authorized and/or made any and all representations or promises contained in said application or any Owner information in support thereof, and shall be deemed to be aware of and to have authorized any subsequent revisions, corrections or modifications to such materials. Owner acknowledges and agrees that Owner shall be bound and shall abide by the written terms or conditions of issuance of any such named representative, whether actually delivered to Owner or not. Owner agrees that no modification, development, platting or replatting, improvement, occupancy or use of any structure or land involved in the application shall take place until approved by the appropriate official of the Town of Jackson, in accordance with applicable codes and regulations. Owner agrees to pay any fines and be liable for any other penalties arising out of the failure to comply with the terms of any permit or arising out of any violation of the applicable laws, codes or regulations applicable to the action sought to be permitted by the application authorized herein.

Under penalty of perjury, the undersigned swears that the foregoing is true and, if signing on behalf of a corporation, partnership, limited liability company or other entity, the undersigned swears that this authorization is given with the appropriate approval of such entity, if required.

OWNER:

[Signature] [Signature]
(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: President

(if signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)

STATE OF Wyoming

)
)SS.

COUNTY OF Teton

)

The foregoing instrument was acknowledged before me by Jerry Blinn this 5th day of March, 2008.

WITNESS my hand and official seal.

[Signature]
(Notary Public)

My commission expires: 02/10/2021

(Seal)





PLANNING PERMIT APPLICATION
Planning & Building Department

150 E Pearl Ave. | ph: (307) 733-0440
P.O. Box 1687 | www.townofjackson.com
Jackson, WY 83001

For Office Use Only

Fees Paid _____ Date & Time Received _____
Application #s _____

Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: Powderhorn Employee Housing -- PUD amd; Phase 2 final plan
Physical Address: 625, 645, 675 Powderhorn Lane
Lot, Subdivision: Lots 4 - 6; Powderhorn Housing PIDN: 22-41-16-32-4-43-004 thru 006

PROPERTY OWNER.

Name: Powderhorn Housing LLC Phone: 690-4623
Mailing Address: PO Box 290; Teton Village, WY ZIP: 83025
E-mail: bill.schreiber@jacksonhole.com

APPLICANT/AGENT.

Name: Collins Planning Associates Phone: 690-4436
Mailing Address: PO Box 7441; Jackson, WY ZIP: 83002
E-mail: collinsplanning@bresnan.net

DESIGNATED PRIMARY CONTACT.

_____ Property Owner ☒ Applicant/Agent

TYPE OF APPLICATION. Please check all that apply; review the type of application at www.townofjackson/200/Planning

Use Permit

_____ Basic Use
_____ Conditional Use
_____ Special Use

Relief from the LDRs

_____ Administrative Adjustment
_____ Variance
_____ Beneficial Use Determination
_____ Appeal of an Admin. Decision

Physical Development

_____ Sketch Plan
☒ Development Plan
_____ Design Review

Subdivision/Development Option

_____ Subdivision Plat
_____ Boundary Adjustment (replat)
_____ Boundary Adjustment (no plat)
_____ Development Option Plan

Interpretations

_____ Formal Interpretation
_____ Zoning Compliance Verification

Amendments to the LDRs

_____ LDR Text Amendment
_____ Map Amendment

Miscellaneous

☒ Other: PUD amendment
_____ Environmental Analysis

PRE-SUBMITTAL STEPS. To see if pre-submittal steps apply to you, go to www.townofjackson.com/200/Planning and select the relevant application type for requirements. Please submit all required pre-submittal steps with application.

Pre-application Conference #: P19-273 Environmental Analysis #: n/a
Original Permit #: P13-024, 025, 026 Date of Neighborhood Meeting: _____

SUBMITTAL REQUIREMENTS. Please ensure all submittal requirements are included. The Planning Department will not hold or process incomplete applications. Partial or incomplete applications will be returned to the applicant. Go to www.townofjackson.com/200/Planning and select the relevant application type for submittal requirements.

Have you attached the following?

- X **Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.
- X **Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at www.townofjackson.com/DocumentCenter/View/102/Town-Fee-Schedule-PDF.
- X **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

Note: Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine compliance with the LDRs.

Under penalty of perjury, I hereby certify that I have read this application and associated checklists and state that, to the best of my knowledge, all information submitted in this request is true and correct. I agree to comply with all county and state laws relating to the subject matter of this application, and hereby authorize representatives of Teton County to enter upon the above-mentioned property during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering.

Bill Collins
Signature of Property Owner or Authorized Applicant/Agent
Bill Collins
Name Printed

2.18.20
Date
agent
Title

Appendix B

Existing Conditions
Grading and Stormwater Plan
Utility Plan
Engineering Report
Water Sewer Calculations
Landscaping Plan
Parking Lot Lighting

JHMR Employee Housing Water and Sewer Service (Updated for Phase 2)

NE 20-051-01

March 4, 2020

Water Supply

The Town of Jackson has adequate water supply, storage and transmission facilities to service the JHMR Employee Housing Phase 2 development that is now being proposed, after a successful implementation of the Phase 1 housing was completed in 2013/2014. There is an 8 inch diameter water line in the Webster LaPlant development that loops the water line in Powderhorn Lane with the water line in Meadow Lark Lane. Previous calculations determined that the existing fire hydrant located within the Powderhorn Housing Lot and serviced from this 8" water main could provide 1352 gpm with a residual pressure of 69.6 psi. Static water pressure is estimated to be 72.4 psi according to the Town of Jackson WaterCAD model.

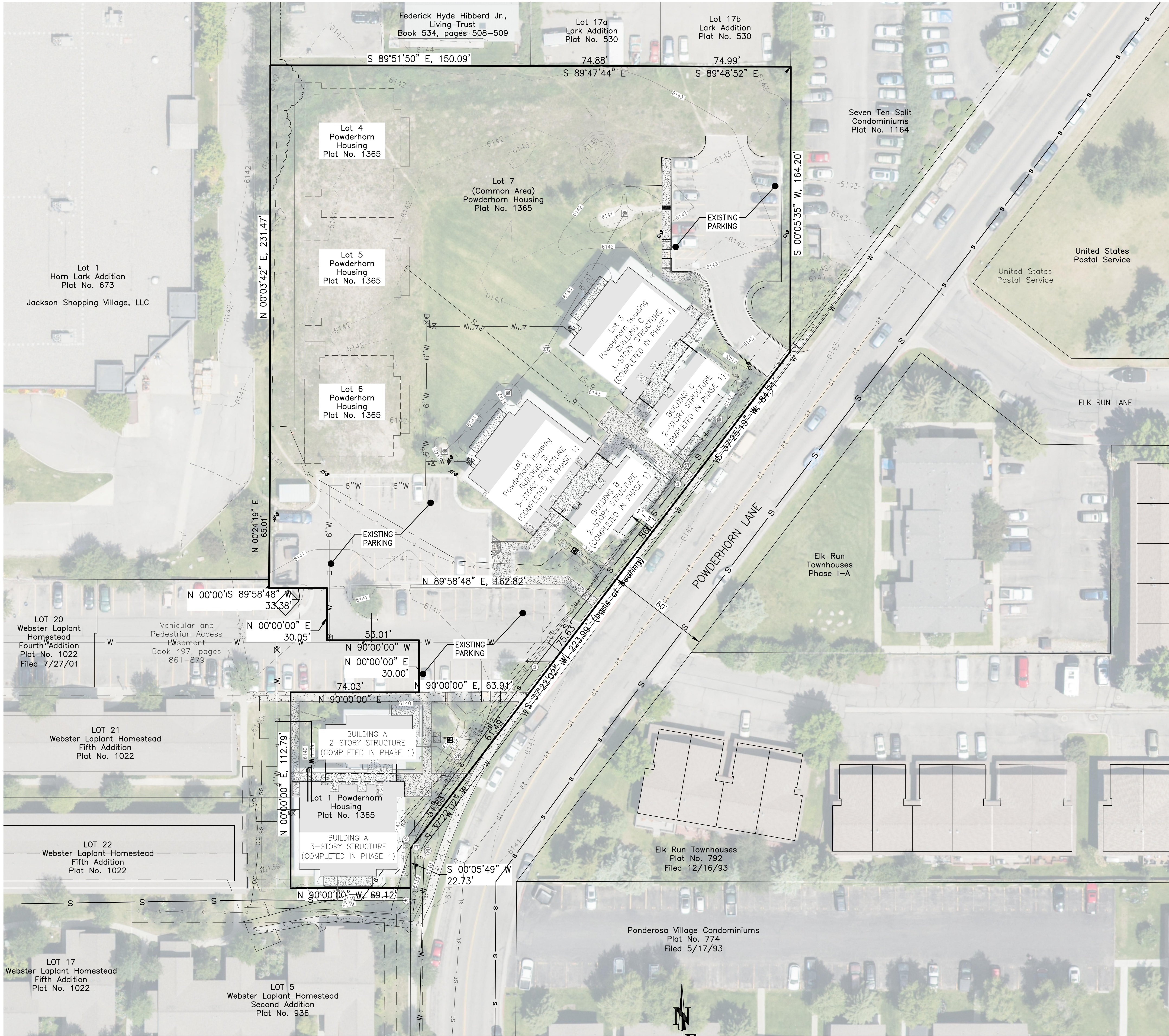
Water services for each of the five buildings should be 6-inch diameter to supply estimated peak domestic demands of 107 gpm per building, plus fire sprinkler demands of 200 gpm, and an outside fire hose supply of 150 gpm, for a total peak demand per building of 457 gpm. Prior to entering each building, the 6-inch water services will divide to supply fire demands via a 4-inch waterline and domestic supply will be via a separate 2-inch service. Calculations are attached.

Wastewater Disposal

The Town of Jackson has adequate sewage collection, interceptor sewers, and wastewater treatment facilities to service the JHMR Employee Housing Phase 2 development. The Webster LaPlant Development has an 8 inch diameter PVC sewer that extends from the Town of Jackson sewer through the development to convey the sewage, including the wastewater from Lot 23, to the Town of Jackson sewer main on the west side of Webster LaPlant. This sewer line is laid at a slope of 0.5% and has a full pipe capacity 398 gpm. Total estimated peak wastewater flow from the Webster LaPlant Development is 160 gpm, therefore the Webster LaPlant sewer main will be flowing approximately 45% full at peak flows. Downstream of Webster LaPlant, assuming full development of the wastewater contributing properties, we have calculated that the Town of Jackson sewer mains will be flowing between 63% and 72% full at peak discharge.

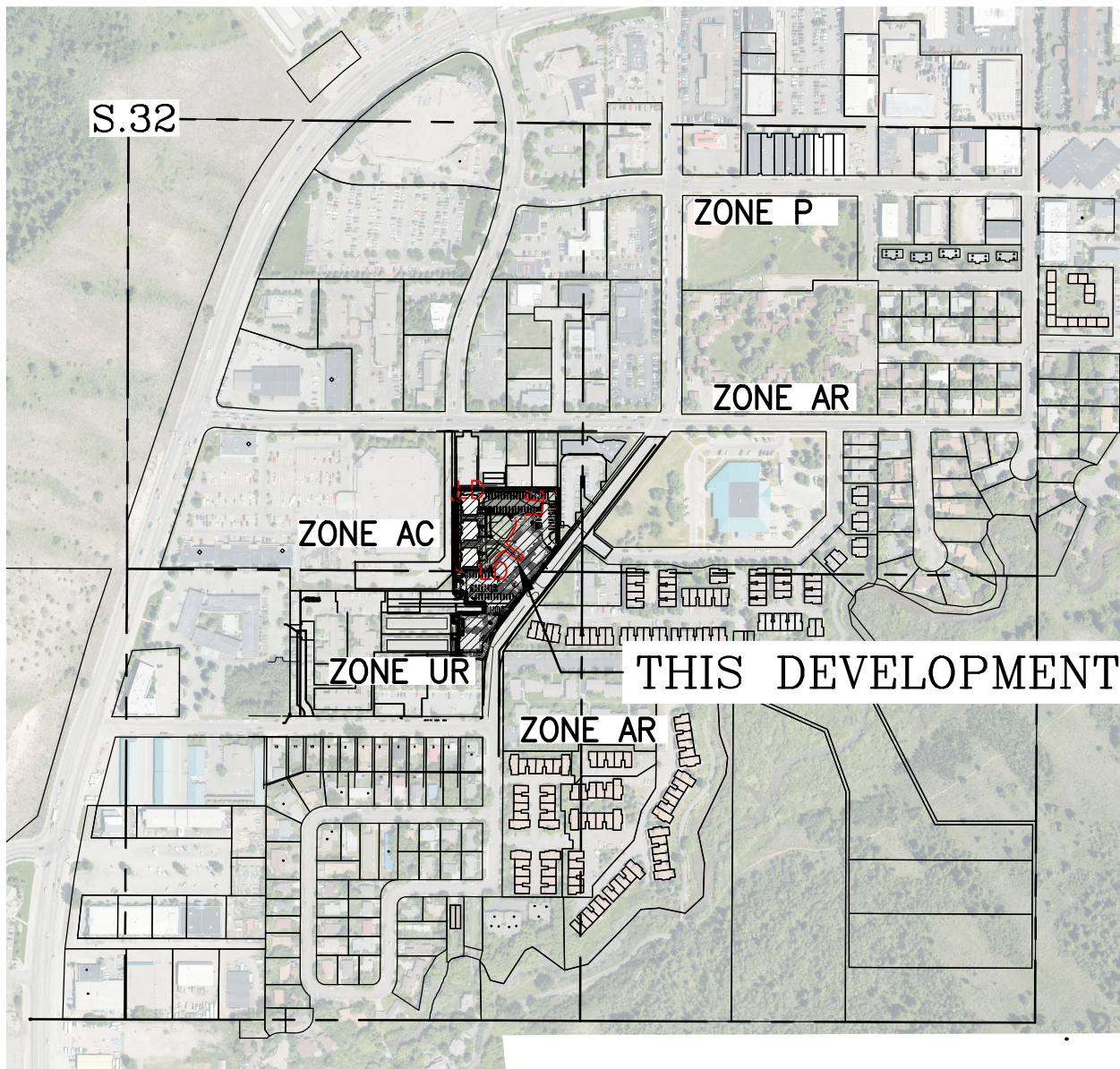
Sewer service lines for each building should be 6 inch diameter PVC pipe laid at a minimum slope of 1%. They shall connect to an existing 8 inch sewer collector line that was installed during phase 1 work, and connects to the sewer main on Powderhorn Lane.

S:\P\2020\05-01_C\HRM Employee Housing Phase 2\4 Drawings\Civil\HRM DESIGNING EXISTING SITE PLAN - Mar 03 2020 04:48:23 pm PLOTTED BY: JWH



EXISTING SITE PLAN

SCALE: 1" = 30' (24X36)



VICINITY MAP
SE 1/4, SECTION 32
T41N, R116W, 6TH P.M.
TOWN OF JACKSON
TETON COUNTY, WY

ZONING CLASSIFICATION: URBAN RESIDENTIAL (UR)
LAND USE: PLANNED UNIT DEVELOPMENT
TOTAL ACREAGE: 2.32 ACRES (295,772 SF) BSA

LEGEND

- = PROPERTY LINE
- = ADJACENT PROPERTY LINE
- - - = EASEMENT LINE
- = CURB
- = CENTERLINE OF ROAD
- - - = EDGE OF PAVEMENT
- ST — = STORM SEWER LINE
- S — = SANITARY SEWER LINE
- bp — bp = BURIED POWER LINE
- bt — bt = BURIED TELEPHONE LINE
- tv — = CABLE TV LINE
- PT-TV — = POWER, TELEPHONE & TV
- g — g = GAS LINE
- W — = WATER LINE
- = SIDEWALK
- -6142— = CONTOUR LINE
- ⊙ = SANITARY SEWER MANHOLE
- ⊙ = STORM SEWER MANHOLE
- ⊙ = CATCH BASIN
- ⊙ = SIGN/SIGNPOST
- ⊙ = LIGHT POLE
- ⊙ = FIRE HYDRANT
- ⊙ = GATE VALVE
- ⊙ = 164 REBAR AND CAP
- ⊙ = REBAR NO CAP
- ⊙ = 3881 REBAR AND CAP
- ⊙ = 3881 10' WITNESS CORNER
- ⊙ = 164 T-STAKE
- ⊙ = 2612 REBAR AND CAP
- ⊙ = ELECTRIC BOX

The Basis of Bearings shown on this map is Geodetic NORTH, WGS84, developed from GPS observations.

Owner and Subdivider:
Jackson Hole Mountain Resort Corp.
Box 290
Teton Village, Wyoming 83025
(307) 739-6267

Engineer and Surveyor:
Nelson Engineering
Box 1599
Jackson, Wyoming 83001
(307) 733-2087

PHASE 2 DEVELOPMENT PLAN

DRAWING TITLE
EXISTING SITE PLAN

JHMR POWDERHORN EMPLOYEE HOUSING
625, 645, & 675 POWDERHORN LANE
TETON COUNTY, WY

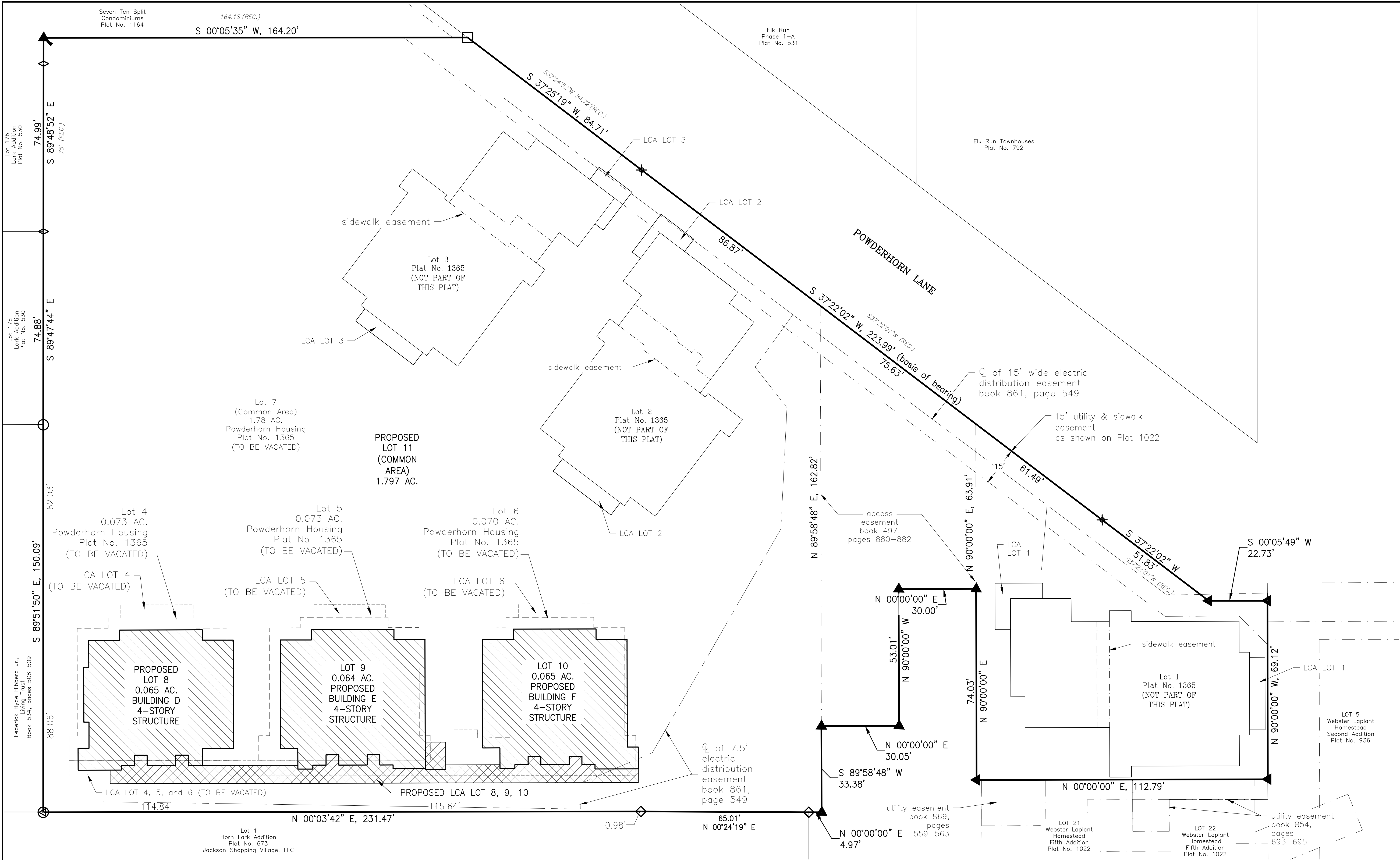
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JOB NO
20-051-01

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3/4/20
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CHECKED
APPROVED

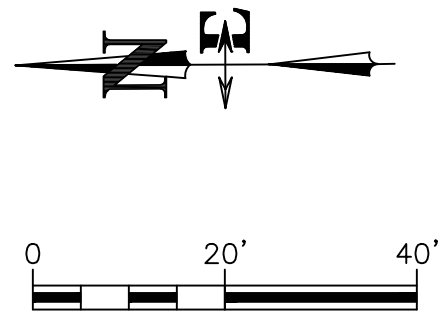
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NELSON
ENGINEERING
P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

S:\proj\2020\051-01_LJMR_Employee_Housing_Phase 2\14 Drawings\Phase 2\2020 PLAT\Map of ER CIVIL SET) - Mar. 03 2020 04:46:48 pm PLOTTED BY: katers



- LEGEND
- [Dashed line] = EXISTING LOT LINE TO BE VACATED
 - [Dotted line] = EXISTING LIMITED COMMON AREA TO BE VACATED
 - [Hatched box] = PROPOSED LOT LINE
 - [Cross-hatched box] = PROPOSED LIMITED COMMON AREA



PHASE 2 DEVELOPMENT PLAN

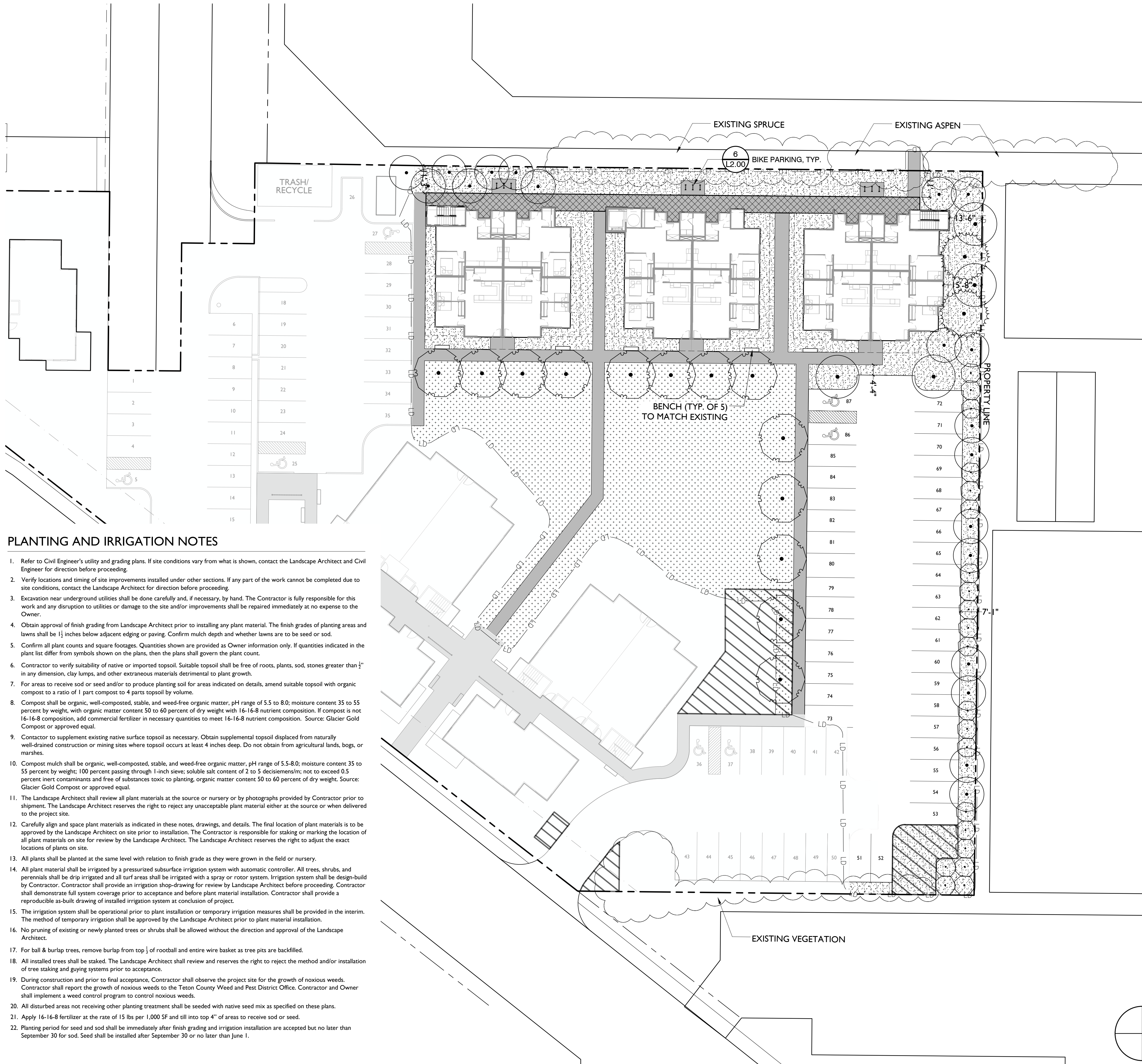
DRAWING NO		JOB TITLE		DRAWING TITLE		REV.	
C1.1		JHMR POWDERHORN EMPLOYEE HOUSING 625, 645, & 675 POWDERHORN LANE TETON COUNTY, WY		PROPOSED SECOND ADDITION TO POWDERHORN HOUSING A RE-PLAT OF LOTS 4, 5, 6, AND 7		DATE	
JOB NO						SURVEYED	
20-051-01						ENGINEERED	
						DRAWN	
						CHECKED	
						APPROVED	
						3/4/20	
						NE	
						DD	
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						DD	
						DD	

NELSON

ENGINEERING

P.O. BOX 1599, JACKSON WYOMING (307) 733-2087

NELSON
ENGINEERING
P.O. BOX 1599, JACKSON WYOMING (307) 733-2087



LEGEND

	Property Boundary
	Limit of Disturbance
	Existing Trees To Remain
	Snow Storage
	Sidewalk
	Multi-Story Covered Walkway, Sidewalk Beneath
	Bike Rack

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY	NOTE
--------	----------------	-------------	------	----------	------

EVERGREEN TREES

	Populus tremuloides	Aspen	3.5" CAL	4	B&B
	Populus tremuloides	Aspen	2.5" CAL	19	B&B
	Picea pungens	Spruce	16'	2	B&B
	Fraxinus pennsylvanica 'Patmore'	Patmore Ash	4" CAL	13	B&B

SHRUBS

	Salix spp.	Native Willow	B&B	21	4' HT
--	------------	---------------	-----	----	-------

GRASS SOD & SEED

	Bluegrass Sod, To Match Phase I	11,500 SF (Contractor to Verify)
	Native Grass Seed Mix, To Match Phase II To Be Approved by L.A.	9,580 SF Or All Other Disturbed Areas

NOTES

PLANT UNITS

Per PUD approval on June 17, 2013, this development requires 46 Plant Units.
Phase I : 24 Plant Units Implemented
Phase II : 22 Plant Units Required

22 Total Plant Units x \$2,600.00 Average Value of (1) Plant Unit = \$57,200

Proposed Plant Material & Site Appurtenances:

Aspen - (19) 2.5" Caliper = 19 x \$400.00 = \$7,600
(4) 3.5" Caliper = 4 x \$550.00 = \$2,200
Ash - (13) 2.5" Caliper = 13 x 500.00 = \$6,500
Spruce - (2) 16' Ht = 2 x \$1,200.00 = \$2,400
Shrubs - (21) 4' Ht = 21 x \$200.00 = \$4,200
Benches - (5) 6' L Benches = 5 x \$550.00 (Price of Canopy Tree) = \$2,750
Bike Racks - 18 Bike Spaces / 9 Inverted "U" Bike Racks = 9 Bike Racks x \$550.00 (Price of Canopy Tree) = \$4,950.00

TOTAL = \$30,600 (As necessary to meet plant unit objectives while maintaining common open space)
Required Bond (Total X 125%) = \$38,250

BIKE PARKING

90 total bike parking spaces for 90 bedrooms in 30 units, based on the following breakdown:
Alcoves in Architecture: 72 covered spaces. See Arch for details.
Landscape: 18 uncovered spaces (9 inverted "U" bike racks). See detail 6/L2.00

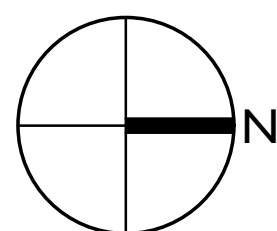
SNOW STORAGE

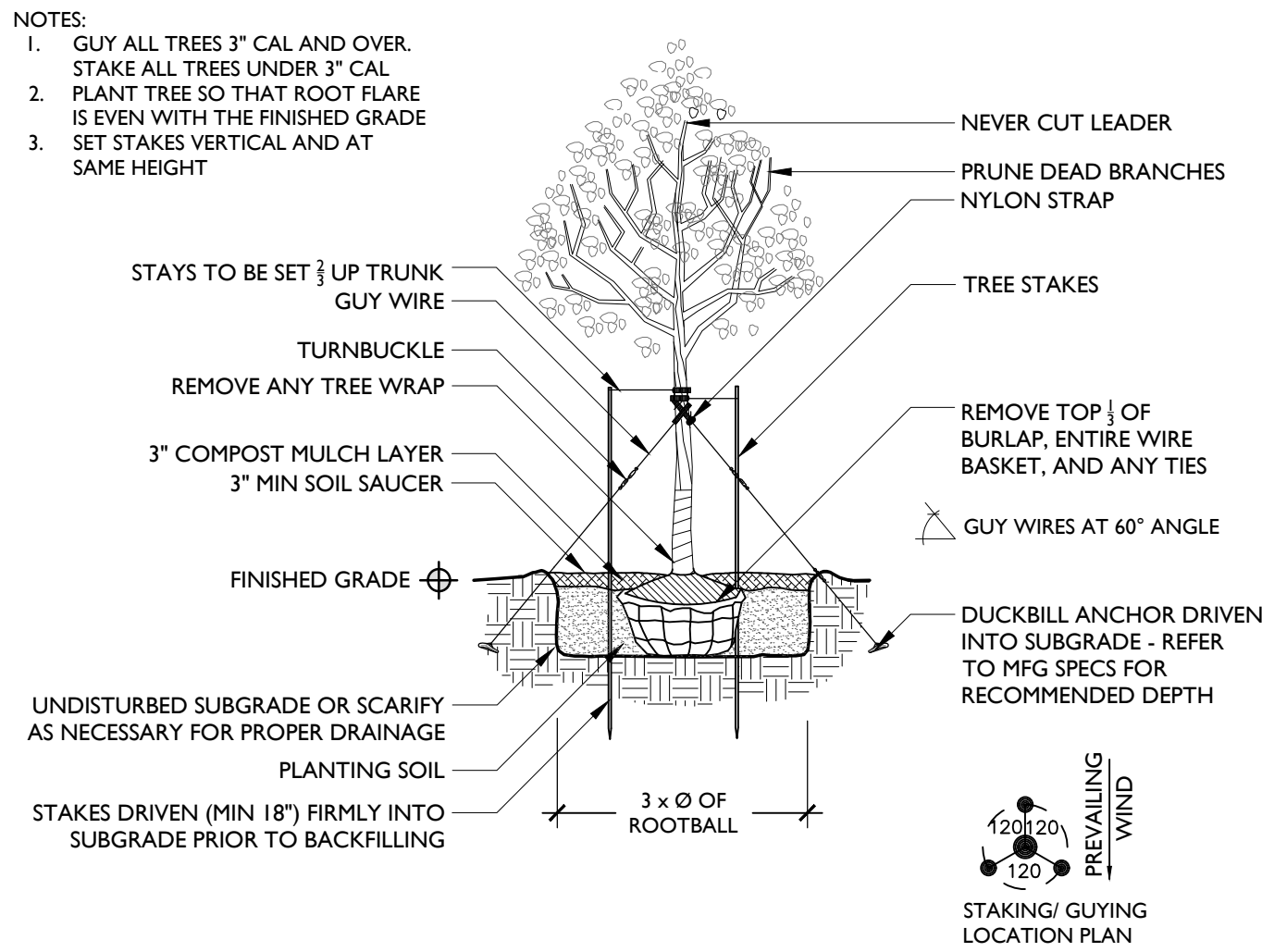
Parking Area: 17,423.6 SF
Snow Storage Requirement (10% of Paved Surface): 1,742.4 SF
Provided Snow Storage: 2,633 SF

LANDSCAPE SURFACE AREA	TOTAL
SITE AREA	100,885 SF (2.316 ac.)
LSR REQUIRED (.30)	30,266 SF
LSR PROPOSED (Buildout)	38,295 SF (.38 of Site Area)

PLANTING AND IRRIGATION NOTES

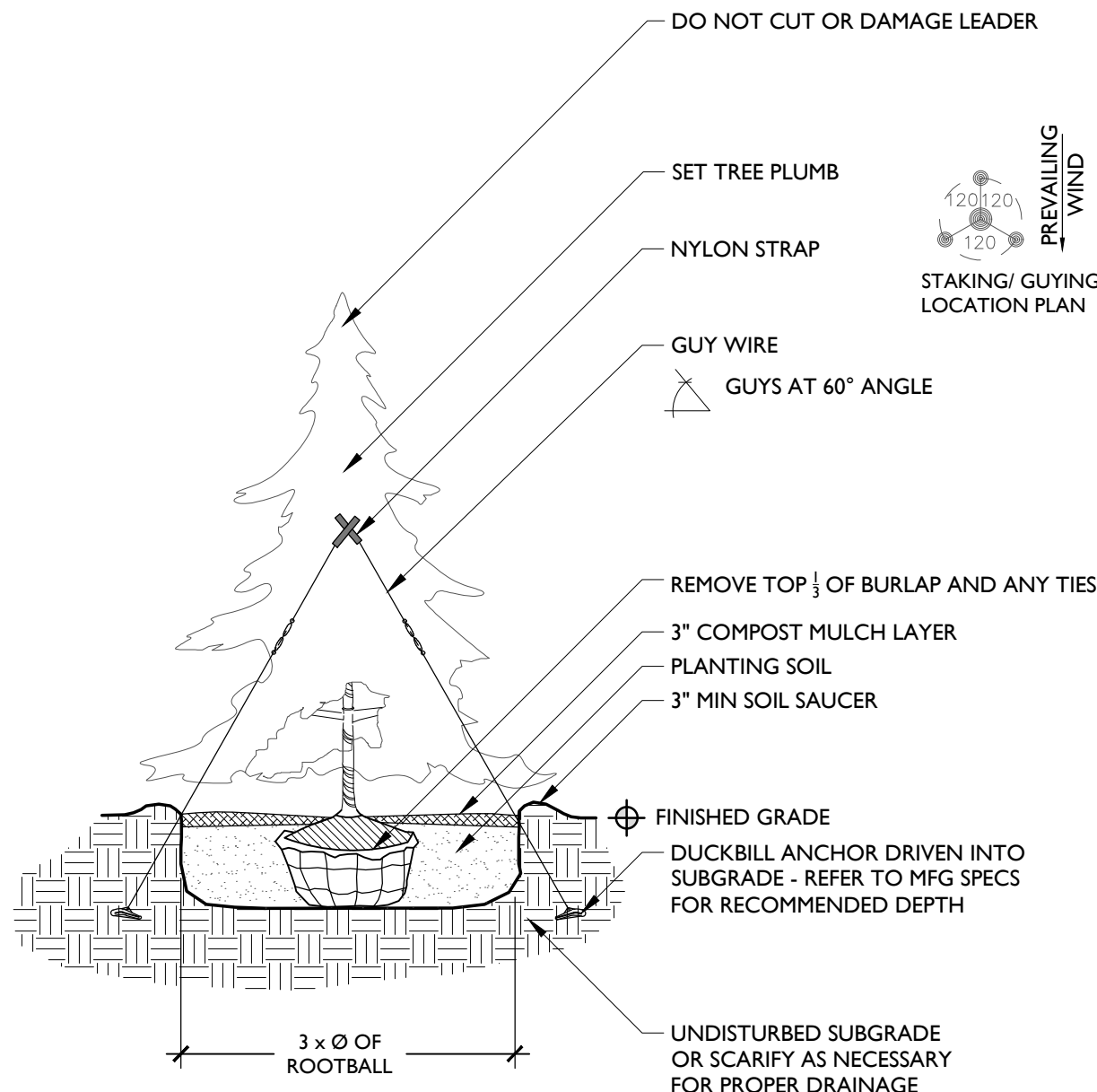
- Refer to Civil Engineer's utility and grading plans. If site conditions vary from what is shown, contact the Landscape Architect and Civil Engineer for direction before proceeding.
- Verify locations and timing of site improvements installed under other sections. If any part of the work cannot be completed due to site conditions, contact the Landscape Architect for direction before proceeding.
- Excavation near underground utilities shall be done carefully and, if necessary, by hand. The Contractor is fully responsible for this work and any disruption to utilities or damage to the site and/or improvements shall be repaired immediately at no expense to the Owner.
- Obtain approval of finish grading from Landscape Architect prior to installing any plant material. The finish grades of planting areas and lawns shall be 1½ inches below adjacent edging or paving. Confirm mulch depth and whether lawns are to be seed or sod.
- Confirm all plant counts and square footages. Quantities shown are provided as Owner information only. If quantities indicated in the plant list differ from symbols shown on the plans, then the plans shall govern the plant count.
- Contractor to verify suitability of native or imported topsoil. Suitable topsoil shall be free of roots, plants, sod, stones greater than 1½" in any dimension, clay lumps, and other extraneous materials detrimental to plant growth.
- For areas to receive sod or seed and/or to produce planting soil for areas indicated on details, amend suitable topsoil with organic compost to a ratio of 1 part compost to 4 parts topsoil by volume.
- Compost shall be organic, well-composted, stable, and weed-free organic matter, pH range of 5.5 to 8.0; moisture content 35 to 55 percent by weight, with organic matter content 50 to 60 percent of dry weight with 16-16-8 nutrient composition. If compost is not 16-16-8 composition, add commercial fertilizer in necessary quantities to meet 16-16-8 nutrient composition. Source: Glacier Gold Compost or approved equal.
- Contractor to supplement existing native surface topsoil as necessary. Obtain supplemental topsoil displaced from naturally well-drained construction or mining sites where topsoil occurs at least 4 inches deep. Do not obtain from agricultural lands, bogs, or marshes.
- Compost mulch shall be organic, well-composted, stable, and weed-free organic matter, pH range of 5.5-8.0; moisture content 35 to 55 percent by weight; 100 percent passing through 1-inch sieve; soluble salt content of 2 to 5 decisiemens/m; not to exceed 0.5 percent inert contaminants and free of substances toxic to planting, organic matter content 50 to 60 percent of dry weight. Source: Glacier Gold Compost or approved equal.
- The Landscape Architect shall review all plant materials at the source or nursery or by photographs provided by Contractor prior to shipment. The Landscape Architect reserves the right to reject any unacceptable plant material either at the source or when delivered to the project site.
- Carefully align and space plant materials as indicated in these notes, drawings, and details. The final location of plant materials is to be approved by the Landscape Architect on site prior to installation. The Contractor is responsible for staking or marking the location of all plant materials on site for review by the Landscape Architect. The Landscape Architect reserves the right to adjust the exact locations of plants on site.
- All plants shall be planted at the same level with relation to finish grade as they were grown in the field or nursery.
- All plant material shall be irrigated by a pressurized subsurface irrigation system with automatic controller. All trees, shrubs, and perennials shall be drip irrigated and all turf areas shall be irrigated with a spray or rotor system. Irrigation system shall be design-build by Contractor. Contractor shall provide an irrigation shop-drawing for review by Landscape Architect before proceeding. Contractor shall demonstrate full system coverage prior to acceptance and before plant material installation. Contractor shall provide a reproducible as-built drawing of installed irrigation system at conclusion of project.
- The irrigation system shall be operational prior to plant installation or temporary irrigation measures shall be provided in the interim. The method of temporary irrigation shall be approved by the Landscape Architect prior to plant material installation.
- No pruning of existing or newly planted trees or shrubs shall be allowed without the direction and approval of the Landscape Architect.
- For ball & burlap trees, remove burlap from top of rootball and entire wire basket as tree pits are backfilled.
- All installed trees shall be staked. The Landscape Architect shall review and reserves the right to reject the method and/or installation of tree staking and guying systems prior to acceptance.
- During construction and prior to final acceptance, Contractor shall observe the project site for the growth of noxious weeds. Contractor shall report the growth of noxious weeds to the Teton County Weed and Pest District Office. Contractor and Owner shall implement a weed control program to control noxious weeds.
- All disturbed areas not receiving other planting treatment shall be seeded with native seed mix as specified on these plans.
- Apply 16-16-8 fertilizer at the rate of 15 lbs per 1,000 SF and till into top 4" of areas to receive sod or seed.
- Planting period for seed and sod shall be immediately after finish grading and irrigation installation are accepted but no later than September 30 for sod. Seed shall be installed after September 30 or no later than June 1.





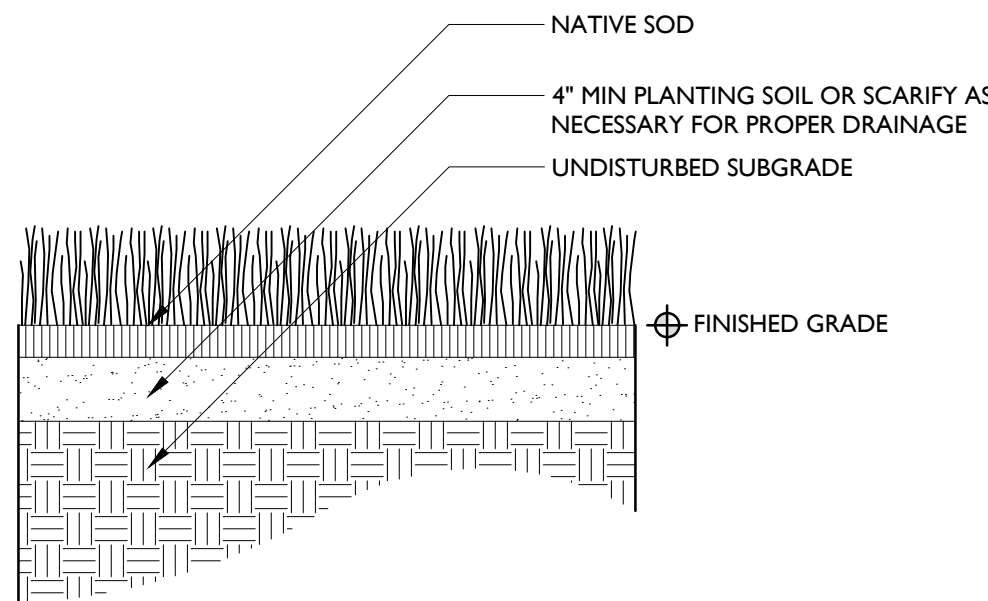
1 DECIDUOUS TREE PLANTING

1/4" = 1'-0"



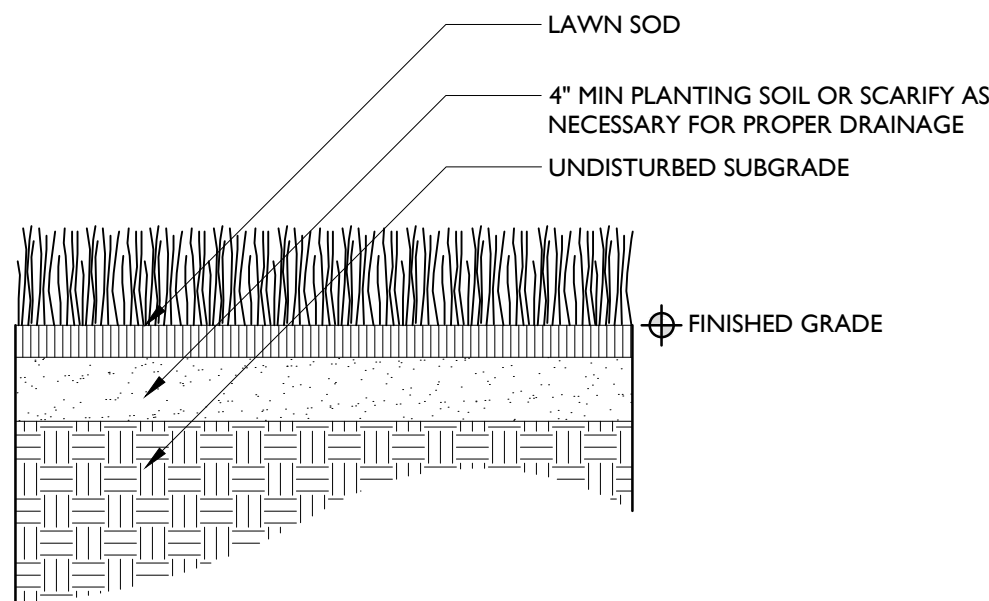
2 CONIFEROUS TREE PLANTING

1/4" = 1'-0"



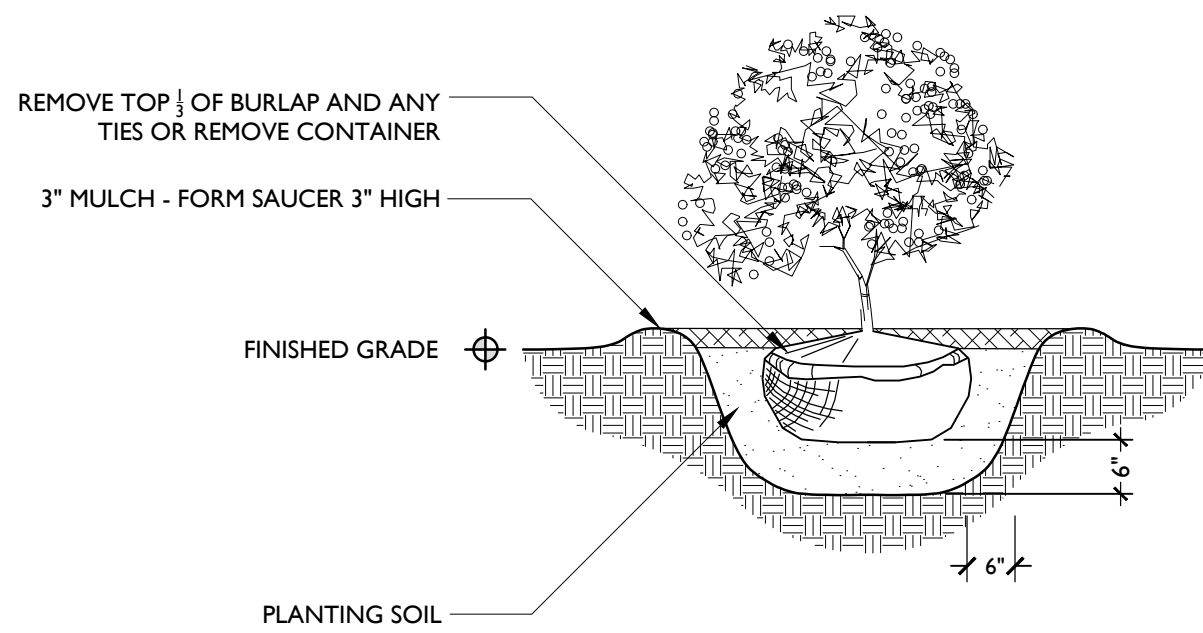
4 NATIVE SOD

1" = 1'-0"



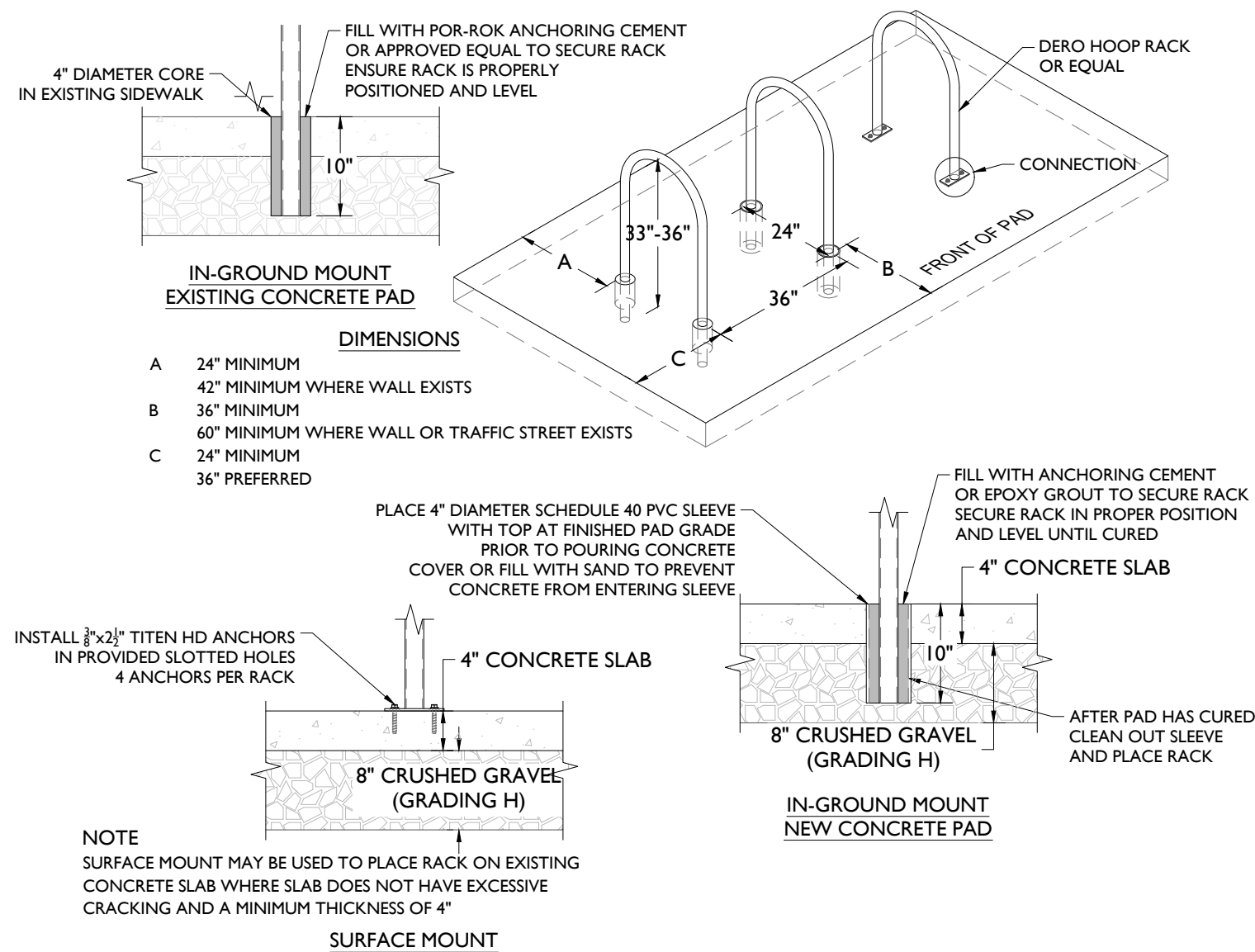
5 LAWN SOD

1" = 1'-0"



3 SHRUB PLANTING

1/2" = 1'-0"



6 BIKE RACK

NOT TO SCALE

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

625, POWDERHORN LN
JACKSON WYOMING

JHMR EMPLOYEE HOUSING



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PHASE

00.00.0000
DRAWN BY | MT
CHECKED BY | BH
REVISIONS

PHASE II
DETAILS

L2.00



JHMR Employee Housing, Phase 2

3-Mar-20

TOJ pressure @ Powderhorn Lane=

72 psi
Approx

Sewer Service Fixture Count per IPC

	Number	S.F.U	Total
Water Closet Tank	16	4	64
Tub	10	2	20
Shower	6	2	12
Lavatory Sink	16	1	16
Kitchen Sink	10	2	20
Dishwasher	10	2	20
washing machine	4	2	8

Total per building (phase 1):	136	F.U.	Peak flow	68 gpm
Total per building (phase 2):	160	F.U.	Peak flow	94.9 gpm
Total per Phase 1 (building A,B,&C):	408	F.U.		
Total per Phase 2 (building D,E,&F):	480	F.U.		

IPC requires 6" diameter sewer service to each building

Minimum slope 1% (1/8"per ft) Preferred slope 2% (1/4" per ft)

Water Service Fixture Count per IPC

	Number	W.F.U	Total
Water Closet Tank	16	5	80
Tub	10	1.4	14
Shower	6	1.4	8.4
Lavatory Sink	16	0.7	11.2
Kitchen Sink	10	1.4	14
Dishwasher	10	1.4	14
washing machine (8 lb, public)	4	3	12

Total per building (phase 1):	141.6
Total per building (phase 2):	153.6
Total per Phase 1 (building A,B,&C):	424.8
Total per Phase 2 (building D,E,&F):	460.8

Peak Flow @ 35 psi (154 wfu)=	65	gpm
Peak Flow (154 wfu)=	94.9	gpm
Hose bib per building	2	6
Max Peak Flow per phase 2 building	106.9	gpm

Use a 2" water meter per bldg.

Fire Sprinkler System (assume fire walls between floors)

From NFPA 13: Light Hazard Occupancy Area Density Curves

assume 200 gpm to sprinkler system plus 150 gpm outside hose stream

Total per Building A,B&C service	415	gpm
Total per Building D, E, & F service	456.9	gpm

Use a 6 inch water service line to each building

At 456.9 gpm the velocity = 5.07 fps, head loss = 1.3 ft/100 ft

At peak domestic flow of 95 gpm the velocity =1.06 fps, head loss = 0.10 ft/100 ft

Prior to entering building, split to provide fire via 4 inch and domestic via 2 inch

Pipeline serving 4 buildings A,B,C, D,E,&F (885.6 wfu)

Per IPC (E103.3(3))	163.52	gpm
Assume one fire demand	350	gpm
Total flow in water main	513.52	gpm

Use 6" diameter water main serving 4 buildings

At 513.5 gpm the velocity = 5.70 fps, head loss = 1.6 ft/100 ft

At peak domestic flow of 163.5 gpm the velocity =1.82 fps, head loss = 0.20 ft/100 ft

Appendix C

Parking Management Letter
Housing Operating Principles
Deed Restrictions

Operating Principles

Employee Housing Credits for WL Lot 23

March 26, 2013

Purpose

It is the purpose of this document to establish certain operating principles that will facilitate the use of housing units that are constructed on Lot 23 of the Webster LaPlant Planned Unit Development (WLPUD) to satisfy and comply with employee housing requirements that may be imposed by the Land Development Regulations (LDR) of the Town of Jackson or Teton County.

Applicability

The housing units on Lot 23 of the WLPUD may be used to satisfy employee housing requirements that are applied to developments in the unincorporated Teton County and in the Town of Jackson, pursuant to the provisions of this document.

Land Development Regulations

Teton County has adopted LDR that include Section 49600, Employee Housing Standards, and the Town of Jackson has adopted LDR that include Section 49500, Employee Housing Standards. These LDR establish requirements for non-residential developments to provide for employee housing.

Subsection 49650, B, in the County LDR and Subsection 49540, B.1, in the Town LDR establish the ability of commercial businesses and developers to pool their respective employee housing requirements for the purpose of creating a viable employee housing development.

It is established here that this concept of pooling of employee housing requirements allows requirements to be pooled both among multiple commercial businesses and developers and also over time, for the purpose of creating a viable employee housing development.

Timing

The pooling of employee housing requirements over time allows housing units that have been previously constructed and exist on Lot 23 of WLPUD to be used to satisfy employee housing requirements for up to fifteen (15) years from the time of the initial occupancy of the units. Housing units that have existed on Lot 23 for more than fifteen (15) years, and have not already been approved and counted to satisfy employee housing requirements, shall no longer be eligible to satisfy employee housing requirements.

Notwithstanding the fifteen (15) year time limitation, the Jackson Hole Mountain Resort (JHMR) shall be exempt from any such time limitation. Because the JHMR develops and constructs the housing units on Lot 23, the JHMR shall be allowed to use previously constructed units that exist on Lot 23 to satisfy employee housing requirements without a time limitation.

Counted Only Once

A housing unit on Lot 23 may be used to meet an employee housing requirement only one time. Once the unit has been approved, counted and duly restricted for such purpose, the unit shall not be approved or counted again to meet another employee housing requirement.

Case By Case Decisions

Commercial businesses or developers in unincorporated Teton County or the Town of Jackson, who have employee housing requirements pursuant to the LDR, may propose to use housing unit(s) on Lot 23 to satisfy their employee housing requirements, but the approval of units on the Lot 23 to satisfy any employee housing requirement will be determined on a case by case basis. The LDR establish multiple alternative methods for complying with the employee housing requirements and approval of the alternative to be used rests ultimately with the Mayor and Town Council or the Board of County Commissioners, whichever is applicable.

Notwithstanding the case by case decisions described above, the JHMR shall be exempt from the case by case decisions. Because the JHMR develops and constructs the housing units on Lot 23, the JHMR shall be entitled to use the housing units on Lot 23 to satisfy employee housing requirements that are imposed on the JHMR. This right to use the housing units on Lot 23, however, shall not alter or remove the requirement that is established by the Teton Village Master Plan that at least twenty percent (20%) of employee housing units that are required of developments in the Teton Village Planned Unit Development for Planned Resort shall be constructed at Teton Village. The JHMR shall have the right to use housing units on Lot 23 to satisfy any employee housing requirement in excess of the twenty percent (20%) of the required employee units that shall be located at Teton Village.

Deed Restriction

At the time a housing unit on Lot 23 is approved to satisfy an employee housing requirement, said unit shall be encumbered with a deed restriction that is approved by the Teton County Housing Authority (TCHA). This deed restriction shall comply with the requirements for such a restriction that are established by the LDR and/or the TCHA Affordable Housing Guidelines, which from time to time may be amended. The deed restriction shall remain in full force and effect for as long at the encumbered housing unit is counted to satisfy the employee housing requirement.

Only Full Unit Encumbered

Irrespective of the size of the employee housing requirement that may be imposed on any one commercial business or developer, and irrespective of the number of bedrooms that may exist in the housing units on Lot 23, only entire housing units consisting of rooms for sleeping, cooking and living shall be counted to satisfy employee housing requirements. Even if an employee housing obligation requires fewer bedrooms than may exist in a housing unit, the entire unit shall be encumbered with a deed restriction and individual bedrooms shall not be counted separately from the remainder of the housing unit to satisfy an employee housing requirement.



JACKSON HOLE MOUNTAIN RESORT
3395 CODY LANE
P.O. BOX 290, TETON VILLAGE, WY 83025

November 5, 2011

Mr. Tyler Sinclair
Planning Director
Town of Jackson
P.O. Box 1687
Jackson, WY 83001

Re: Powderhorn Employee Housing Development

Dear Mr. Sinclair;

The Mountain Resort wishes to follow up the earlier discussion you had with our planning consultant, Bill Collins, about the number of parking spaces in the Powderhorn development, and the potential need to monitor the parking supply and demand in the future. The letter describes the context and provides some guidance for any monitoring that may occur in the future based on the many discussions we had during the planning and approval of the Powderhorn development.

As you recall, the Mountain Resort is proceeding to construct up to 48 four bedroom apartments for employee housing at 655 Powderhorn Lane (lot 23 in the Webster Laplant Homestead 5th Addition). The number of parking spaces that was approved in this development implements the Town's land use and transportation goals and reflects several important characteristics of the development. These characteristics include:

- a housing location that is near essential services and transit;
- the demographic profile of the future residents;
- several Transportation Demand Management techniques that are used by the Mountain Resort and other businesses who also may house their employees in this development; and,
- the large number of bike parking spaces.

These characteristics and other important features of the development are well documented in application materials that were submitted to your office.

The Mountain Resort shares the Town's goal of minimizing the number of parking spaces and maximizing the opportunities for residents to meet their daily needs with minimal dependence on an automobile. The Jackson Town Council, planning commission and planning staff, along with the Mountain Resort, view the Powderhorn development as an ideal opportunity to demonstrate the viability of this goal.

While approving the Powderhorn development and agreeing with the parking/transportation strategy, the Town felt the need to create a back-up contingency in the event more parking will be needed in the future. This contingency was established with the following condition of approval:

"The amount of parking provided will be reviewed for the entire development during the Final Development Plan for future phases or sooner if deemed necessary by the Town and the applicant will be required to secure additional on and/or offsite parking if deemed necessary at that time. The additional amount of parking to be added onsite shall not be limited to the maximum of 90 spaces indicated in the Sketch Plan if deemed necessary. Shared parking agreements with neighboring property owners may be an option to be considered."

This condition of approval creates the potential for the Town to impose an open-ended parking requirement, potentially even exceeding the requirements in the Land Development Regulations. Such an open-ended requirement clearly is not the intent of the Town's approval, and as we have discussed, requiring any additional parking would be a last resort that would occur only after exhausting all other alternatives to resolve any parking problem that may arise. Examples of other alternatives that can be considered if and when additional parking is needed are:

- revising tenants' leases to restrict the number of cars that are allowed in the development;
- constructing a remote parking area that may include an accompanying shuttle or transit service; or,
- targeting any shared parking agreement with a neighboring land owner to match the seasonal need for additional parking.

This brief list of alternative ideas is not intended to be an all-inclusive list and other ideas may be considered in the future. The list, however, provides examples of the types of alternatives that would be considered prior to requiring additional parking in the Powderhorn development. In addition, an option may include modifying the approved site plan to expand the parking lots beyond their current design.

If you agree that this letter correctly describes the Town's goals and intentions as they pertain to the parking requirements in the Powderhorn development, we ask that you join with us in co-signing this letter and placing it in the Town's planning files. It would provide the Mountain Resort the comfort of knowing that any monitoring of the parking in the Powderhorn development that may occur in the distant future will be in keeping with our shared intentions as they are described here.

Sincerely;

I acknowledge the intentions and goals stated in this letter are correct and agree that any requirement for additional parking would occur as a last resort.


Jerry Blann, President
J.H. Mountain Resort

11/15/13
date


Tyler Sinclair
Director, Jackson Planning Department

**Special Restrictions
for Affordable Rental Housing
Located at Type Address, insert The Town of Jackson or Teton County**

These Special Restrictions for Affordable Rental Housing ("Special Restrictions"), are made and entered into this _____ day of _____, 20__, by the undersigned Owner ("Owner") and insert the Town of Jackson or Teton County, Wyoming.

RECITALS:

WHEREAS, Owner holds fee ownership interest in that certain real property, located in insert the Town of Jackson or Teton County Wyoming, and more specifically described as follows:

Click here to add legal description of property.

PIDN: Click here to type PIDN # ("Land")

WHEREAS, as a condition of its approval for permit #Click here to enter Permit #. ("_____Approval"), Owner was required to provide and restrict as follows:

Owner developed property addressed as _____, _____, Wyoming 830__ for a _____square foot retail/service/office/residential/etc. building. This development generated the obligation to provide Affordable Rental Housing in accordance with _____ Approval. Owner is restricting:

- *Unit _____, with _____ number of bedrooms with Income Range_____.*
- *Unit _____, with _____ number of bedrooms with Income Range_____.*
- *Unit _____, with _____ number of bedrooms with Income Range_____.*

(hereinafter "Residential Unit" or Residential Unit Complex").

The Income Ranges are defined in the Jackson/Teton County Housing Department Rules and Regulations enforced by the Jackson/Teton County Affordable Housing Department, such Rules and Regulations are defined in Section 1 below;

WHEREAS, in accordance with the _____ Approval, the Residential Unit is intended to address the need for rental housing for employees in Teton County, Wyoming and therefore Owner agrees it will not be owner-occupied;

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners resolved to form the Jackson/Teton County Housing Authority, a duly constituted housing authority pursuant to W.S. §15-10-116, as amended, and its successors or assigns, known as the Jackson/Teton County Housing Authority ("JTCHA");

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners further resolved to create the Jackson/Teton County Affordable Housing Department ("Housing Department") who are employees of Teton County and agents acting on behalf of the JTCHA, empowered to enforce this Special Restriction;

WHEREAS, in furtherance of the goals, objectives, requirements and conditions of insert approval type (FDP, CUP, etc.) Approval, and consistent with the insert the Town of Jackson or Teton County's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Owner agrees to restrict the use and occupancy of the Residential Unit to a "Qualified Household," which meets employment, income and asset ownership qualifications as set forth herein and as further defined in the Jackson/Teton County Housing Department Rules and Regulations;

WHEREAS, Owner desires to adopt these Special Restrictions and declare that the Residential Unit and Land shall be held, sold, and conveyed in perpetuity subject to these Special Restrictions, which Special Restrictions shall be in addition to all other covenants, conditions or restrictions of record affecting the Residential Unit and Land, and shall be enforceable by Housing Department and insert the Town of Jackson or Teton County, Wyoming.

RESTRICTIONS:

NOW, THEREFORE, in satisfaction of the insert approval type (FDP, CUP, etc) Approval, and in further consideration of the foregoing Recitals, which are incorporated herein by this reference, Owner hereby declares, covenants and agrees for itself and each and every person acquiring ownership of the Residential Unit, that the Land and each Residential Unit shall be held, used, occupied, developed, transferred and conveyed subject to the following Special Restrictions in perpetuity.

SECTION 1. JACKSON/TETON COUNTY HOUSING DEPARTMENT RULES AND REGULATIONS. References made herein to the "Rules and Regulations" are references to the written policies, procedures and guidelines of the Housing Department, as the same may be amended, modified, or updated from time to time and which policies, procedures, and guidelines are on file with the Housing Department or otherwise with insert the Town of Jackson or Teton County, Wyoming, or if there are no such written policies, procedures or guidelines (or a written policy, procedure or guideline with respect to a specific matter) then the reference shall be to the current applied policy or policies of the Housing Department or its successor. Procedural and administrative matters not otherwise addressed in these Special Restrictions shall be as set forth in the Rules and Regulations.

SECTION 2. RESTRICTIONS ON OCCUPANCY AND USE OF RESIDENTIAL UNIT. In addition to any restrictions included in the current Housing Rules and Regulations, occupancy and use of the Residential Unit shall be restricted as follows:

A. Qualified Household. The rental, use and occupancy of the Residential Unit shall be limited to a Qualified Household, as set forth below (“Qualified Household”):

1. Employment Requirement. At least one (1) member of the Qualified Household must maintain an average of thirty (30) hours per week employment on an annual basis, or a minimum of one thousand five hundred and sixty hours (1,560) per year, for a local business. A “local business” means a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status physically located in Teton County, Wyoming, and the business serves clients or customers who are physically located in Teton County, Wyoming.
2. Income Restriction. The Qualified Household’s gross income shall fall between [Click here to enter income range](#). of the median family income in Teton County, Wyoming, as determined by the current year’s published Federal Department of Housing & Urban Development median family income chart for Teton County, Wyoming (“Income Cap”).
3. No Teton County Residential Real Estate. No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) residential real estate within one hundred and fifty (150) miles of Teton County, Wyoming at any time during occupancy of the Residential Unit.
4. Initial Determination by Owner. Owner shall require each prospective renter of a Residential Unit to provide information sufficient to show eligibility as a Qualified Household under the Affordable Housing Program pursuant to the requirements of this restriction and the Housing Rules and Regulations. The determination shall be based upon written applications, representations, information and verifications, including at a minimum, a W-2 for each adult renter or other IRS filing showing source of earnings, a signed and sworn statement regarding ownership of other real estate and a list of current employer(s), hours worked as well as contact information for each employer(s) and other such information reasonably requested by the Housing Department to verify and substantiate as a Qualified Household.
5. Continuing Obligation to Remain a Qualified Household. The occupants of the Residential Unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the Residential Unit.
6. Occupancy. Each Residential Unit shall be occupied as the Qualified Household’s sole and exclusive primary residence, and each tenant of a Residential Unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Except for permitted guests, no persons other than the members of the Qualified Household may occupy the Residential Unit.
7. Reporting Requirement – Housing Department Determination. Owner shall, by January 31 of each year, provide to the Housing Department a summary of the eligibility verification information contained above for each occupant of a Residential Unit as set forth on the Housing Department Template that will be

provided to Owner. Upon written request by the Housing Department for supporting documentation, Owner shall provide the same within fifteen (15) business days of receipt of such written request. Additionally, Owner shall, by January 31 of each year, provide the Housing Department with its most current lease form for Residential Units. Each Residential Unit Lease must state, and it is a material consideration of this restriction, that the Housing Department has the ultimate and final authority to determine eligibility of households renting Residential Units. If the Housing Department, upon review of supporting documentation determines that an occupant of a Residential Unit does not qualify as a Qualified Household, the Housing Department shall have the authority to require the Owner to terminate the lease between Owner and the occupant of a Residential Unit pursuant to Sections 4 & 5 below.

- B. No Legal Action. No owner of the Residential Unit, prospective purchaser of the Residential Unit, Tenant, renter or occupant, or other party shall have the right to sue or bring other legal process against insert the Town of Jackson or Teton County, Wyoming or the Housing Department, or any person affiliated with insert the Town of Jackson or Teton County, Wyoming or the Housing Department arising out of these Special Restrictions, and neither shall insert the Town of Jackson or Teton County, Wyoming or the Housing Department have any liability to any person aggrieved by the decision of insert the Town of Jackson or Teton County, Wyoming or the Housing Department regarding qualification of a Qualified Household or any other matter relating to these Special Restrictions.
- C. No Owner Occupancy. Owner shall not reside in or occupy the Residential Unit. For purposes of this paragraph, if Owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, and any trustee or beneficiary of the trust.
- D. Household Composition. Only members of the Qualified Household may occupy a Residential Unit, except that Owner may restrict who may reside in a Residential Unit, provided that such owner-restriction does not violate Federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the Residential Unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.
- E. Written Lease Requirement. Occupancy of the Residential Unit shall be pursuant to a written lease, the form of which may be approved by Housing Department as it may require. Owner of the Residential Unit shall obtain written verification of income, asset ownership, and employment in Teton County, Wyoming for each Qualified Household proposing to rent the Residential Unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

- F. Rental Term. The Residential Unit shall be offered for rent in periods of not less than six (6) months.
- G. Rental Rate. The household size used to determine the median family income is based on one (1) person per bedroom. A studio Residential Unit's maximum rent will be fifteen percent (15%) less than the maximum rental rate for a one-bedroom Residential Unit. The maximum Rental Rate that may be charged for the Unit is variable annually based on the Housing and Urban Development Department's Median Family Income standard for Teton County, Wyoming. The Housing Department will calculate the maximum Rental Rate every year for the Unit after the Housing and Urban Development Department issues the Median Family Income for Teton County, Wyoming in the following manner: The maximum monthly rental rate for [insert median family income range] is: [insert the current year's low end of the median family income range] multiply by [thirty percent (30%) and divide by twelve (12) = _____. The rent charged must include basic utilities (electric, gas, water, sewer) and trash removal. Notwithstanding the foregoing to the contrary, the rental rate charged by Owner may at any time be less than the maximum rent calculation.
- H. Rental Unit: Except as provided herein, the Residential Unit shall remain a rental unit for Qualified Households.
- I. Guests. No persons other than those comprising the Qualified Household shall be permitted to occupy the Residential Unit for periods in excess of ten percent (10%) of the Rental Term in cumulative days per calendar year.
- J. Vacancies. The Residential Unit may be vacant intermittently between tenancies to allow for proper advertisement and verification for Qualified Households and reasonable maintenance. However, a Residential Unit shall not be vacant for a period greater than sixty (60) days, unless authorized by the Housing Department. If any Residential Unit remains vacant for more than sixty (60) days without approval, the Housing Department has the right, but not the obligation, to identify a Qualified Household to rent the Residential Unit.
- K. Business Activity. No business activities shall occur in a Residential Unit, other than a home occupation use that is allowed by applicable zoning and properly permitted.
- L. Compliance with Laws, Declaration. The Residential Unit shall be occupied in full compliance with these Special Restrictions and the Rules and Regulations, along with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowner's association, as the same may be adopted from time to time.
- M. Insurance. Owner shall keep the Residential Unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the Residential Unit.

- N. Maintenance. Owner shall be responsible for the cost and expense to keep and maintain the interior of the Residential Unit and all other aspects of the Residential Unit not otherwise maintained by a homeowner's association in a safe, decent and sanitary condition. In the event Owner fails to maintain the Residential Unit in a safe, decent and sanitary condition and such condition continues for fourteen (14) days after notice from the Housing Department, the Housing Department shall have the right but not the obligation to enter the Residential Unit and repair such condition and Owner shall reimburse Housing Department for such reasonable repair costs. Payment to Housing Department from Owner shall be due upon receipt of invoice.
- O. Periodic Reporting, Inspection. In order to confirm compliance with these Special Restrictions, each owner shall comply, and cause its tenants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to Owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with these Special Restrictions and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of not less than two (2) years.
- P. Preference. Owner may give first-priority to rent the Residential Unit to Qualified Households of which a member of the Household is an employee of Owner. In the event there are no persons directly employed by Owner to whom Owner desires to rent the Residential Unit, then Owner may rent to any Qualified Household.

SECTION 3. SALE OF THE RESIDENTIAL UNIT COMPLEX. The Residential Unit Complex may be bought and sold as Owner may determine except that all reporting and record-keeping required herein shall be continuous and any new owner shall obtain the required records from the prior owner. Any such conveyance of a Residential Unit Complex shall be subject to these Special Restrictions. Within ten (10) days prior to the closing of the sale or other transfer of the Complex, Owner shall notify the Housing Department of the pending sale or transfer and, prior to closing, provide the Housing Department with contact information (including without limitation, mailing address, phone number and email) for the new owner.

SECTION 4. DEFAULT. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations, each of the following shall be considered a default ("Default"):

- A. A violation of any term of these Special Restrictions, the Rules and Regulations, the Declaration, or any laws affecting a Residential Unit.
- B. A violation of any term of these Special Restrictions or any laws affecting the Residential Unit.
- C. Vacancy of a Residential Unit for more than sixty (60) days continuously.

- D. Fraud or misrepresentation by Owner and/or occupant in the provision of an application, reporting requirement, inspection requirement or any other informational requirement to the Housing Department.
- E. If the Residential Unit is taken by execution or by other process of law, or if Owner is judicially insolvent according to law, or if any assignment is made of the property of Owner for the benefit of creditors, or if a receiver, trustee or other similar officer is appointed to take charge of any substantial part of the Residential Unit or Owner's property by a court of competent jurisdiction.

In the event the Housing Department believes there to be a Default, the Housing Manager, or a Designee of the Housing Department shall send written notice to Owner of such violation, the required action to cure and the timing for such cure. If Owner disputes the Housing Department's decision, Owner shall proceed in accordance with the Rules and Regulations.

SECTION 5. DEFAULT REMEDIES. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations, in addition to any other remedies the Housing Department may have at law or equity, in the event of a Default, after notice and opportunity to cure as set forth in the preceding section, the Housing Department's remedies shall include, without limitation, as an exercise of its regulatory authority, the following:

- A. Specific Performance. The Housing Department shall have the right of specific performance of these Special Restrictions and the Rules and Regulations, and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance.
- B. Equitable Relief. In addition to subsection A, any equitable relief provided for herein may be sought singly or in combination with such other remedies as the Housing Department may be entitled to, either pursuant to these Special Restrictions or any other action authorized under the laws of the State of Wyoming.
- C. Enforcement. The Housing Department may, for purposes of enforcing these Special Restrictions or the Rules and Regulations, seek enforcement through the Town or County Land Development Regulations, including but not limited to Division 8.9 Enforcement.

SECTION 6. TERMINATION, AMENDMENT AND CORRECTION OF SPECIAL RESTRICTIONS.

- A. Termination. These Special Restrictions may be terminated after a determination by the insert the Town of Jackson or Teton County, Wyoming that these Special Restrictions are no longer consistent with the insert the Town of Jackson or Teton County, Wyoming goals for affordable housing.
- B. Amendment. These Special Restrictions may be amended by a signed, written amendment executed by the Parties hereto and recorded in the Teton County Clerk's Office against the title to the Land, in whole or in part, with the written consent of Owner

of the Residential Unit Complex and insert the Town of Jackson or Teton County, Wyoming.

- C. Correction. The Housing Department may unilaterally correct these Special Restrictions to address scrivener's errors, erroneous legal descriptions or typographical errors.

SECTION 7. SPECIAL RESTRICTIONS AS COVENANT. These Special Restrictions shall constitute covenants running with the Land and the Residential Unit, as a burden thereon, and shall be binding on all parties having any right, title, or interest in the Land, the Residential Unit, or any part thereof, their heirs, devisees, successors and assigns, and shall inure to the benefit of and shall be enforceable by JTCHA, the Housing Department and insert the Town of Jackson or Teton County. These Special Restrictions shall be prior and superior to any mortgage or lien interest encumbering the Land and/or Residential Unit Complex.

SECTION 8. NOTICES. All notices required to be served upon the parties to this Special Restriction shall be transmitted by one of the following methods: hand delivery; prepaid overnight courier; or by postage paid certified mail, return receipt requested, at the address set forth below for said party; or at such other address as one party notifies the other in writing pursuant to this paragraph. Notice shall be effective when hand delivered, one (1) day after being deposited with an overnight courier or five (5) business days after being placed in the mail. Either party may change its address and/or owner and/or other contact information in the manner provided for giving notice.

To Housing Department

Jackson/Teton County Affordable Housing Department
P.O. Box 714
Jackson, WY 83001

With a Copy to:

insert the Town of Jackson or Teton County.
insert the Town of Jackson or Teton County.
Jackson, WY 83001.

To Owner

SECTION 9. ATTORNEY'S FEES. In the event any party shall be required to retain counsel and file suit for the purpose of enforcing the terms and conditions of these Special Restrictions, the prevailing party shall be entitled to recover, in addition to any other relief recovered, a reasonable sum as determined by the court for attorney's fees and costs of litigation.

SECTION 10. CHOICE OF LAW, FORUM. These Special Restrictions and each and every related document, are to be governed by and construed in accordance with the laws of the State of Wyoming. The parties agree that the appropriate court in Teton County, Wyoming and/or the Ninth Judicial District for the State of Wyoming shall have sole and exclusive jurisdiction over any dispute, claim, or controversy which may arise involving these Special Restrictions or its subject matter. Owner by accepting a deed for the Land hereby submits to the personal jurisdiction of any such court in any action or proceeding arising out of or relating to this Special Restrictions

SECTION 11. SEVERABILITY. Each provision of these Special Restrictions and any other related document shall be interpreted in such a manner as to be valid under applicable law; but, if any provision, or any portion thereof, of any of the foregoing shall be invalid or prohibited under said applicable law, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable, or if such modification is not possible, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provision(s) of such document.

SECTION 12. SECTION HEADINGS. Paragraph or section headings within these Special Restrictions are inserted solely for convenience or reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

SECTION 13. WAIVER. No claim of waiver, consent or acquiescence with respect to any provision of these Special Restrictions shall be valid against any party hereto except on the basis of a written instrument executed by the parties to these Special Restrictions. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

SECTION 14. INDEMNIFICATION. Owner shall indemnify, defend, and hold the Housing Department and insert the Town of Jackson or Teton County, and its directors, officers, agents and employees harmless against any and all loss, liability, claim, or cost (including reasonable attorneys' fees and expenses) for damage or injury to persons or property from any cause whatsoever on or about the Residential Unit, or for an owner's breach of any provision of these Special Restrictions. Owner waives any and all such claims against the Housing Department and insert the Town of Jackson or Teton County.

SECTION 15. SUCCESSORS AND ASSIGNS. These Special Restrictions shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, devisees, administrators and assigns.

SECTION 16. GOVERNMENTAL IMMUNITY. Neither insert the Town of Jackson or Teton County, JTCHA, nor the Housing Department waive governmental immunity by executing these Special Restrictions and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. Ann. § 1-39-104(a) and any other applicable law.

IN WITNESS WHEREOF, Owner has executed this instrument on the _____ day of _____, 20____
(the "Effective Date").

OWNER:

Click here to enter name of LLC or other entity.

Click here to enter Name and Title of authorized signer.

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20____, the foregoing Special Restrictions for
Employee Housing was acknowledged before me by Click here to enter Name of signer.as Click
here to enter title of signer.ofClick here to enter name of entity..

Witness my hand and official seal.

(Seal)

Notary Public

INSERT THE TOWN OF JACKSON OR TETON COUNTY:

Insert name of Mayor or Chair, insert Mayor or Chair

ATTEST:

Insert name of Town or County Clerk, insert Town Clerk or County Clerk

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20__, the foregoing instrument was acknowledged before me by insert name of Mayor or Chair as insert Mayor or Chair of insert the Town of Jackson or Teton County Board of County Commissioners, Wyoming.

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

JACKSON/TETON COUNTY AFFORDABLE HOUSING DEPARTMENT:

Insert name of Housing Manager, Housing Manager

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20__, the foregoing instrument was acknowledged before me byClick here to enter name of Housing Manager., as Housing Manager of the Jackson/The Town of Jackson Affordable Housing Department.

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

**Special Restrictions
for Affordable Rental Housing
Located at 655 Powderhorn Lane, Jackson, Wyoming.**

These Special Restrictions for Affordable Rental Housing ("Special Restrictions"), are made and entered into this _____ day of _____, 20____, by the [Jackson Hole Mountain Resort, a Wyoming corporation](#), ("Owner") and the Town of Jackson, Wyoming.

Deleted: Owner

RECITALS:

WHEREAS, Owner holds fee ownership interest in that certain real property, located in Town of Jackson, Wyoming, and more specifically described as follows:

[Lots 4, 5, and 6 of the Powderhorn Housing Addition to the Town of Jackson according to that plat recorded in the Office of the Teton County Clerk, Teton County, Wyoming, on November 10, 2016 as Plat No. 1365;](#)

[PIN: 22-41-16-32-4-43-004](#)

[22-41-16-32-4-43-005](#)

[22-41-16-32-4-43-006](#)

WHEREAS, as a condition of its approval for permit #Click here to enter Permit #. ("_____
Approval"), Owner was required to provide and restrict as follows:

[The Final Development Plan application for 625, 645 and 675 Powderhorn Lane Phase II, Jackson, Wyoming was for a thirty \(30\) unit residential housing development intended to serve as housing for the community's workforce. Each of the thirty built units consist eighteen units with four \(4\) lock-off bedrooms \("Units"\) with a shared kitchen and living space and two \(2\) bathrooms, six two bedroom units and six one bedroom units. Each bedroom is considered a "Residential Unit" for the purposes of this deed restriction. The approval allows only the Jackson Hole Mountain Resort Corporation \("JHMR"\) to apply the Units toward future employee housing requirements. Each Unit counts as one \(1\) residential unit toward employee housing requirements with a maximum of four \(4\) credits that may be used toward JHMR future housing requirements. If an employee housing obligation requires fewer than four \(4\) bedrooms, the entire four \(4\) credits will be used and may not be held over for additional future requirements. The Declarant wishes to restrict the units in Buildings D, E, and F and are numbered as Units XXX. There are thirty \(30\)](#)

Units comprised of ninety (90) Residential Units on the Land that are subject to these Special Restrictions.

The Income Ranges are defined in the Jackson/Teton County Housing Department Rules and Regulations enforced by the Jackson/Teton County Affordable Housing Department, such Rules and Regulations are defined in Section 1 below;

WHEREAS, in furtherance of the goals, objectives, requirements and conditions of the FDP or other Approval, and consistent with the Town of Jackson's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Declarant agreed to restrict the use and occupancy of the Residential Units to a "Qualified Household", which meets employment, income and asset ownership qualifications as set forth herein; and

WHEREAS, each Residential Unit will be occupied by no more than one person per lock-off bedroom; and

WHEREAS, the Residential Units come with amenities over and above requirements of dorm-style units such as indoor bike storage on each floor, washers and dryers on each floor, complete furnishings, two bathrooms in each unit, exterior storage spaces, individual balconies/patios, significant common open space for recreational use, and an onsite property manager allowing maximum rents to be calculated using a different method than Employee Housing dorm units;

WHEREAS, in accordance with the _____ Approval, the Residential Units are intended to address the need for rental housing for employees in Teton County, Wyoming and therefore Owner agrees it will not be owner-occupied;

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners resolved to form the Jackson/Teton County Housing Authority, a duly constituted housing authority pursuant to W.S. §15-10-116, as amended, and its successors or assigns, known as the Jackson/Teton County Housing Authority ("JTCHA");

WHEREAS, the Jackson Town Council and Teton County Board of County Commissioners further resolved to create the Jackson/Teton County Affordable Housing Department ("Housing Department") who are employees of Teton County and agents acting on behalf of the JTCHA, empowered to enforce this Special Restriction;

WHEREAS, in furtherance of the goals, objectives, requirements and conditions of insert approval type (FDP, CUP, etc.) Approval, and consistent with the insert the Town of Jackson or Teton County's goal of providing decent, safe and sanitary housing to qualified employees working in Teton County, Wyoming, that is affordable, Owner agrees to restrict the use and occupancy of the

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¶
Owner developed property addressed as _____,
_____, Wyoming 830___ for a _____ square foot
retail/service/office/residential/etc. building. This development
generated the obligation to provide Affordable Rental Housing in
accordance with _____ Approval. Owner is restricting: ¶
Unit _____, with _____ number of bedrooms with Income
Range _____. ¶
Unit _____, with _____ number of bedrooms with Income
Range _____. ¶
Unit _____, with _____ number of bedrooms with Income
Range _____. ¶
(hereinafter "Residential Unit" or Residential Unit Complex").

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County Housing Department Rules and Regulations enforced by the
Jackson/Teton County Affordable Housing Department, such Rules
and Regulations are defined in Section 1 below; ¶

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Residential Unit to a "Qualified Household," which meets employment, income and asset ownership qualifications as set forth herein and as further defined in the Jackson/Teton County Housing Department Rules and Regulations;

WHEREAS, Owner desires to adopt these Special Restrictions and declare that the Residential Units and Land shall be held, sold, and conveyed in perpetuity subject to these Special Restrictions, which Special Restrictions shall be in addition to all other covenants, conditions or restrictions of record affecting the Residential Units and Land, and shall be enforceable by Housing Department and insert the Town of Jackson or Teton County, Wyoming.

RESTRICTIONS:

NOW, THEREFORE, in satisfaction of the insert approval type (FDP, CUP, etc) Approval, and in further consideration of the foregoing Recitals, which are incorporated herein by this reference, Owner hereby declares, covenants and agrees for itself and each and every person acquiring ownership of the Residential Unit, that the Land and each Residential Unit shall be held, used, occupied, developed, transferred and conveyed subject to the following Special Restrictions in perpetuity.

SECTION 1. JACKSON/TETON COUNTY HOUSING DEPARTMENT RULES AND REGULATIONS. References made herein to the "Rules and Regulations" are references to the written policies, procedures and guidelines of the Housing Department, as the same may be amended, modified, or updated from time to time and which policies, procedures, and guidelines are on file with the Housing Department or otherwise with insert the Town of Jackson or Teton County, Wyoming, or if there are no such written policies, procedures or guidelines (or a written policy, procedure or guideline with respect to a specific matter) then the reference shall be to the current applied policy or policies of the Housing Department or its successor. Procedural and administrative matters not otherwise addressed in these Special Restrictions shall be as set forth in the Rules and Regulations.

SECTION 2. RESTRICTIONS ON OCCUPANCY AND USE OF RESIDENTIAL UNIT. In addition to any restrictions included in the current Housing Rules and Regulations, occupancy and use of the Residential Unit shall be restricted as follows:

- A. Qualified Household. The rental use and occupancy of the Residential Unit shall be limited to a Qualified Household, as set forth below ("Qualified Household").
1. Employment Requirement. At least one (1) member of the Qualified Household must maintain an average of thirty (30) hours per week employment on an annual basis, or a minimum of one thousand five hundred and sixty hours (1,560) per year, for a local business. A "local business" means a business physically located within Teton County, Wyoming, holding a business license with the Town of Jackson, Wyoming or one that can provide other verification of business status

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- [physically located](#) in Teton County, Wyoming, [and the business serves clients or customers who are](#) physically located in Teton County, Wyoming.
2. [Income Restriction](#). The Qualified [Household's gross income](#) shall [fall between](#) [Click here to enter income range](#), of the median [family](#) income in Teton County, Wyoming, as determined by the current year's published Federal Department of Housing & Urban Development median [family](#) income chart for Teton County, Wyoming ("[Income Cap](#)").
3. [No Teton County Residential Real Estate](#). No member of the Qualified Household may own (whether individually, in trust, or through an entity including without limitation a partnership, limited partnership, limited liability company, corporation, association, or the like) residential real estate [within one hundred and fifty \(150\) miles of](#) Teton County, Wyoming [at any time during occupancy of the Residential Unit](#).
4. [Initial Determination by Owner](#). Owner shall [require each prospective renter of a Residential Unit to provide information sufficient to show eligibility as a Qualified Household under the Affordable Housing Program pursuant to the requirements of this restriction and the Housing Rules and Regulations. The determination shall be based upon written applications, representations, information and verifications, including at a minimum, a W-2 for each adult renter or other IRS filing showing source of earnings, a signed and sworn statement regarding ownership of other real estate and a list of current employer\(s\), hours worked as well as contact information for each employer\(s\) and other such information reasonably requested by the Housing Department to verify and substantiate as a Qualified Household.](#)
5. [Continuing Obligation to Remain a Qualified Household](#). The occupants of the Residential Unit shall satisfy the definition of a Qualified Household at all times during the occupancy of the Residential Unit.
6. [Occupancy](#). Each Residential Unit shall be occupied as the Qualified Household's sole and exclusive primary residence, and each tenant of a Residential Unit shall physically reside therein on a full-time basis, at least eighty percent (80%) of the term of the lease. Except for permitted guests, no persons other than the members of the Qualified Household may occupy the Residential Unit.
7. [Reporting Requirement – Housing Department Determination](#). Owner shall, by January 31 of each year, provide to the Housing Department a summary of the eligibility verification information contained above for each occupant of a Residential Unit as set forth on the Housing Department Template that will be provided to Owner. Upon written request by the Housing Department for supporting documentation, Owner shall provide the same within fifteen (15) business days of receipt of such written request. Additionally, Owner shall, by January 31 of each year, provide the Housing Department with its most current lease form for Residential Units. Each Residential Unit Lease must state, and it is a material consideration of this restriction, that the Housing Department has the ultimate and final authority to determine eligibility of households renting Residential Units. If the Housing Department, upon review of supporting

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documentation determines that an occupant of a Residential Unit does not qualify as a Qualified Household, the Housing Department shall have the authority to require the Owner to terminate the lease between Owner and the occupant of a Residential Unit pursuant to Sections 4 & 5 below.

B. No Legal Action. No owner of the Residential Unit, prospective purchaser of the Residential Unit, Tenant, renter or occupant, or other party shall have the right to sue or bring other legal process against insert the Town of Jackson or Teton County, Wyoming, or the Housing Department, or any person affiliated with insert the Town of Jackson or Teton County, Wyoming, or the Housing Department arising out of these Special Restrictions, and neither shall insert the Town of Jackson or Teton County, Wyoming, or the Housing Department have any liability to any person aggrieved by the decision of insert the Town of Jackson or Teton County, Wyoming, or the Housing Department regarding qualification of a Qualified Household or any other matter relating to these Special Restrictions.

C. No Owner Occupancy. Owner shall not reside in or occupy the Residential Unit. For purposes of this paragraph, if Owner is an entity (including without limitation, a partnership, limited partnership, Limited Liability Company, corporation, association, or other) or a trust, this prohibition on owner-occupancy shall extend to any partner, member, shareholder, other principal or owner of the entity, and any trustee or beneficiary of the trust.

D. Household Composition. Only members of the Qualified Household may occupy a Residential Unit, except that Owner may restrict who may reside in a Residential Unit, provided that such owner-restriction does not violate Federal or state fair housing laws. Notwithstanding the foregoing, occupancy of the Residential Unit shall be in compliance with any and all building codes (or other relevant law, code, statute, ordinance or the like) regarding maximum occupancy standards or limitations.

E. Written Lease Requirement. Occupancy of the Residential Unit shall be pursuant to a written lease, the form of which may be approved by Housing Department as it may require. Owner of the Residential Unit shall obtain written verification of income, asset ownership, and employment in Teton County, Wyoming for each Qualified Household proposing to rent the Residential Unit prior to such Household's occupancy, and upon each extension or renewal of any lease therefore.

F. Rental Term. The Residential Unit shall be offered for rent in periods of not less than six (6) months.

G. Rental Rate. The household size used to determine the median family income is based on one (1) person per bedroom. A studio Residential Unit's maximum rent will be fifteen percent (15%) less than the maximum rental rate for a one-bedroom Residential Unit. The maximum Rental Rate that may be charged for the Unit is variable annually based on the

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Housing and Urban Development Department's Median Family Income standard for Teton County, Wyoming. The Housing Department will calculate the maximum Rental Rate every year for the Unit after the Housing and Urban Development Department issues the Median Family Income for Teton County, Wyoming in the following manner: the low income limit for Teton County Wyoming (80% of median income), as provided by the US Department of Housing and Urban Development. The rent charged must include basic utilities (electric, gas, water, sewer) and trash removal. Notwithstanding the foregoing to the contrary, the rental rate charged by Owner may at any time be less than the maximum rent calculation.

Formula for one-bedroom lock-off unit maximum rents:

Low income limit for one-person household x 72% x 30% / 12 = Maximum monthly rent allowed per bedroom.

Formula for four-bedroom apartment maximum rents:

30% of 60% of the Area Median Income / 12 = Maximum monthly rent allowed per four-bedroom apartment for a 4-person household.

H. Rental Unit: Except as provided herein, the Residential Unit shall remain a rental unit for Qualified Households.

I. Guests. No persons other than those comprising the Qualified Household shall be permitted to occupy the Residential Unit for periods in excess of ten percent (10%) of the Rental Term in cumulative days per calendar year.

J. Vacancies. The Residential Unit may be vacant intermittently between tenancies to allow for proper advertisement and verification for Qualified Households and reasonable maintenance. However, a Residential Unit shall not be vacant for a period greater than sixty (60) days, unless authorized by the Housing Department. If any Residential Unit remains vacant for more than sixty (60) days without approval, the Housing Department has the right, but not the obligation, to identify a Qualified Household to rent the Residential Unit.

K. Business Activity. No business activities shall occur in a Residential Unit, other than a home occupation use that is allowed by applicable zoning and properly permitted.

L. Compliance with Laws, Declaration. The Residential Unit shall be occupied in full compliance with these Special Restrictions and the Rules and Regulations, along with all laws, statutes, codes, rules, or regulations, covenants, conditions and restrictions, and all supplements and amendments thereto, and any other rules and regulations of any applicable homeowner's association, as the same may be adopted from time to time.

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M. Insurance. Owner shall keep the Residential Unit continuously insured against "all risks" of physical loss (not otherwise covered by a homeowner's association insurance), for the full replacement value of the Residential Unit.

N. Maintenance. Owner shall be responsible for the cost and expense to keep and maintain the interior of the Residential Unit and all other aspects of the Residential Unit not otherwise maintained by a homeowner's association in a safe, decent and sanitary condition. This includes but is not limited to complete interior furnishings. The amenities provided including bike storage, other storage, laundry facilities, patios/balconies, and an onsite property manager must continue to remain available for use by the tenants, and must be kept in working order. In the event Owner fails to maintain the Residential Unit in a safe, decent and sanitary condition and such condition continues for fourteen (14) days after notice from the Housing Department, the Housing Department shall have the right but not the obligation to enter the Residential Unit and repair such condition and Owner shall reimburse Housing Department for such reasonable repair costs. Payment to Housing Department from Owner shall be due upon receipt of invoice.

O. Periodic Reporting, Inspection. In order to confirm compliance with these Special Restrictions, each owner shall comply, and cause its tenants to comply, with any reporting or inspection requirements as set forth herein and as may be required by the Housing Department from time to time. Upon reasonable notice to Owner, the Housing Department shall have the right to inspect the Residential Unit from time to time to determine compliance with these Special Restrictions and to review the written records required to be maintained by Owner. Owner shall maintain such records for a period of not less than two (2) years.

P. Preference. So long as Jackson Hole Mountain Resort Corporation ("JHMR") owns or leases Residential Units, JHMR may give first priority to rent the Residential Unit(s) they own or lease to Qualified Households of which a member of the Household is an employee of JHMR or its affiliates. If JHMR does not own or master lease the Residential Units, then the owner or another Master Tenant (as defined in Section 14) may rent the Residential Unit(s) to any Qualified Household.

SECTION 3. SALE OF THE RESIDENTIAL UNIT COMPLEX. The Residential Unit Complex may be bought and sold as Owner may determine except that all reporting and record-keeping required herein shall be continuous and any new owner shall obtain the required records from the prior owner. Any such conveyance of a Residential Unit Complex shall be subject to these Special Restrictions. Within ten (10) days prior to the closing of the sale or other transfer of the Complex, Owner shall notify the Housing Department of the pending sale or transfer and, prior to closing, provide the Housing Department with contact information (including without limitation, mailing address, phone number and email) for the new owner.

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SECTION 4. DEFAULT. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations, each

of the following shall be considered a default ("Default"):

- A. A violation of any term of these Special Restrictions, the Rules and Regulations, the Declaration, or any laws affecting a Residential Unit.
- B. A violation of any term of these Special Restrictions or any laws affecting the Residential Unit.
- C. Vacancy of a Residential Unit for more than sixty (60) days continuously.
- D. Fraud or misrepresentation by Owner and/or occupant in the provision of an application, reporting requirement, inspection requirement or any other informational requirement to the Housing Department.
- E. If the Residential Unit is taken by execution or by other process of law, or if Owner is judicially insolvent according to law, or if any assignment is made of the property of Owner for the benefit of creditors, or if a receiver, trustee or other similar officer is appointed to take charge of any substantial part of the Residential Unit or Owner's property by a court of competent jurisdiction.

In the event the Housing Department believes there to be a Default, the Housing Manager, or a Designee of the Housing Department shall send written notice to Owner of such violation, the required action to cure and the timing for such cure. If Owner disputes the Housing Department's decision, Owner shall proceed in accordance with the Rules and Regulations.

SECTION 5. DEFAULT REMEDIES. Subject to the notice and cure provisions, if any, of the Housing Department Rules and Regulations, in addition to any other remedies the Housing Department may have at law or equity, in the event of a Default, after notice and opportunity to cure as set forth in the preceding section, the Housing Department's remedies shall include, without limitation, as an exercise of its regulatory authority, the following:

- A. **Specific Performance.** The Housing Department shall have the right of specific performance of these Special Restrictions and the Rules and Regulations, and the right to obtain from any court of competent jurisdiction a temporary restraining order, preliminary injunction and permanent injunction to obtain such performance.
- B. **Equitable Relief.** In addition to subsection A, any equitable relief provided for herein may be sought singly or in combination with such other remedies as the Housing Department may be entitled to, either pursuant to these Special Restrictions or any other action authorized under the laws of the State of Wyoming.

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C. Enforcement. The Housing Department may, for purposes of enforcing these Special Restrictions or the Rules and Regulations, seek enforcement through the Town or County Land Development Regulations, including but not limited to Division 8.9 Enforcement.

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SECTION 6. TERMINATION, AMENDMENT AND CORRECTION OF SPECIAL RESTRICTIONS.

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A. Termination. These Special Restrictions may be terminated after a determination by the insert the Town of Jackson or Teton County, Wyoming that these Special Restrictions are no longer consistent with the insert the Town of Jackson or Teton County, Wyoming goals for affordable housing.

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B. Amendment. The Housing Department, the Planning Director and the then owner of the Land may modify these Special Restrictions by a signed, written amendment executed by all and recorded in the Teton County Clerk's Office against title to the Land. Notwithstanding foregoing, however, the parties shall not unreasonably withhold consent to amending these Special Restrictions to address such matters as scrivener's errors, legal descriptions or typographical errors.

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SECTION 7. SPECIAL RESTRICTIONS AS COVENANT. These Special Restrictions shall constitute covenants running with the Land and the Residential Unit, as a burden thereon, and shall be binding on all parties having any right, title, or interest in the Land, the Residential Unit, or any part thereof, their heirs, devisees, successors and assigns, and shall inure to the benefit of and shall be enforceable by JTCHA, the Housing Department and insert the Town of Jackson or Teton County. These Special Restrictions shall be prior and superior to any mortgage or lien interest encumbering the Land and/or Residential Unit Complex.

SECTION 8. NOTICES. All notices required to be served upon the parties to this Special Restriction shall be transmitted by one of the following methods: hand delivery; prepaid overnight courier; or by postage paid certified mail, return receipt requested, at the address set forth below for said party; or at such other address as one party notifies the other in writing pursuant to this paragraph. Notice shall be effective when hand delivered, one (1) day after being deposited with an overnight courier or five (5) business days after being placed in the mail. Either party may change its address and/or owner and/or other contact information in the manner provided for giving notice.

To Housing Department:
Jackson/Teton County Affordable Housing Department
P.O. Box 714

To Owner:
Powderhorn Partners Real Estate Holdings LLC

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P.O. Box 11102
Jackson, WY 83001

Holland & Hart, LLP
Matt Kim-Miller
25 South Willow Street, Suite 200
Jackson, WY 83001

Jackson Hole Mountain Resort Corporation
Attn. Matt McCreedy
P.O. Box 290
3395 Cody Dr.
Teton Village, WY 83025
matt.mccreedy@jacksonhole.com

Hawks & Associates LC
Christopher Hawks, P.C.
199 East Pearl Avenue, Suite 103
Jackson, WY 83001

To Owner

SECTION 9. ATTORNEY'S FEES. In the event any party shall be required to retain counsel and file suit for the purpose of enforcing the terms and conditions of these Special Restrictions, the prevailing party shall be entitled to recover, in addition to any other relief recovered, a reasonable sum as determined by the court for attorney's fees and costs of litigation.

SECTION 10. CHOICE OF LAW, FORUM. These Special Restrictions and each and every related document, are to be governed by and construed in accordance with the laws of the State of Wyoming. The parties agree that the appropriate court in Teton County, Wyoming and/or the Ninth Judicial District for the State of Wyoming shall have sole and exclusive jurisdiction over any dispute, claim, or controversy which may arise involving these Special Restrictions or its subject matter. Owner by accepting a deed for the Land hereby submits to the personal jurisdiction of any such court in any action or proceeding arising out of or relating to this Special Restrictions.

SECTION 11. SEVERABILITY. Each provision of these Special Restrictions and any other related document shall be interpreted in such a manner as to be valid under applicable law; but, if any provision, or any portion thereof, of any of the foregoing shall be invalid or prohibited under said

Deleted: SECTION 6. NOTICES. Any notice, consent or approval which is required to be given hereunder shall be in writing and when to an owner shall be deemed given by mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid to the owner's mailing address as provided to the Housing Department or such address as is on record with the Teton County Assessor. Any notice which is required to be given hereunder to JTCHA or the Housing Department shall be given by mailing the same, certified mail, return receipt requested, properly addressed and with postage fully prepaid to either JTCHA or the Housing Department, P.O. Box 714, Jackson, WY 83001. Alternatively, notice may be hand delivered, but any such hand delivery shall require a signed receipt from the owner or Housing Manager of the Housing Department, respectively, evidencing the same. Failure of either party to pick up and/or sign for a certified mailing does not constitute failure to provide notice provided it was properly addressed and evidence of that mailing is retained. In the event of notice by mailing, notice shall be deemed given when deposited in the U.S. Mail. Any notices to under these Special Restrictions shall also be sent to:

→ Powderhorn Partners Real Estate Holdings LLC
→ P.O. Box 11102
→ Jackson, WY 83001
→ Holland & Hart, LLP
→ Matt Kim-Miller
→ 25 South Willow Street, Suite 200
→ Jackson, WY 83001
→ Jackson Hole Mountain Resort Corporation
→ Attn. Matt McCreedy
P.O. Box 290
→ 3395 Cody Dr.
→ Teton Village, WY 83025
→ matt.mccreedy@jacksonhole.com

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applicable law, such provision shall be deemed modified to the extent necessary and possible to render it valid and enforceable, or if such modification is not possible, such provision shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provision(s) of [such document](#).

SECTION 12. SECTION HEADINGS. Paragraph or section headings within these Special Restrictions are inserted solely for convenience or reference, and are not intended to, and shall not govern, limit or aid in the construction of any terms or provisions contained herein.

SECTION 13. WAIVER. No claim of waiver, consent or acquiescence with respect to any provision of these Special Restrictions shall be valid against any party hereto except on the basis of a written instrument executed by the parties to these Special Restrictions. However, the party for whose benefit a condition is inserted herein shall have the unilateral right to waive such condition.

SECTION 14. INDEMNIFICATION. [Owner](#) shall indemnify, defend, and hold the Housing Department and [insert the Town of Jackson or Teton County](#), and its directors, officers, agents and employees harmless against any and all loss, liability, claim, or cost (including reasonable attorneys' fees and expenses) for damage or injury to persons or property from any cause whatsoever on or about the Residential Unit, or for an owner's breach of any provision of these Special Restrictions. [Owner](#) waives any and all such claims against the Housing Department and [insert the Town of Jackson or Teton County](#).

SECTION 15. SUCCESSORS AND ASSIGNS. These Special Restrictions shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, devisees, administrators and assigns.

SECTION 14. CONSENT TO LEASE AND SUBLEASE. The Town of Jackson, JTCHA and the Housing Department specifically consent to JHMR leasing from Powderhorn Partners Real Estate Holdings LLC ("PPRE"), pursuant to a single lease (the "Master Lease"), all of the Residential Units, whereby JHMR may then sublease (the "Residential Unit Leases") Residential Units to Qualified Households of which a member of the Household is an employee of JHMR or its affiliates, subject to these Special Restrictions. These Special Restrictions shall be binding on JHMR and any future master tenant who leases Residential Units, for employee housing or otherwise (collectively, a "Master Tenant"), as landlord under the Residential Unit Leases. These Special Restrictions herein shall not apply to the Master Lease between PPRE and JHMR and/or the rent payable by a future Master Tenant to a future landlord thereunder. These Special Restrictions shall also not apply to the one-bedroom manager's unit or the one-bedroom apartment which is identified as Unit BC.

16. GOVERNMENTAL IMMUNITY. Neither [insert the Town of Jackson or Teton County](#), JTCHA, nor the Housing Department waive governmental immunity by executing these Special Restrictions and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. [Ann. § 1-39-104\(a\)](#) and any other applicable law.

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SECTION 16. EMPLOYEE HOUSING CREDITS. The FDP Approval allows JHMR to apply the Units toward future development requirements pursuant to this Special Restriction and the current LDRs. The Town of Jackson, the JTCHA and the Housing Department represent, warrant and acknowledge that the ninety-two (92) employee housing credits identified in the FDP Approval are owned by JHMR, are to be allocated in increments of 4 employee housing credits per Unit, and that the sale or transfer of ownership of the Land does not sever JHMR's ownership of the employee housing credits unless JHMR specifically consents thereto in writing. As of the date hereof, JHMR has not allocated any of the Units toward any employee housing obligation they may have and as of the recording of this instrument. Each Residential Unit counts as one (1) residential unit in the employee housing requirements with a maximum of four (4) credits allocated for each Unit that may be used toward JHMR future housing requirements. If an employee housing obligation requires fewer than four (4) bedrooms, the entire four (4) credits will be used and may not be held over for additional future requirements. If and when JHMR elects to allocate a Unit toward fulfilling any of its employee housing requirements, they shall do so by a separate recorded instrument (a sample of which is attached hereto as Exhibit A) identifying each such 1 Unit so allocated and identifying and confirming JHMR's then remaining unused employee housing credits, which shall be adjusted accordingly.

SECTION 17. CHANGE OF OWNERSHIP OR MASTER TENANT. In the event all or any portion of the Land or Units are sold to a third party not affiliated with the owner or leased to a new Master Tenant, the owner, within thirty (30) days of such event, shall provide written notice to the Town and the JTCHA. The written notice shall provide the name, address and telephone number of the new owner and/or Master Tenant and shall be delivered as provided in Section 6 hereof.

IN WITNESS WHEREOF, Owner has executed this instrument on the _____ day of _____, 20____
(the "Effective Date").

OWNER:

[Click here to enter name of LLC or other entity.](#)

[Click here to enter Name and Title of authorized signer.](#)

STATE OF WYOMING)

) ss.

COUNTY OF TETON)

On the _____ day of _____, 20____, the foregoing Special Restrictions for
Employee Housing was acknowledged before me by [Click here to enter Name of signer.](#) as [Click
here to enter title of signer.](#) of [Click here to enter name of entity.](#)

Witness my hand and official seal.

(Seal)

Notary Public

INSERT THE TOWN OF JACKSON OR TETON COUNTY:

[Insert name of Mayor or Chair, insert Mayor or Chair](#)

ATTEST:

[Insert name of Town or County Clerk, insert Town Clerk or County Clerk](#)

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Powderhorn Housing LLC,
a Wyoming limited liability company,

Jerry M. Blann, President

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LLC, a Wyoming limited liability company

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Pete Muldoon, Mayor

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Sandy Birdyshaw,

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STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20____, the foregoing instrument was
acknowledged before me by [insert name of Mayor or Chair as insert Mayor or Chair of insert the](#)
Town of Jackson [or Teton County Board of County Commissioners, Wyoming.](#)

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

JACKSON/TETON COUNTY AFFORDABLE HOUSING DEPARTMENT:

[Insert name of Housing Manager.](#) Housing Manager

STATE OF WYOMING)
) ss.
COUNTY OF TETON)

On the _____ day of _____, 20____, the foregoing instrument was acknowledged
before me by [Click here to enter name of Housing Manager.](#) as Housing Manager of the
Jackson/The Town of Jackson Affordable Housing Department.

Witness my hand and official seal.

(Seal)

Notary Public
My commission expires:

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Exhibit A

Supplemental Restriction to Special Restrictions for Employee Housing at 655 Powderhorn Lane, Jackson, Wyoming

These Supplemental Restriction to Special Restrictions for Employee Housing at 655 Powderhorn Lane, Jackson, Wyoming ("Supplemental Restrictions") made by the Jackson Hole Mountain Resort Corporation, a Wyoming corporation ("JHMR") effective as of the , day of , 20 .

RECITALS

WHEREAS, JHMR owned and developed twenty-three (23) residential housing units on Lots 1, 2 and 3 of the Powderhorn Addition to the Town of Jackson according to that plat recorded in the Office of the Teton County Clerk, Teton County, Wyoming, on November 10, 2016 as Plat No. 1365 (the "Property") and

WHEREAS, JHMR, the Town of Jackson, Wyoming and the Jackson/Teton County Housing Authority are party to Special Restrictions for Employee Housing at 655 Powderhorn Lane, Jackson, Wyoming, 83001, which were recorded in the Office of Teton County Clerk on [DATE], in Book of Photo at Pages to , as Document No. (the "Special Restrictions"); and

WHEREAS, pursuant to the Final Development Permit Approval for 655 Powderhorn Lane (Permit Nos. P13-024, 025, 026), JHMR has the right to dedicate Residential Units (as defined in the Special Restrictions) to JHMR's future employee housing requirements; and

WHEREAS, pursuant to the Special Restrictions, when JHMR dedicates a Residential Unit to a JHMR employee housing requirement; JHMR is obligated to record these Special Restrictions identifying the Residential Units so encumbered and identifying the allocation of JHMR's employee housing credits; and

NOW THEREFORE, JHMR hereby declares as follows:

Residential Unit No. of Building No. , located on Lot of the Powderhorn Addition to the Town of Jackson according to that plat recorded in the Office of the Teton County Clerk, Teton County, Wyoming, on November 10, 2016 as Plat No. 1365 is hereby dedicated to satisfy units of JHMR employee housing obligation arising out of Town of Jackson or Teton County Development Permit No. .

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Following recordation of these Supplemental Restrictions, JHMR shall have
Residential Units remaining at the Property that shall be available to JHMR to satisfy
future JHMR employee housing requirements.

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JHMR:

Jackson Hole Mountain Resort Corporation, a
Wyoming corporation.

By: _____
Its: _____

STATE OF _____)
_____) ss.
COUNTY OF _____)

On the _____ day of _____, 20____, the foregoing Supplemental
Restrictions were acknowledged before me by _____ as
_____ of Jackson Hole Mountain Resort Corporation, a Wyoming
corporation.

Witness my hand and official seal.

_____(Seal)

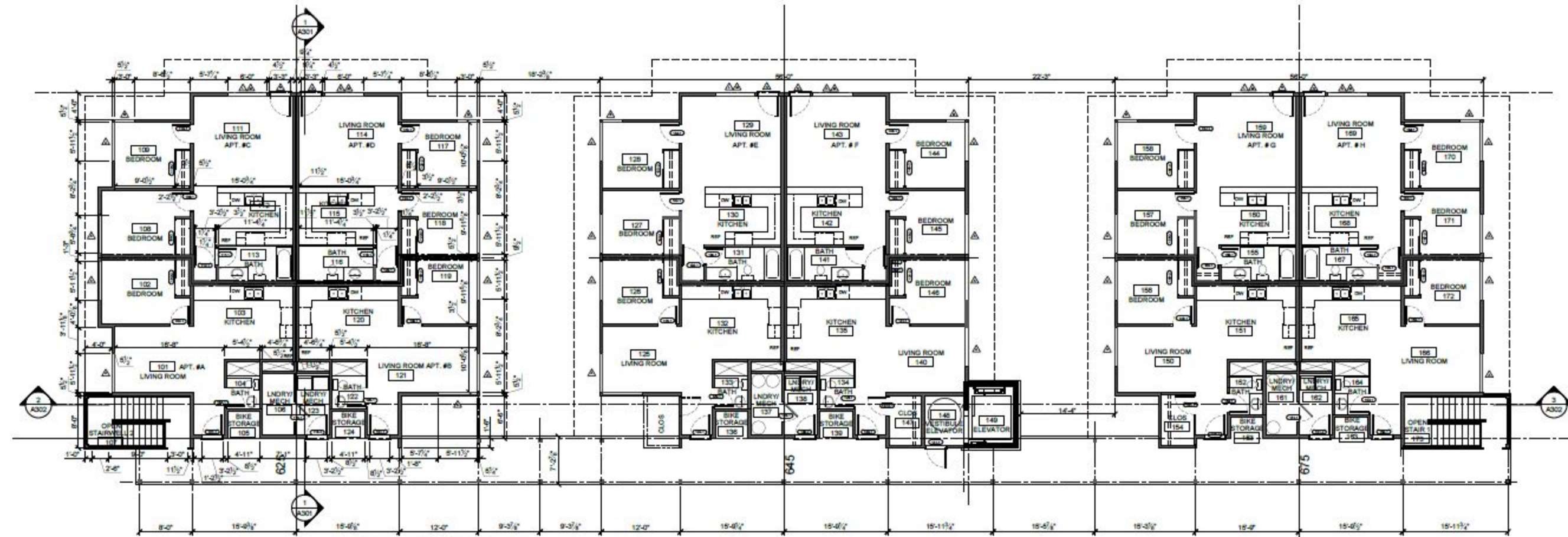
Notary Public

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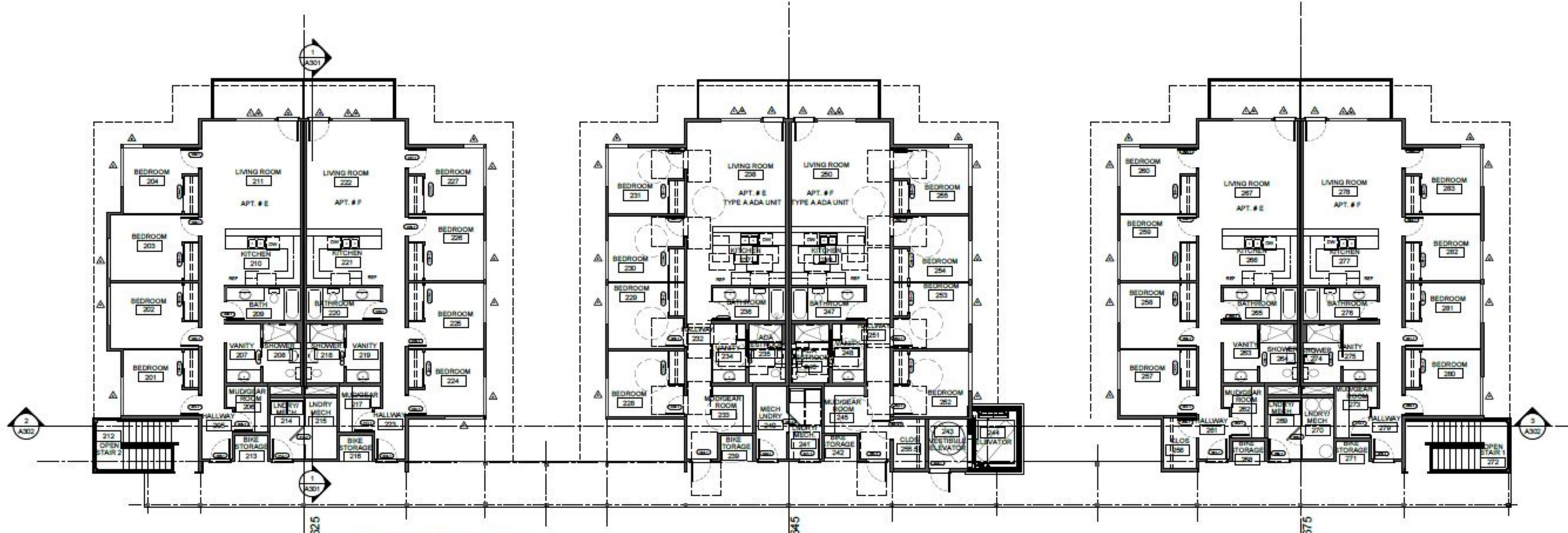
Appendix D

Building Elevations
Floor Plans
Images of Buildings
Exterior Building Lighting



Building 625,645,675 Phase 2
Main Level Floor Plan

1/8"=1'-0"



Building 625,645,675 Phase 2
Second Level Floor Plan

1/8"=1'-0"



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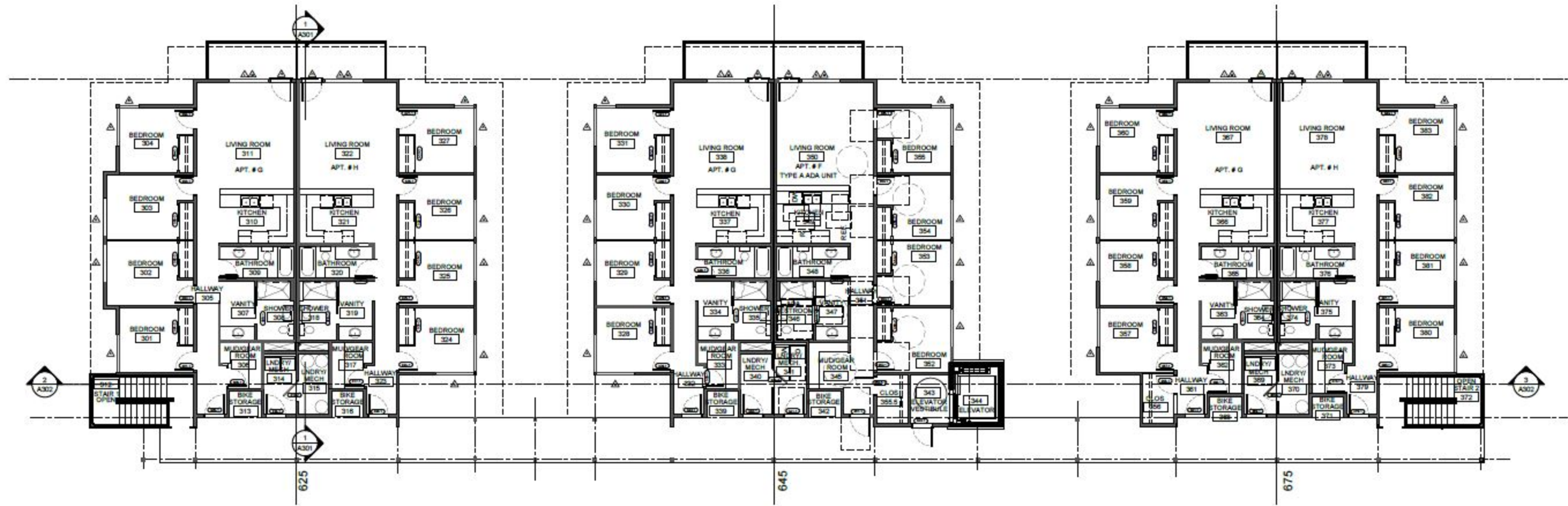
625 POWDERHORN LN
JACKSON WYOMING
JHMR EMPLOYEE HOUSING



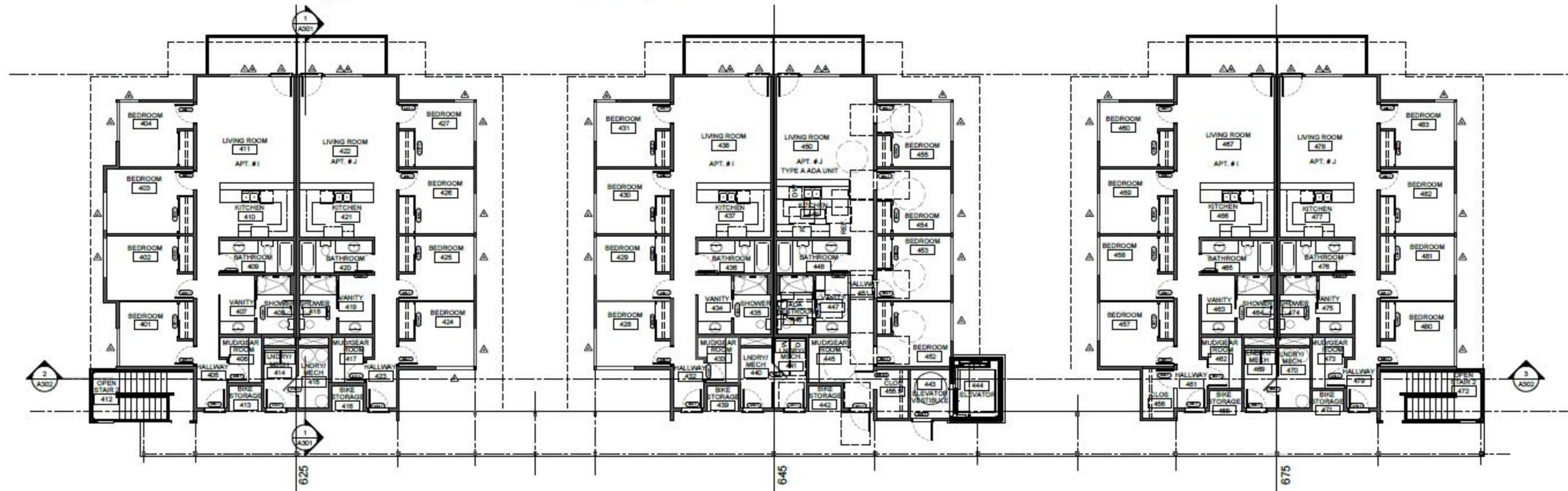
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REVISIONS

BUILDING 625,645,675
MAIN & SECOND LEVEL
FLOOR PLANS

A101



Building 625,645,675 Phase 2
Third Level Floor Plan



Building 625,645,675 Phase 2
Fourth Level Floor Plan

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

625, POWDERHORN LN
JACKSON WYOMING

JHMR EMPLOYEE HOUSING



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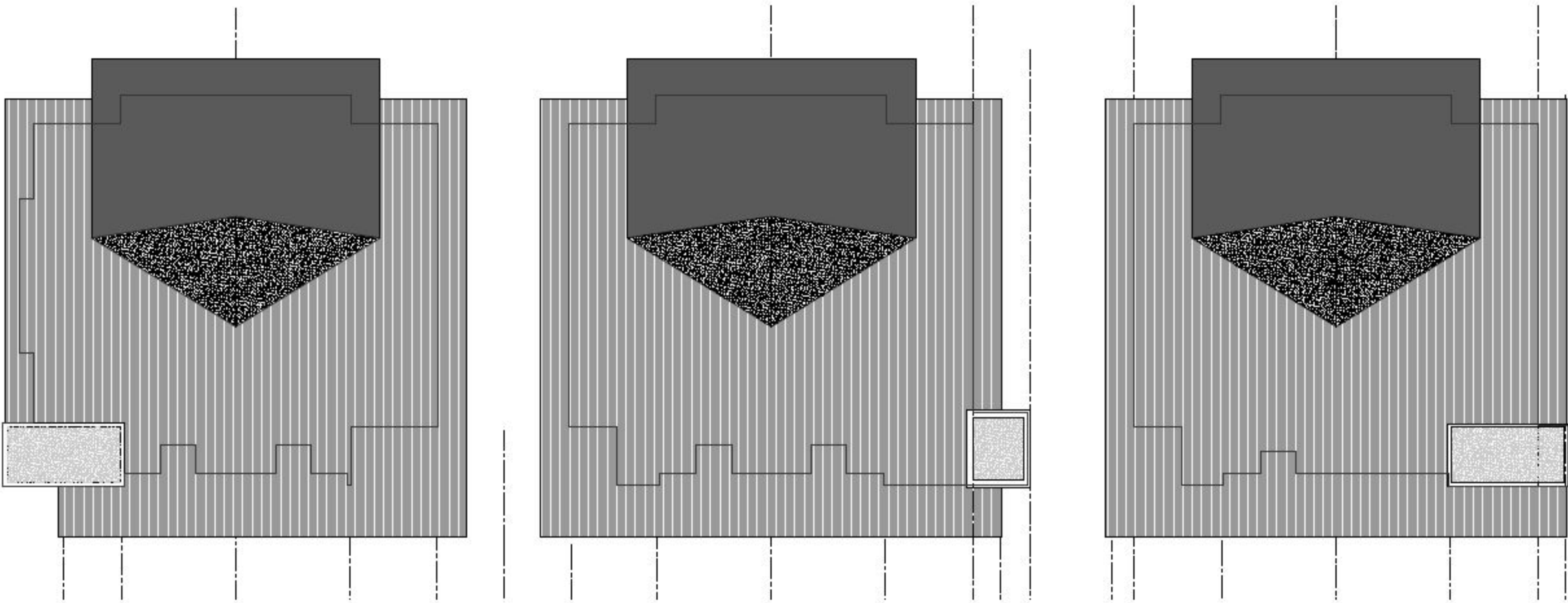
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BUILDING 625,645,675
THIRD & FOURTH LEVEL
FLOOR PLANS

A102

EXTERIOR MATERIAL SCHEDULE	
MATERIAL	DESCRIPTION
1. FIBER CEMENT PANELS (HORIZONTAL)	FIBER CEMENT BOARD 2'X8' PANELS APPLIED IN A HORIZONTAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
2. FIBER CEMENT PANELS (VERTICAL)	FIBER CEMENT BOARD 2'X8' PANELS APPLIED IN A VERTICAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
3. CORRUGATED METAL	RUSTED CORRUGATED METAL SIDING.
4. METAL FLASHING	INSTALL PAINT-LOCK METAL FLASHING AT LOCATIONS SHOWN IN ARCHITECTURAL DETAILS AND DICTATED BY GOOD CONSTRUCTION PRACTICE. ALL EXPOSED FLASHING TO BE PAINT-LOCK METAL. ROOF FLASHING COMPONENTS (ENDWALLS AND ROOF PITCH TRANSITIONS) TO BE 30 GZ. CURBS AND SIDEWALL FLASHING TO EXTEND A MINIMUM OF 6" UP SIDE OF WALL AND 4" OVER ROOFING. OTHER FLASHING COMPONENTS, SUCH AS DRIP CAPS, PARAPET CORING & SIDING TO TRIM CONNECTIONS TO BE 16 GZ WITH 1/2" TRIM AT EXPOSED BOTTOM EDGE. ALL FLASHING TO FOLLOW GUIDELINES REFERENCED IN THE "IMAGONY" MANUAL. MATCH METAL FLASHING COLOR WITH ADJUTING MATERIAL'S COLOR. VERIFY COLORS WITH ARCHITECT/OWNER.
5. ROOFING	SEE ROOFING SCHEDULE.
6. ROOF FASCIA	FIBER CEMENT BOARD FASCIA TRIM. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
7. EXPOSED DECK STRUCTURE	STEEL & WOOD BEAMS & COLUMNS. SEE STRUCT.
8. GUARDRAILS	SEE STRUCTURAL & ARCHITECTURAL DRAWINGS FOR SIZES, PRIMED AND PAINTED. COLOR TBD. PROVIDE SAMPLES FOR OWNER/ARCHITECT APPROVAL.
9. WINDOWS	FIBERGLASS WINDOWS. SEE WINDOW SCHED.
10. WINDOW/DOOR TRIM	3/4" FIBER CEMENT BOARD TRIM. PLACE ON EDGE AROUND WINDOWS & DOORS. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
11. DECKING	(1) COMPOSITE DECKING. COLOR TO BE GRAY. INSTALL WITH (2) NON-CORROSIVE SCREWS PER BOARD PER JOIST. GAP 1/8" BETWEEN BOARDS.
12. CONCRETE PATIO/STAIRS	BROOMED FINISH. SEE STRUCTURAL.
13. EXPOSED METAL DECKING	SEE STRUCT.
14. CONCRETE FOUNDATION	SEE STRUCTURAL DRAWINGS FOR FOUNDATION DETAILS.
15. EXTERIOR LIGHTING	EXTERIOR WALL SCONCE TBD BY OWNER. ALL EXTERIOR LIGHTING SHALL COMPLY WITH TOWN OF JACKSON LDR.
16. ROOF PENETRATIONS	SEE ROOFING SCHEDULE.
17. SOFFIT	FIBER CEMENT BOARD SMOOTH SOFFIT. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
18. UTILITY METER & ENTRY BOX	BUILD HOUSING W/ PAIR OF DOORS AROUND ELECTRICAL METER & ENTRY. SEE ELEV. & DOOR SCHED.
19. WINDOW GLAZING TRIM	16 GZ PAINT LOCK METAL TO MATCH WINDOW COLOR.
20. MECHANICAL GRILLE	SEE MECH.
NOTES	1. ALL EXTERIOR COLORS TO BE APPROVED BY OWNER & ARCHITECT PRIOR TO APPLICATION/INSTALLATION. 2. MATERIALS SAMPLE/OUT SHEETS SHALL BE PROVIDED UPON REQUEST.



Building 625, 645, 675
ROOF PLAN
1/8" = 1'-0"



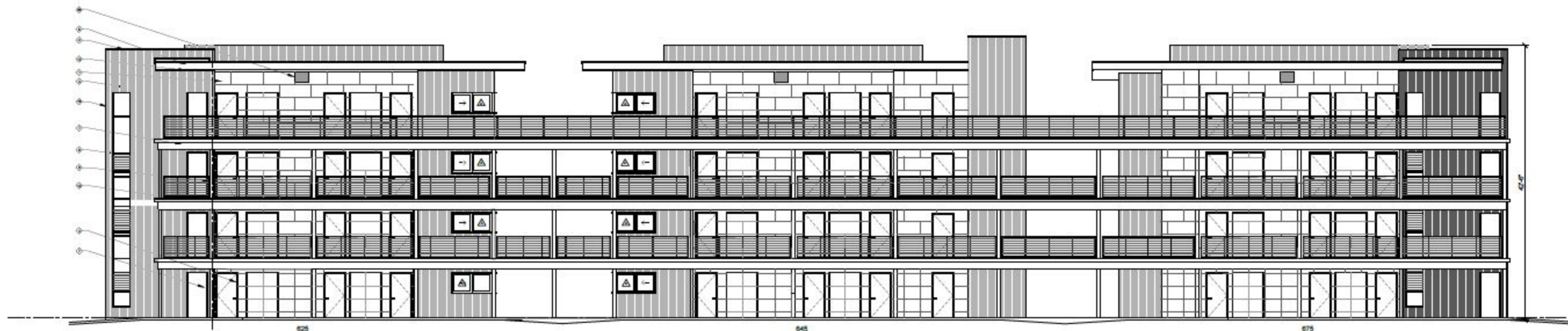
Building 625, 645, 675
East Elevation

1
A201

1/8"=1'-0"

MATERIAL	DESCRIPTION
1. FIBER CEMENT PANELS (HORIZONTAL)	FIBER CEMENT BOARD 2X8 PANELS APPLIED IN A HORIZONTAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
2. FIBER CEMENT PANELS (VERTICAL)	FIBER CEMENT BOARD 2X8 PANELS APPLIED IN A VERTICAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
3. CORRUGATED METAL	RUSTED CORRUGATED METAL SIDING.
4. METAL FLASHING	INSTALL PAINT-LOCK METAL FLASHING AT LOCATIONS SHOWN IN ARCHITECTURAL DETAILS AND DICTATED BY GOOD CONSTRUCTION PRACTICE. ALL EXPOSED FLASHING TO BE PAINT-LOCK METAL. ROOF FLASHING COMPONENTS (SHOWNWALLS AND ROOF PITCH TRANSITIONS) TO BE 20 GZ. CURB AND SIDEWALL FLASHING TO EXTEND A MINIMUM OF 8" UP SIDE OF WALL AND 4" OVER ROOFING. OTHER FLASHING COMPONENTS, SUCH AS DRIP CAPS, PARAPET CAPPING, & SIDING TO TRIM CONNECTIONS TO BE 16 GZ WITH 1/2" HEM AT EXPOSED BOTTOM EDGE. ALL FLASHING TO FOLLOW GUIDELINES REFERENCED IN THE "SMACNA" MANUAL. MATCH METAL FLASHING COLOR WITH ADJUTING MATERIALS COLOR. VERIFY COLORS WITH ARCHITECT/OWNER.
5. ROOFING	SEE ROOFING SCHEDULE.
6. ROOF FASCIA	FIBER CEMENT BOARD FASCIA TRIM. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
7. EXPOSED DECK STRUCTURE	STEEL & WOOD BEAMS & COLUMNS. SEE STRUCT.
8. GUARDRAILS	SEE STRUCTURAL & ARCHITECTURAL DRAWINGS FOR SIZES, PRIMED AND PAINTED, COLOR TBD. PROVIDE SAMPLES FOR OWNER/ARCHITECT APPROVAL.
9. WINDOWS	FIBERGLASS WINDOWS. SEE WINDOW SCHED.

10. WINDOW/DOOR TRIM	3/4" FIBER CEMENT BOARD TRIM. PLACE ON EDGE AROUND WINDOWS & DOORS. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
11. DECKING	2X COMPOSITE DECKING. COLOR TO BE GRAY. INSTALL WITH (2) NON-CORROSIVE SCREWS PER BOARD PER JOIST. GAP 1/8" BETWEEN BOARDS.
12. CONCRETE PATIO/STAIRS	BROOMED FINISH. SEE STRUCTURAL.
13. EXPOSED METAL DECKING	SEE STRUCT.
14. CONCRETE FOUNDATION	SEE STRUCTURAL DRAWINGS FOR FOUNDATION DETAILS.
15. EXTERIOR LIGHTING	EXTERIOR WALL SCONES TBD BY OWNER. ALL EXTERIOR LIGHTING SHALL COMPLY WITH TOWN OF JACKSON LOCAL.
16. ROOF PENETRATIONS	SEE ROOFING SCHEDULE.
17. SOFFIT	FIBER CEMENT BOARD SMOOTH SOFFIT. COLOR TBD & TO BE OWNER/ARCHITECT APPROVED.
18. UTILITY METER & ENTRY BOX	BUILD HOUSING W/ PAIR OF DOORS AROUND ELECTRICAL METER & ENTRY. SEE ELEV. & DOOR SCHED.
19. WINDOW CLADDING TRIM	16 GZ PAINT LOCK METAL. TO MATCH WINDOW COLOR.
20. MECHANICAL GRILLE	SEE MECH.
NOTES	1. ALL EXTERIOR COLORS TO BE APPROVED BY OWNER & ARCHITECT PRIOR TO APPLICATION/INSTALLATION. 2. MATERIALS SAMPLES/CUT SHEETS SHALL BE PROVIDED UPON REQUEST.



Building 625, 645, 675
West Elevation

2
A201

1/8"=1'-0"

625, POWDERHORN LN
JACKSON WYOMING
JHMR EMPLOYEE HOUSING



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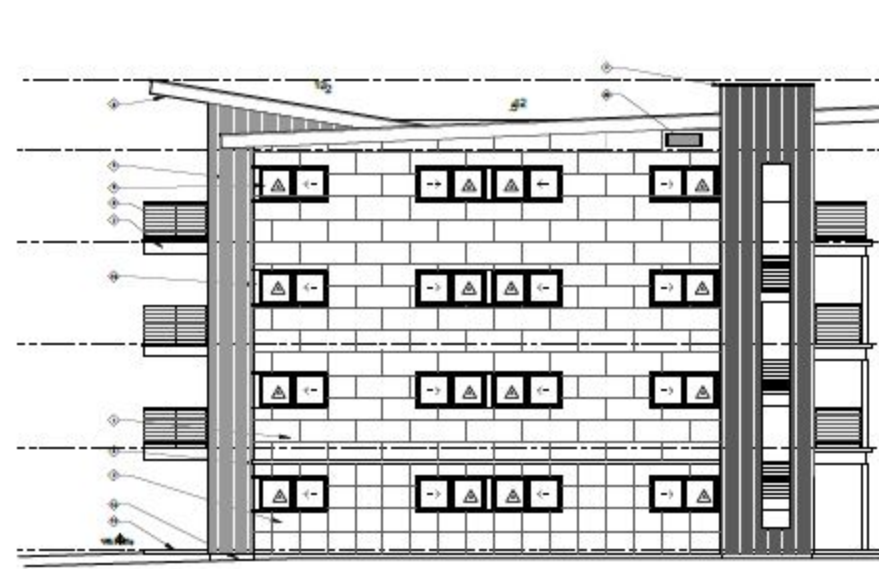
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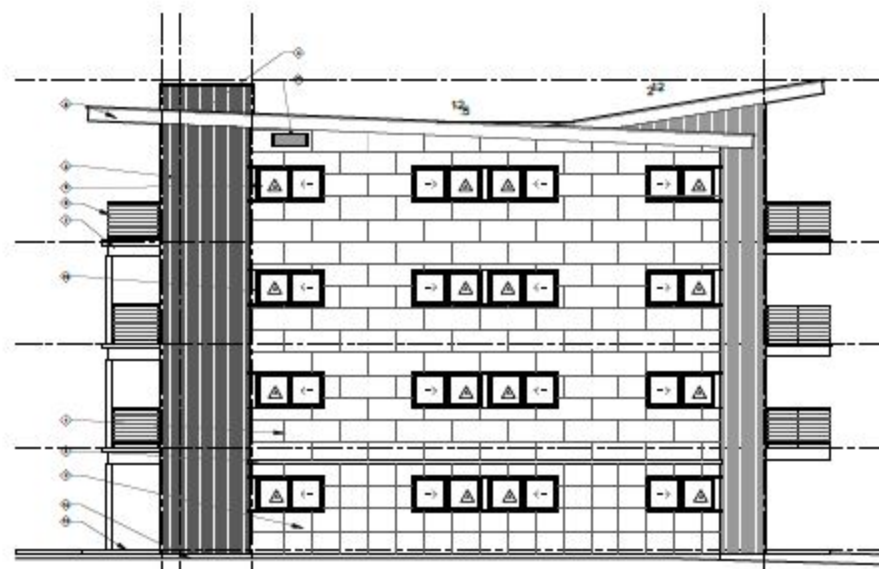
BUILDING 625, 645, 675
EXTERIOR
ELEVATIONS

A201

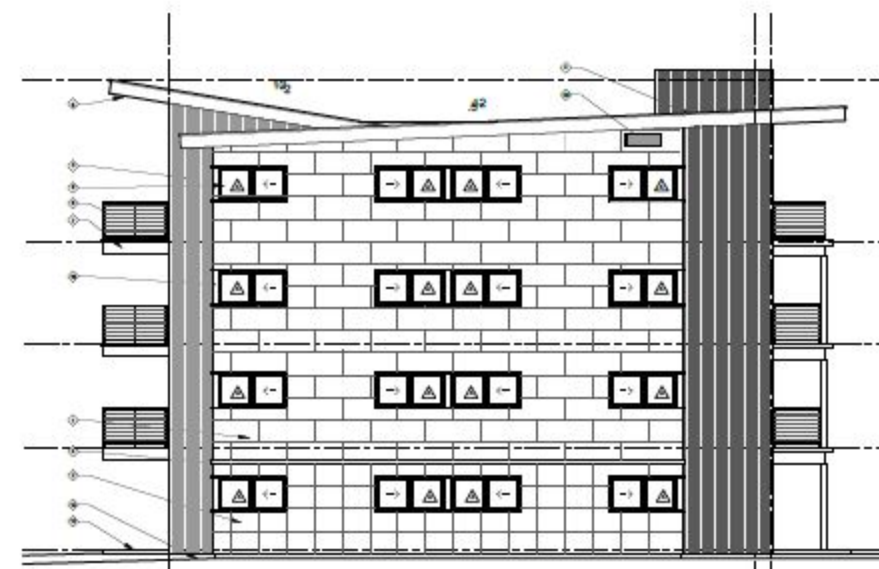
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5 Building 625
North Elevation
A202 1/8"=1'-0"



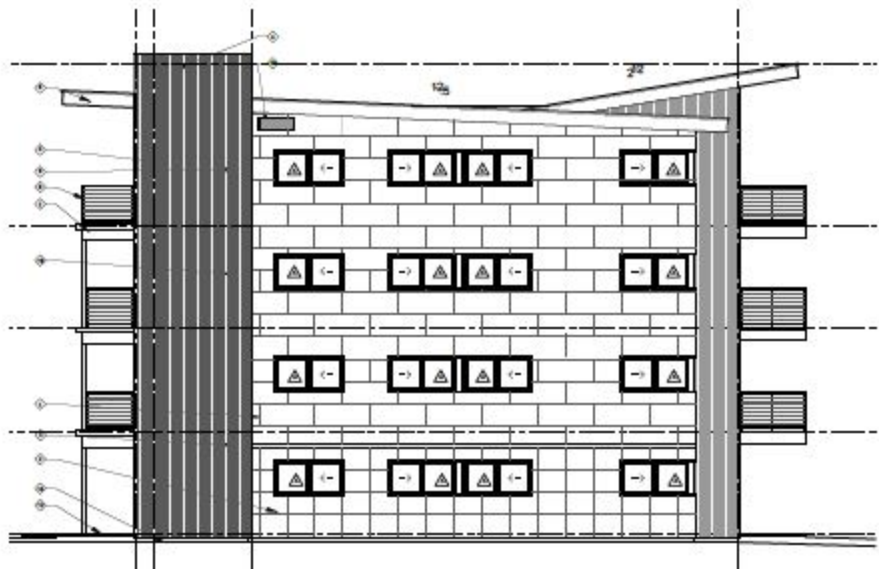
3 Building 625
South Elevation
A202 1/8"=1'-0"



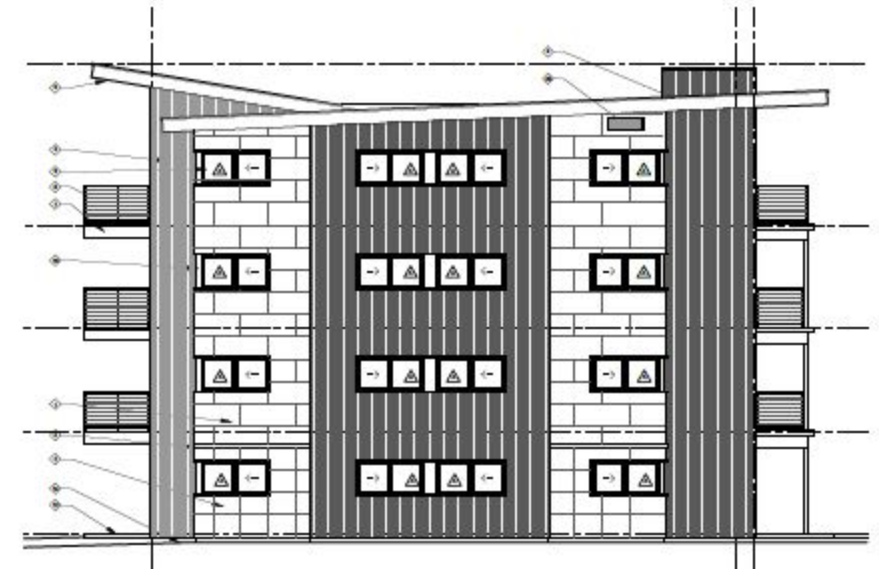
1 Building 645
North Elevation
A202 1/8"=1'-0"

MATERIAL	DESCRIPTION
1. FIBER CEMENT PANELS (HORIZONTAL)	FIBER CEMENT BOARD 2X8 PANELS APPLIED IN A HORIZONTAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
2. FIBER CEMENT PANELS (VERTICAL)	FIBER CEMENT BOARD 2X8 PANELS APPLIED IN A VERTICAL RUNNING BOND PATTERN. PROVIDE 3/4" MIN. RAIN SCREEN PER MANUF. GUIDELINES.
3. CORRUGATED METAL	RUSTED CORRUGATED METAL SIDING.
4. METAL FLASHING	INSTALL PAINT-LOCK METAL FLASHING AT LOCATIONS SHOWN IN ARCHITECTURAL DETAILS AND DICTATED BY GOOD CONSTRUCTION PRACTICE. ALL EXPOSED FLASHING TO BE PAINT-LOCK METAL. ROOF FLASHING COMPONENTS (EAVES AND ROOF PITCH TRANSITIONS) TO BE 22 GZ CURB AND SIDEWALL FLASHING TO EXTEND A MINIMUM OF 8" UP SIDE OF WALL AND 4" OVER ROOFING. OTHER FLASHING COMPONENTS, SUCH AS Drip CAPS, PARAPET CAPPING, & SIDING TO TRIM CONNECTIONS TO BE 16 GZ WITH 1/2" NEM AT EXPOSED BOTTOM EDGE. ALL FLASHING TO FOLLOW GUIDELINES REFERENCED IN THE "SMACK" MANUAL. MATCH METAL FLASHING COLOR WITH ADJUTING MATERIALS COLOR. VERIFY COLORS WITH ARCHITECT/OWNER.
5. ROOFING	SEE ROOFING SCHEDULE.
6. ROOF FASCIA	FIBER CEMENT BOARD FASCIA TRIM. COLOR TRIM & TO BE OWNER/ARCHITECT APPROVED.
7. EXPOSED DECK STRUCTURE	STEEL & WOOD BEAMS & COLUMNS. SEE STRUCT.
8. GUARDRAILS	SEE STRUCTURAL & ARCHITECTURAL DRAWINGS FOR SIZES, PRIMED AND PAINTED. COLOR TRIM. PROVIDE SAMPLES FOR OWNER/ARCHITECT APPROVAL.
9. WINDOWS	FIBERGLASS WINDOWS. SEE WINDOW SCHED.

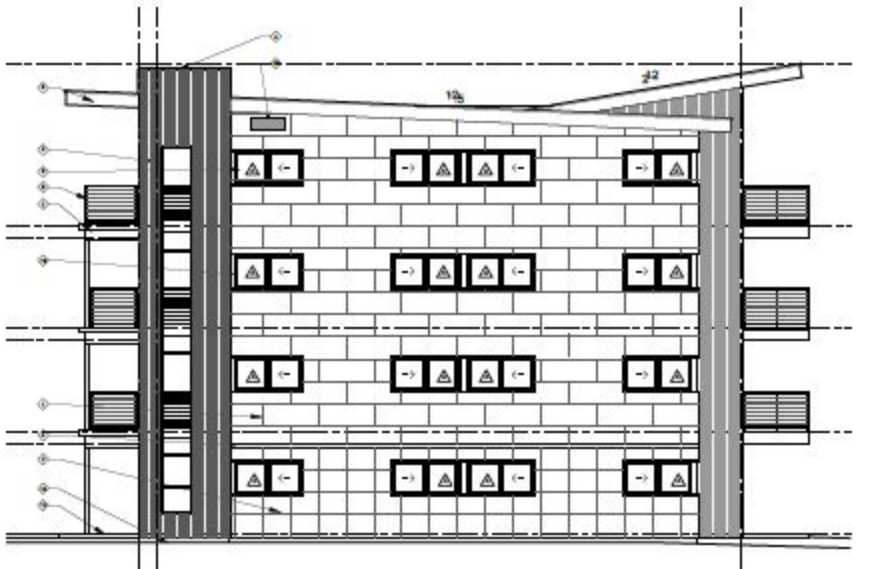
10. WINDOW/DOOR TRIM	3/4" FIBER CEMENT BOARD TRIM. PLACE ON EDGE AROUND WINDOWS & DOORS. COLOR TRIM & TO BE OWNER/ARCHITECT APPROVED.
11. DECKING	2X COMPOSITE DECKING. COLOR TO BE GRAY. INSTALL WITH (2) NON-CORROSIVE SCREWS PER BOARD PER JOIST. GAP 1/8" BETWEEN BOARDS.
12. CONCRETE PATIO/STAIRS	BROOMED FINISH. SEE STRUCTURAL.
13. EXPOSED METAL DECKING	SEE STRUCT.
14. CONCRETE FOUNDATION	SEE STRUCTURAL DRAWINGS FOR FOUNDATION DETAILS.
15. EXTERIOR LIGHTING	EXTERIOR WALL SCONCE TRIM BY OWNER. ALL EXTERIOR LIGHTING SHALL COMPLY WITH TOWN OF JACKSON LOCAL.
16. ROOF PENETRATIONS	SEE ROOFING SCHEDULE.
17. SOFFIT	FIBER CEMENT BOARD SMOOTH SOFFIT. COLOR TRIM & TO BE OWNER/ARCHITECT APPROVED.
18. UTILITY METER & ENTRY BOX	BUILD HOUSING W/ PAIR OF DOORS AROUND ELECTRICAL METER & ENTRY. SEE ELEV. & DOOR SCHED.
19. WINDOW GLAZING TRIM	16 GZ PAINT-LOCK METAL TO MATCH WINDOW COLOR.
20. MECHANICAL GRILLE	SEE MECH.
NOTES	1. ALL EXTERIOR COLORS TO BE APPROVED BY OWNER & ARCHITECT PRIOR TO APPLICATION/INSTALLATION. 2. MATERIALS SAMPLE/CUT SHEETS SHALL BE PROVIDED UPON REQUEST.



6 Building 645
South Elevation
A202 1/8"=1'-0"



4 Building 675
North Elevation
A202 1/8"=1'-0"



3 Building 675
South Elevation
A202 1/8"=1'-0"

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625, POWDERHORN LN
JACKSON WYOMING
JHMR EMPLOYEE HOUSING
BY
BH



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BUILDINGS 625,645,675
EXTERIOR
ELEVATIONS



12, 18 and 26 Watt SLIM wall packs are ultra efficient and deliver impressive light distribution with a compact low-profile design that's super easy to install as a downlight or uplight.

Color: Bronze

Weight: 4.5 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.12A
208V	0.08A
240V	0.07A
277V	0.06A
Input Watts	15.70W
Efficiency	76%

LED Info

Watts	12W
Color Temp	5100K (Cool)
Color Accuracy	75 CRI
L70 Lifespan	100,000
Lumens	1,932
Efficacy	123.1 LPW

Technical Specifications

Listings

UL Listed:

Suitable for wet locations. Suitable for mounting within 1.2m (4ft) of the ground.

ADA Compliant:

SLIM™ is ADA Compliant

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. DLC Product Code: PMV178BC

Construction

IP Rating:

Ingress Protection rating of IP66 for dust and water

Cold Weather Starting:

Minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in 40°C (104°F)

Housing:

Precision die-cast aluminum housing

Mounting:

Heavy-duty mounting bracket with hinged housing for easy installation

Recommended Mounting Height:

Up to 8 ft

Lens:

Tempered glass lens

Reflector:

Specular thermoplastic

Gaskets:

High-temperature silicone

Finish:

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

LED Characteristics

LED:

Multi-chip, long-life LED

Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations

Color Consistency:

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color

Color Stability:

LED color temperature is warranted to shift no more than 200K in CCT over a 5-year period

Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines for the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2017.

Technical Specifications (continued)

Other

Patents:

The design of the SLIM™ is protected by patents in U.S. Pat D681,864, and pending patents in Canada, China, Taiwan and Mexico.

HID Replacement Range:

Replaces 70W Metal Halide

Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Optical

BUG Rating:

B1 U1 G0

Electrical

Driver:

Constant Current, Class 2, 100-277V, 50/60 Hz., 4KV surge protection, 120V: 0.14A, 208V: 0.08A, 240V: 0.07A, 277V: 0.06A

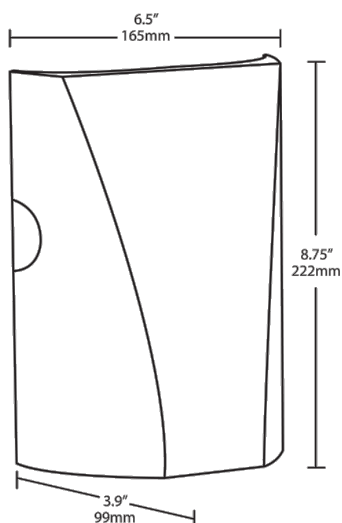
THD:

7.7% at 120V, 13.3% at 277V

Power Factor:

99.4% at 120V, 95.4% at 277V

Dimensions



Features

- Full cutoff, fully shielded LED wall pack
- Can be used as a downlight or uplight
- Contractor friendly features for easy installation
- 100,000-hour LED Life
- 5-Year, No-Compromise Warranty

Ordering Matrix

Family	Wattage	Color Temp	Finish	Driver	Options
SLIM	12				
	12 = 12W 18 = 18W 26 = 26W	Blank = 5000K (Cool) N = 4000K (Neutral) Y = 3000K (Warm)	Blank = Bronze W = White	Blank = Standard (120-277V) /D10 = Dimmable	Blank = No Option /PC = 120V Button /PC2 = 277V Button /LC = Lightcloud® Controller



