

**AGENDA**  
**Planning and Zoning Commission**  
**December 5, 2018 – 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 December 19, 2018 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. CALL TO ORDER
2. ROLL CALL
3. MATTERS FROM THE PUBLIC
4. APPROVAL OF MINUTES
  - I. October 17, 2018
5. OLD BUSINESS
6. NEW BUSINESS
7. BOARD OF ADJUSTMENT
8. PLANNING COMMISSION
  - I. Item P18-267: Zoning Map Amendment at 135 & 175 E. Broadway Ave.
  - II. Item P17-147: Golf and Tennis Master Plan Joint Review
  - III. Item P18-314: LDR Clean Up
9. MATTERS FROM THE COMMISSION
10. AGENDA FOLLOWUP
11. MATTERS FROM STAFF
12. ADJOURNMENT

**MINUTES  
SPECIAL MEETING  
PLANNING AND ZONING COMMISSION  
TOWN OF JACKSON, WYOMING  
October 17, 2018**

The meeting of the Planning and Zoning Commission was called to order at 5:30 p.m. on 10/17/18, in the Town Hall Council Chambers.

**ROLL CALL:**

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

**STAFF:** Tyler Valentine and Paul Anthony

**MATTERS FROM THE PUBLIC:** None

**APPROVAL OF MINUTES:**

September 5, 2018

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a 5 to 0 vote

September 19, 2018

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a 5 to 0 vote

September 20, 2018

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a 5 to 0 vote

October 3, 2018

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a 5 to 0 vote

**OLD BUSINESS:**None

**PLANNING COMMISSION**



1. **ITEMS P17-200 & 201:** REQUEST FOR APPROVAL OF A SKETCH PLAN AND URBAN-RESIDENTIAL - PLANNED UNIT DEVELOPMENT (UR-PUD) TO DEVELOP A 20 UNIT APARTMENT COMPLEX AT 640 & 650 SOUTH GLENWOOD STREET.

**STAFF PRESENTATION:** Tyler Valentine

**APPLICANT PRESENTATION:** Elizabeth Whitaker

**PUBLIC COMMENT:** None

**PC DISCUSSION:**

**MOTION:**

**Item A:** Based upon the findings for a Sketch Plan as presented in the staff report related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with LDRs & Town Ordinances; 5) Conformance with past permits & approvals as presented by the applicant and staff for Item P17-200, I move to recommend **approval** to the Town Council of a Sketch Plan to allow the development of a 20-unit apartment complex for the properties addressed at 640 & 650 S. Glenwood Street and legally described as Lot 4, 5, 6 & 7, Block 4 of the Karns Second Addition to the Town of Jackson, subject to the departmental reviews attached hereto.

1. The applicant shall provide a signage and striping plan for on-site parking identifying which spaces belong to which unit. In addition, 3-4 of the on-site spaces shall be designated as guest parking spaces.
2. The applicant shall design the sidewalks and street landscaping on the east side of South Glenwood to Snow King Avenue to meet the guidelines for pedestrian frontages in the Community Streets Plan and as noted in this staff report. This includes a 5' attached landscape strip with approved tree plantings properly spaced and 6' detached sidewalk.
3. The applicant shall either install a barrier/fence along the alley parking spaces OR shall revise the parking space dimensions so that they are at minimum 22 feet deep.

4. At the time of Development Plan submittal the applicant shall provide a stamped landscape plan prepared by a licensed Wyoming landscape architect with 23 plants units and cost breakdown. The plan shall locate most of the landscaping in the front of the building but also incorporate planting along both the north and south setback areas.
5. The applicant shall provide a Traffic Analysis & vehicle movement plan consistent with Engineering Department's comments in the department reviews.
6. This approval is subject to Section 7.4.2.D.13 Apartment Building Exemption. Upon future subdivision the applicant at that time will be subject to the currently adopted Workforce Housing regulations.
7. The applicant shall revise the site plan and floor plan to provide pedestrian access from the parking/garage area to the northwestern most unit on the ground level.
8. The applicant shall pave the alley to the satisfaction of the Public Works department as stated in the department reviews.
9. The applicant shall go before the Design Review Committee.

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a \_5\_ to \_0\_ vote

**Item B:** Based upon the findings for a Planned Unit Development as presented in the staff report related to 1) Enhances future desire character; 2) PUD Option findings in Article 4; 3) Amendment to PUD findings in Section 8.2.12.D; 4) LDR Text Amendment finding in Section 8.7.1.C; 5) Zoning Map Amendment findings in Section 8.7.2.C as presented by the applicant and staff for Item P17-201, I move to recommend **approval** to the Town Council of a UR-PUD to allow the development of a 20-unit apartment complex for the properties addressed at 640 & 650 S. Glenwood Street and legally described as Lot 4, 5, 6 & 7, Block 4 of the Karns Second Addition to the Town of Jackson, subject to the departmental reviews attached hereto and the following conditions of approval.

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a \_5\_ to \_0\_ vote

**NEW BUSINESS:** None

**MATTERS FROM COMMISSION:** None

**AGENDA FOLLOWUP:** None

**MATTERS FROM STAFF:** None

**ADJOURN:**

A motion was made by: Ann Schuler seconded by: Abby Petri  
Motion approved by a 5 to 0 vote



# TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

**PREPARATION DATE:** NOVEMBER 30, 2018  
**MEETING DATE:** DECEMBER 5, 2018

**SUBMITTING DEPARTMENT:** PLANNING  
**DEPARTMENT DIRECTOR:** TYLER SINCLAIR  
**PRESENTER:** PAUL ANTHONY

**SUBJECT:** **ITEM P18-267:** REQUEST FOR APPROVAL TO AMEND THE OFFICIAL ZONING MAP FROM URBAN COMMERCIAL (UC) TO DOWNTOWN CORE (DC) FOR TWO PROPERTIES LOCATED AT 135 & 175 EAST BROADWAY AVENUE.

**OWNER:** DELONEY STREET LLC & BWD ST LLC

**APPLICANT:** JEFF GOLIGHTLY

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## REQUESTED ACTION

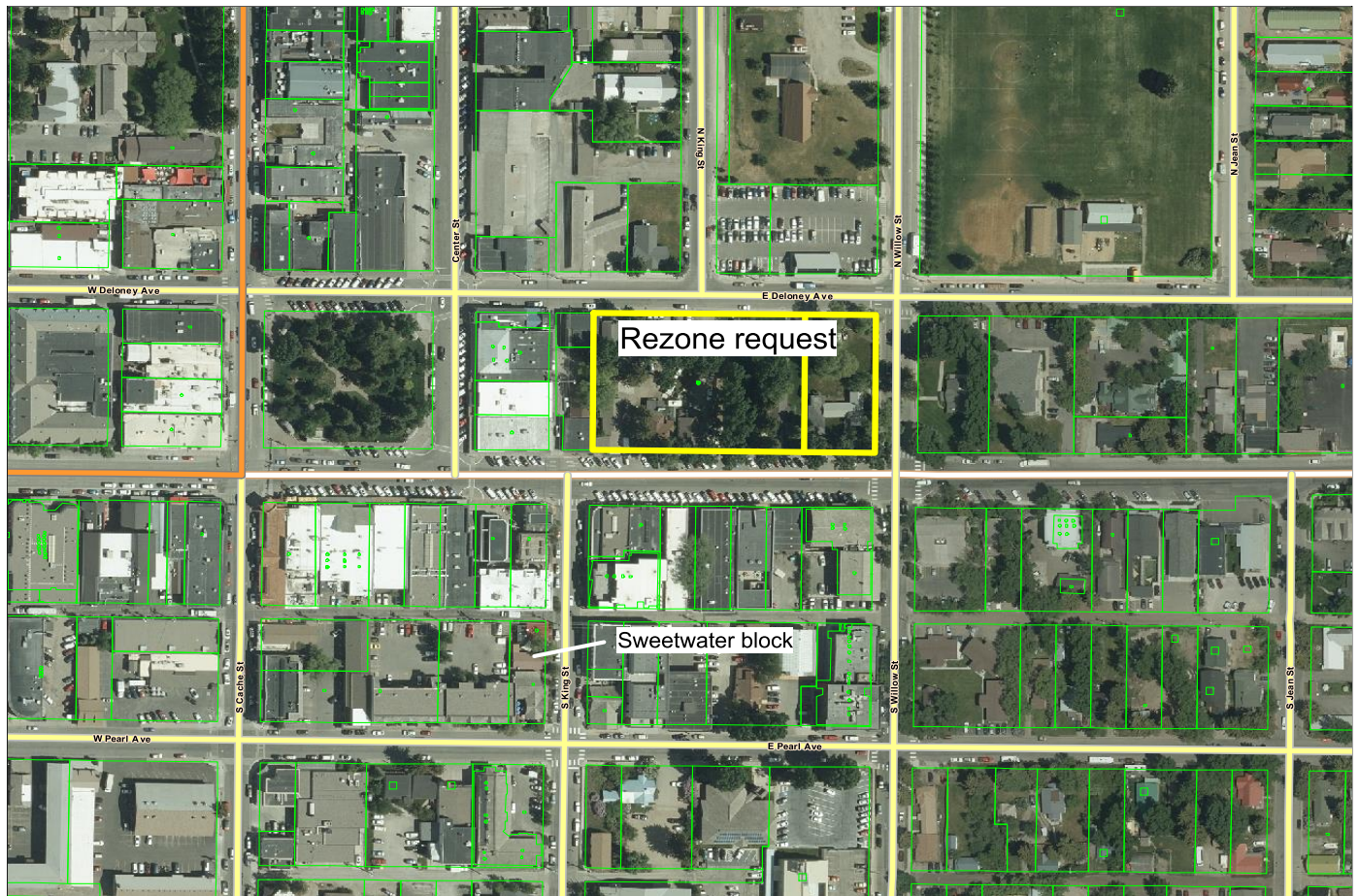
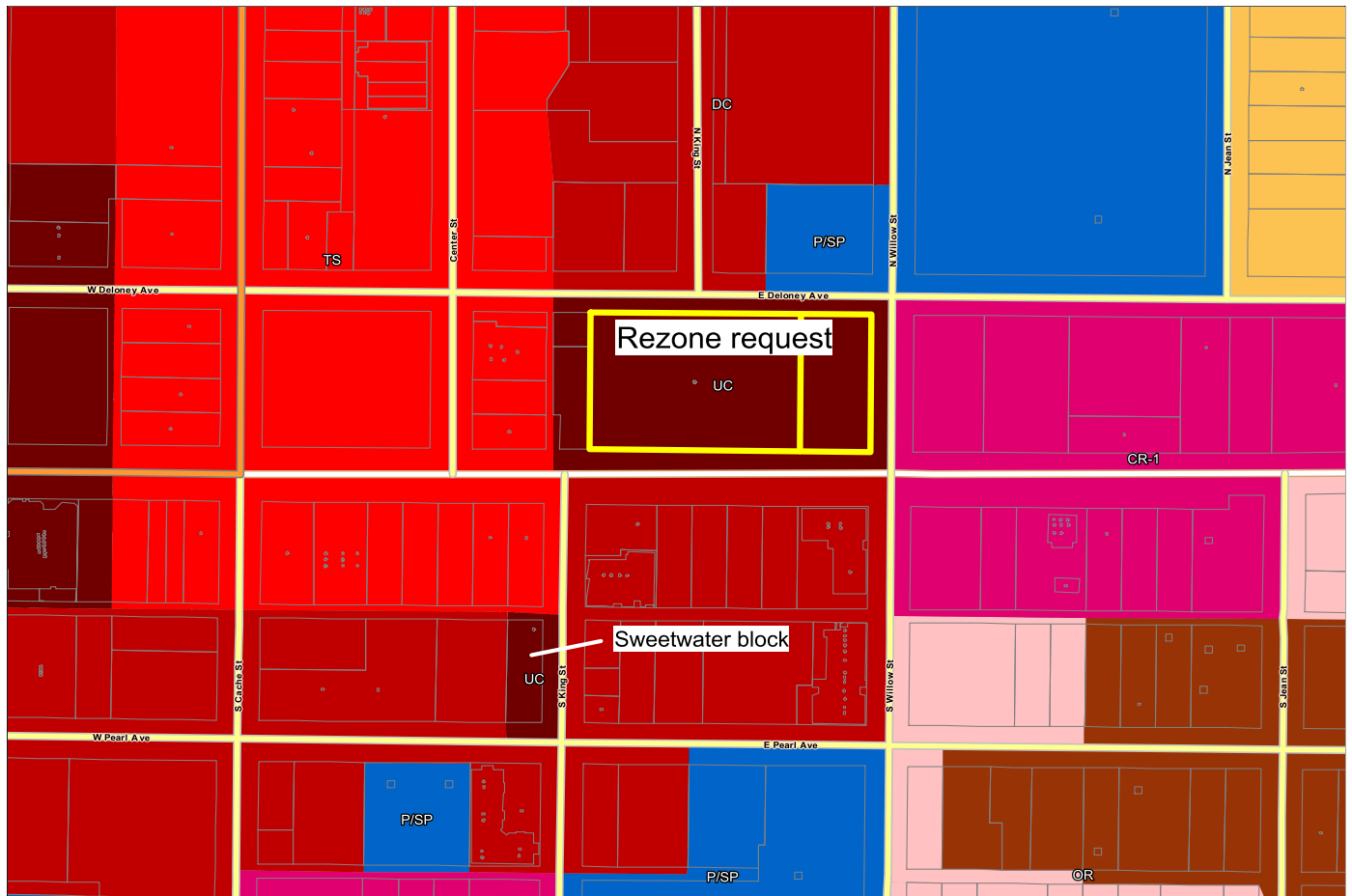
The applicant are requesting approval to amend the Official Zoning Map to rezone two properties located at 135 & 175 East Broadway Avenue from Urban Commercial (UC) to Downtown Core (DC).

## APPLICABLE REGULATIONS

Section 8.7.2 Zoning Map Amendment

## LOCATION

The properties are located at 135 & 175 East Broadway Avenue, legally described as parcels PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116 and PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116. An aerial photo and zoning map are shown below:



## BACKGROUND

### **Existing Site Characteristics:**

The two subject parcels have been zoned UC since 1994. The larger property at 135 E. Broadway is 1.38 acres and has six primary structures on the site that house the following businesses: (facing Broadway) Belle Cose, Café Genevieve, Persephone Bakery, and the Whole Being Juicery, and (facing Deloney) the Home Design and the Workshop buildings. The smaller .46-acre property at 175 E. Broadway has one primary structure that serves as a residential unit. All of the six structures on 135 E. Broadway are older buildings of historical significance to varying degrees, with the Van Vleck House (where Café Genevieve operates) being the only structure on the Teton County Historical Preservation Board's list of historically significant structures, as well as on the National Register of Historic Places (please see letter from the Teton County Historic Preservation Board for more background on the historic resources on the site). The site also has considerable green open space and large cottonwood trees that add considerably to the character of the site. Both parcels are 'double frontage' properties meaning that they are bounded by two street frontages – Broadway on the south and Deloney on the north. While there is an existing public alley located to the immediate west of the property, the applicant's 400'-wide property has no internal alley or pedestrian connections. Should a Development Plan for a subdivision be submitted in the future, the Town may consider the need for a public alley to be dedicated at that time to provide access for service vehicles, etc. The properties to the west are zoned Town Square (TS), to the north and south Downtown Core (DC), and to the east Commercial Residential - 1 (CR-1).

### **District 2 Rezoning Update**

During the rezoning effort for District 2 (Commercial Core) that was adopted in 2016, the applicant's two properties were proposed for Downtown Core (DC) zoning by staff to be consistent with the properties across the street on Broadway and the general vision for the area. The Council decided to postpone the new zoning, however, due to concerns about the lack of zoning tools to protect the site's historic structures. The Council had the same concern about the historic structures on the 'Sweetwater' property at 85 S. King Street. More specifically, the Council did not believe that the primary current tool for protecting historic structures – i.e., the ability of the Historic Preservation Board to request a 90-day stay from the Council on a demolition permit for a historic structure – was enough. This is especially true because if no preservation buyer or alternative site for a historic structure can be found within the 90-day grace period, the landowner can demolish the historic structure without further process. Due to this context, the Council decided to keep the existing UC zoning for both the East Broadway and King Street blocks with the understanding that Town staff would look into possible new historic preservation LDR tools for consideration by the Council in the future. The assumption was that these two UC areas would be reconsidered for rezoning to another possibly more appropriate zone once new historic preservation LDR tools were considered and decided upon. No timeline was provided for these LDR changes at the time but the Planning Department now has on its 2019 Work Plan that new historic preservation LDRs and Town Square LDRs will be considered together because they are closely related topics and likely affect the same areas of Town.

It should be noted also that the Historic Preservation Board has issued an RFP for a consultant to provide an analysis of best practices/zoning tools that could reasonably apply in the Town of Jackson. The results from this study are not expected to be available until approximately June, 2019. The Historic Preservation Board is also requesting approximately \$25,000 from the Town to help fund the study.

### **Applicant's Request:**

The applicant is proposing to change the zoning of both parcels from UC to DC. They state that this change would be consistent with the direction the Town was going before the Council removed these properties from the District 2 update to address historic preservation options. In recognition of the Council's concerns over the historic structures on the site, the applicant approached the Historic Preservation Board and proposed a voluntary 'special restriction' that would apply to any current or future landowner of the properties that



would preserve the Van Vleck House (i.e., Café Genevieve) at its current location fronting Broadway and commit to relocating the Persephone and Whole Being Juicery structures to off-site locations in ‘meaningful’ locations but with no guarantee of their long-term preservation. The Historic Preservation Board has been generally supportive of the goals of the special restriction, but it has not agreed to support the restriction at this time (see the attached comment from the Historic Preservation Board).

## STAFF ANALYSIS

The applicant’s request is limited to amending the Official Zoning Map to change the two subject properties from UC to DC zoning. It does not include any proposed physical development or project. Thus, the Town’s review is limited only to making the required finding for a map amendment in Section 8.7.2 (see below).

While staff acknowledges that the proposed DC zone could very well be appropriate for the site based on the vision in the Comprehensive Plan and surrounding uses, we also recognize that the site has a unique concentration of historically significant structures located in a very prominent downtown location that is well used (and loved) by locals and visitors. The applicant’s site is one of the key character areas of downtown Jackson. And given that staff has not yet had an opportunity to propose any new, comprehensive historic preservation tools for Council (or review the Historic Preservation Board’s planned study) as part of its 2019 Work Plan, staff finds that it would be premature to approve the requested rezone before the community has had this important conversation. Furthermore, the Historic Preservation LDRs are intended to be combined with an LDR update of the current Town Square zoning. Together, these two related topics will look at more specific ways to better protect not only historic structures but our western, small town character in our Town Square area (see excerpt below from the adopted FY 19 Implementation Work Plan).

### **Town Square Zoning and Historic Preservation LDRs**

- **Goal:** Update the zoning in the Town Square Character District to implement the desired future character of the Comprehensive Plan. Town Square zoning may include specific design requirements not included in other zones. Because of the number of historic structures in this area, creation of allowances and incentives for the preservation of historically significant

|                             |                       |              |              |
|-----------------------------|-----------------------|--------------|--------------|
| <b>Progress</b>             | Not begun             |              |              |
| <b>Timeframe</b>            | Jan. 2019 – Jun. 2020 |              |              |
| <b>Task Lead</b>            | Town Planning         |              |              |
| <b>Resources</b>            | <b>FY 19</b>          | <b>FY 20</b> | <b>Total</b> |
| <i>ToJ Pro. Services</i>    | \$ 18,000             | \$ 49,500    | \$ 67,500    |
| <i>County Pro. Services</i> | \$ 2,000              | \$ 5,500     | \$ 7,500     |
| <i>Town Planning</i>        | 50                    | 450          | 500          |
| <i>Long-Range Planning</i>  | 10                    | 40           | 50           |
| <i>Planning Director</i>    | 10                    | 40           | 50           |

structures will be a part of this project. The historic preservation standards created may then be applied elsewhere in the Town and County. As a result, while the Town will take the lead on the project the County will contribute staff and fiscal resources.

- **Comp Plan Strategies:** 4.1.S.1, 4.2.S.1, 4.2.S.4, 4.4.S.3, 4.5.S.1
- **Status:** This Task will begin with the seating of the new Council in 2019.

Staff believes that the above Town Square Zoning and Historic Preservation LDRs should be completed before the applicant’s properties are considered for rezoning, keeping in mind that the two subject parcels could be discussed (and zoned) in the context of the Town Square area and not just whether it should be zoned DC as requested in this application.

Staff’s recommendation does not preclude the properties from development because the owners can still develop under the current UC zoning. To help understand how the UC and DC zones compare in terms of basic development standards, please see the below table:

| <b>Comparison of UC and DC Zones</b>      |                                                           |                           |
|-------------------------------------------|-----------------------------------------------------------|---------------------------|
| <b>Standard</b>                           | <b>UC</b>                                                 | <b>DC</b>                 |
| <b>FAR</b>                                | 1.3                                                       | 1.3                       |
| <b>Height</b>                             | 35'                                                       | 42' – 46'                 |
| <b>Stories</b>                            | 3 (Lodging Overlay)                                       | 3                         |
| <b>3<sup>rd</sup>-story setback</b>       | None                                                      | 10' with 60% encroachment |
| <b>LSR</b>                                | 10%                                                       | 0%                        |
| <b>Setbacks (Front/side/rear)</b>         | 0'/0'/0'                                                  | 0'-5'/0' or 5'/0' or 5'   |
| <b>Maximum building size</b>              | 35,000 sf with CUP                                        | None                      |
| <b>Uses</b>                               | Generally the same                                        | Generally the same        |
| <b>Workforce Housing Bonus (2:1 tool)</b> | Not allowed. Instead, 25% FAR bonus for workforce housing | Allowed                   |
| <b>FAR</b>                                |                                                           |                           |

In summary, while the allowed floor area of both the UC and DC is the same, the main difference is that the DC zone's additional height allows greater flexibility in design and the DC zone does not have the 35,000 sf size limit for an individual building size.

#### PUBLIC COMMENT

The Town has received five letters of public comment (attached). Generally, the public comment is concerned about the possibility of the site being converted to a hotel or other use that would replace the current historic structures and open space.

In addition, the Town has received a letter from the Teton County Historical Preservation Board. In general, the letter provides a summary of the historic resources on the property, including some of the ongoing efforts by the Preservation Board to further study the historic structures on the site as well as to conduct a study of best practices for zoning tools to encourage historic preservation. It concludes by stating that they would like first complete their own study and for the Town to complete its Historic Preservation LDR update before they provide any final recommendation on the rezoning of the applicant's property.

#### STAFF FINDINGS

**Item A:** Pursuant to Section 8.7.2.D the advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

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



Does not comply. As stated in the staff report, staff finds that this rezoning request is premature given the Council's previous direction to postpone new zoning of the subject properties until additional work to identify possible historic preservation tools by the Council. Until that process is complete, which might include some LDR changes and incentives to better address historic structures, staff finds that a rezone to DC is not advised and would not be fully consistent with the purposes of the LDRs.

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

Sub-area 2.3 Downtown Commercial Core: *his large, mixed use, TRANSITIONAL Subarea currently consists of a variety of retail, restaurant, office and other commercial activities, along with long-term residences and lodging in a variety of building sizes and forms. Downtown is the center of civic, cultural, economic, and social activity in the community as well as the center of the visitor experience, as a significant amount of lodging is located here. The existing character and built form is varied and inconsistent. The goal of this subarea is to create a vibrant mixed use area by accommodating a variety of uses and amenities. The subarea will be the starting point for the development of a refined Lodging Overlay boundary and future discussion of the type and size of lodging desired. A key challenge will be to provide a balance between lodging and long-term residential housing. Future structures will be predominantly mixed use, while multifamily structures will be allowed if it properly addresses the street. Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings. Examples of these uses include restaurants, bars, a variety of retail shops and commercial amusement. Furthermore, as portions of the subarea will be located within a future Downtown Retail Shopping District, uses such as office, residential and lodging will be predominantly located on upper floors. A goal of this subarea will be to create a consistent building size and form. In the future, a variety of two to three story buildings are desired. Buildings should be located to create an attractive street wall and take advantage of good urban design principles including massing, articulation and the provision of public space. The pedestrian realm will be of great importance in this mixed use subarea, and emphasis should be placed on adding improvements focusing on the pedestrian experience. Parking should continue to be provided predominately in public lots and on street to create a vibrant, walkable area that is oriented to the pedestrian. On-site parking should be predominantly underground or screened from view. Future redevelopment should enhance the Flat Creek corridor for recreational and ecological purposes. Buildings should front onto the creek to provide opportunities for interaction and enjoyment of this community resource.*

Does not comply. The proposed rezone is not fully consistent with the above vision for Subarea 2.3 because while we need to encourage a strong retail and visitor experience in the downtown, we also need to balance this goal with the protection of the downtown's historic western character that is the reason so many people want to visit Jackson in the first place. In this light, the rezone request is premature because the community has not had the opportunity to fully explore and consider new options and incentives for protecting historic structures that are such an important part of our identity. And knowing that once historic structures are lost that they are generally lost forever, it is prudent for the Council and the community to take the necessary time to discuss how we are going to address our historic structures moving forward.

#### ***Common Value 1: Ecosystem Stewardship***

Not Applicable.

#### ***Common Value 2: Growth Management***

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

Does not comply. Because the proposed rezone request to DC was submitted prior to the Town having an opportunity to do a comprehensive analysis of historic preservation tools and incentives for Council consideration, the request is not fully consistent with the goal of maintaining Jackson as the economic center of the region in a way that protects all of our physical and cultural assets.

*4.2.c: Create vibrant walkable mixed use subareas*

Not Applicable. There is no physical development proposed.

*4.2.d: Create a Downtown Retail Shopping District*

Does not comply. Because the proposed rezone request to DC was submitted prior to the Town having an opportunity to do a comprehensive analysis of historic preservation tools and incentives for Council consideration, the request is not fully consistent with the goal of creating a Downtown Retail Shopping District in a way that protects all of our physical and cultural assets.

*4.2.f: Maintain lodging as a key component in the downtown*

Not Applicable. There is no physical development proposed.

*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*

Not Applicable. There is no physical development proposed.

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

Not applicable. There is no physical development proposed.

*6.2.c: Encourage local entrepreneurial opportunities*

Not applicable. There is no physical development proposed.

*6.3.a: Ensure year-round economic viability*

Not applicable. There is no physical development proposed.

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

Not applicable. There is no physical development proposed.

Does not comply. As stated in the staff report, staff finds that this rezoning request is premature given the Council's previous direction to postpone rezoning of the subject properties until additional work to identify possible historic preservation tools and incentive could be considered by the Council. Until that process is complete, which might include some changes to better address historic structures, staff finds that a rezone to DC is not advised and would not be fully consistent with the desired future character for these properties.

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

Does not comply. As stated in the staff report, staff finds that this rezoning request is premature given the Council's previous direction to postpone rezoning of the subject properties until additional work to identify possible historic preservation tools and incentives could be considered by the Council. Until that process is complete, which might include some changes to better address historic structures, staff finds that a rezone to DC is not advised and would not be fully consistent with the desired future character for these properties.

4. *Is consistent with other adopted Town Ordinances.*

Complies. Staff finds that the proposed request is consistent with all other Town Ordinances.

## ATTACHMENTS

Applicant Submittal  
Department Reviews  
Public Comment

## RECOMMENDATION

The Planning Director recommends **denial** of the request (P18-267) to amend the Official Zoning Map to rezone two properties located at 135 & 175 East Broadway Avenue from Urban Commercial (UC) to Downtown Core (DC) subject to the staff analysis and findings in this staff report and department reviews attached hereto.

## SUGGESTED MOTION

Based upon the findings for an amendment to the Official Zoning Map as presented by the applicant and by the Commission for Item P18-267 related to 1) consistency with the purposes and organization of the LDRs; 2) improved implementation of the desired future character in the Comprehensive Plan; 3) need to address changing conditions or a public necessity; and 4) consistency with other adopted Town Ordinances, I move to recommend **approval** to the Town Council to change the zoning from Urban Commercial (UC) to Downtown Core (DC) for the properties located at 135 & 175 East Broadway Avenue and legally described as parcels PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116 and PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116, subject to this staff report and the departmental reviews attached hereto.

***Please note that although staff is recommending denial motions are always made in the affirmative. Should the Commission recommend approval they shall articulate how the required findings are being satisfied.***



**PLANNING PERMIT APPLICATION**  
**Planning & Building Department**  
**Planning Division**

150 E Pearl Ave. ph: (307) 733-0440  
P.O. Box 1687 fax: (307) 734-3563  
Jackson, WY 83001 [www.townofjackson.com](http://www.townofjackson.com)

Fees Paid \_\_\_\_\_

**For Office Use Only**

Check # \_\_\_\_\_

Credit Card \_\_\_\_\_

Cash \_\_\_\_\_

Application #s \_\_\_\_\_

**PROJECT.**

Name/Description: E. Broadway Rezoning

Physical Address: 135, 175 East Broadway

PIDN: 22-41-16-27-3-00-010;

Lot, Subdivision: n/a

PIDN: 22-41-16-27-3-00-009

**OWNER.**

Name: Deloney Street, LLC; BWD Street, LLC

Phone: 690-1304

Mailing Address: POB 10309, Jackson, WY

ZIP: 83002

E-mail: jeff@gardnercmc.com

**APPLICANT/AGENT.**

Name: Jeff Golightly

Phone: same as above

Mailing Address: same as above

ZIP: \_\_\_\_\_

E-mail: same as above

**DESIGNATED PRIMARY CONTACT.**

\_\_\_\_ Owner ☒ Applicant/Agent

**TYPE OF APPLICATION.** Please check all that apply; see Fee Schedule for applicable fees.

**Use Permit**

\_\_\_\_ Basic Use

\_\_\_\_ Conditional Use

\_\_\_\_ Special Use

**Physical Development**

\_\_\_\_ Sketch Plan

\_\_\_\_ Development Plan

**Interpretations**

\_\_\_\_ Formal Interpretation

\_\_\_\_ Zoning Compliance Verification

**Relief from the LDRs**

\_\_\_\_ Administrative Adjustment

\_\_\_\_ Variance

\_\_\_\_ Beneficial Use Determination

\_\_\_\_ Appeal of an Admin. Decision

**Development Option/Subdivision**

\_\_\_\_ Development Option Plan

\_\_\_\_ Subdivision Plat

\_\_\_\_ Boundary Adjustment (replat)

\_\_\_\_ Boundary Adjustment (no plat)

**Amendments to the LDRs**

\_\_\_\_ LDR Text Amendment

☒ Zoning Map Amendment

\_\_\_\_ Planned Unit Development

\_\_\_\_ Other: \_\_\_\_\_

**PRE-SUBMITTAL STEPS.** Pre-submittal steps, such as a pre-application conference, environmental analysis, or neighborhood meeting, are required before application submittal for some application types. See Section 8.1.5, Summary of Procedures, for requirements applicable to your application package. If a pre-submittal step is required, please provide the information below. If you need assistance locating the project number or other information related to a pre-submittal step, contact the Planning Department. **If this application is amending a previous approval, indicate the original permit number.**

Pre-application Conference #: P18-194 Environmental Analysis #: n/a  
Original Permit #: n/a Date of Neighborhood Meeting: 9/6/2018

**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. Provide **one electronic copy** (via email or thumb drive), and **two hard copies** of the submittal packet.

Have you attached the following?

- ☒ **Application Fee.** Fees are cumulative. Applications for multiple types of permits, or for multiple permits of the same type, require multiple fees. See the currently adopted Fee Schedule in the Administrative Manual for more information.
- ☒ **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. If the owner is a partnership or corporation, proof that the owner can sign on behalf of the partnership or corporation is also required. Please see the Letter of Authorization template in the Administrative Manual for a sample.
- ☒ **Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is held, the submittal requirements will be reviewed at the conference followed by a written summary. The submittal requirements on the TOJ website are intended as a reference to assist you in submitting a sufficient application.

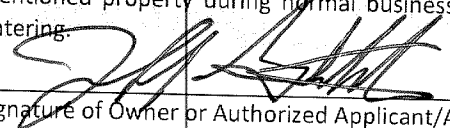
#### FORMAT.

The main component of any application is demonstration of compliance with all applicable Land Development Regulations (LDRs) and Resolutions. The submittal checklists are intended to identify applicable LDR standards and to outline the information that must be submitted to sufficiently address compliance with those standards.

For some submittal components, minimum standards and formatting requirements have been established. Those are referenced on the checklists where applicable. For all other submittal components, the applicant may choose to make use of narrative statements, maps, drawings, plans and specifications, tables and/or calculations to best demonstrate compliance with a particular standard.

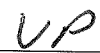
**Note:** Information provided by the applicant or other review agencies during the planning process may identify other requirements that were not evident at the time of application submittal or a Pre-Application Conference, if held. Staff may request additional materials during review as needed to determine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

  
Signature of Owner or Authorized Applicant/Agent  
Jeff Golightly  
Name Printed

8/30/2018

Date

  
Title

## **135, 175 EAST BROADWAY REZONING REQUEST FROM UC/LO TO DC/LO**

### **Proposal**

This application proposes to rezone property at 135 and 175 East Broadway from Urban Commercial/Lodging Overlay (UC/LO) to Downtown Core/Lodging Overlay (DC/LO).

### **Recent History, Context**

This application proposes to complete the task that was initiated by Town planners and officials in 2014 and 2015 and zone property on East Broadway, located 225 feet from the Town Square, as DC/LO. Town planners, acting on the direction of the Mayor and Town Council and implementing the Comprehensive Plan, brought forward a 2014 plan to rezone the downtown commercial core to DC. This plan created a zoning district designed to accomplish numerous Comprehensive Plan goals and apply the newly conceived form-base-zoning code. This Town initiative included 135 and 175 East Broadway, the property that is the subject of this request to amend the zoning map.

In addition to the favorable recommendation from the Planning Department, the Planning Commission also recommended approval of the zoning plan with the East Broadway property included. The Mayor and Town Council progressed toward a vote on the zoning plan with no hesitation about including the subject property when, at one of the last meetings before the Council's approval of the zoning plan, the East Broadway property was removed from the plan.

A concern expressed by the Teton County Historic Preservation Board precipitated the removal. The TCHPB was concerned that inadequate tools existed to preserve buildings that have historic significance. The subject property contains one historic structure that houses Café Genevieve, and two additional buildings of significance to TCHPB that house Persephone's Bakery and the Juicery. Owners of the subject property took TCHPB's concern seriously and have devised a plan in conjunction with the TCHPB to preserve all three buildings. TCHPB now supports moving forward to add the property to the DC zoning district. Below is a motion unanimously approved by the TCHPB during a recent meeting.

"The TCHPB agrees to support efforts to rezone 135-175 East Broadway to the downtown core zoning in exchange for Garner Capital management's commitment to preserve the three existing recognized historic structures that currently occupy the site (Genevieve Van Vleck's house, Persephone Bakery, and Juicery). The TCHPB will participate actively in the planning process and the determination of appropriate incentives and/or bonuses."

To further implement the above decision, the applicant for this proposed rezoning continues to work with the TCHPB and presented to the Board the attached Special Restriction to be

recorded against the property. After reviewing the Special Restriction, the TCHPB passed the following motion.

“Motion to accept the spirit of the special restrictions as presented, excluding the alternative clause outlining demolition option timeline. The board shall review and provide comment prior to the September 2018 meeting for review during the meeting. Final comments to be discussed and submitted to Town of Jackson Planning. Prior to Town of Jackson Planning recommendation to Town of Jackson Council, the Teton County Historic Preservation Board reserves the right to retract formal support of Genevieve block Special Restriction language.”

The only reason the subject property was removed from the DC zoning plan now has been eliminated. The owners will work with the TCHPB to record a deed restriction or execute a similar mutually agreed upon mechanism, that guarantees the historic preservation plan will be honored when future redevelopment plans are created.

Two other areas were similarly removed from the DC zone for the same reason. Reportedly, these other locations also contain historic structures. The applicant for this request, however, pro-actively and creatively worked with the TCHPB to develop a preservation plan and gained the Board's support. This preservation plan accomplishes what current rules and regulations do not accomplish. It is foreseeable that historic preservation regulations will not exist for years, and when they do exist, they will not be more comprehensive or effective than the voluntary preservation plan that the applicant and TCHPB have created. Furthermore, under the current Urban Commercial zoning designation, nothing preserves the historic buildings that are on the property. The work and commitment to develop and execute a preservation plan for the East Broadway property has gained the applicant the right to move forward with this application for DC zoning.

In addition to the preservation plan, the East Broadway property fits squarely into the overall DC district, in terms of its characteristics, location and the Comprehensive Plan goals.

- The land uses on the subject property are similar to the other properties in the DC zone,
- and the property fulfills the intent of the DC zone as well or better than other properties in the district. (See the DC intent detailed below.)
- The DC zone is rectangular and extends east-west from Braun/Willow to the 5-way, and north-south from Gill to south side of Pearl. The subject property is a conspicuous gap missing from the DC district.
- Finally, as detailed below, the East Broadway property is perfectly located to implement the Comprehensive Plan goals for which the DC zone was created. The DC zone is generally derived from the Comprehensive Plan Subarea 2.3. The DC district encompasses almost all of Subarea 2.3, except for a northern extension that is zoned CR. The subject property is in Subarea 2.3, as are all other properties in the DC zone.



“Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings.”

Design standards in the DC zoning district require building fronts and pedestrian amenities that promote the pedestrian experience. The Comprehensive Plan and our modern planning approach want the prominent 400-foot long street frontages of 135 and 175 East Broadway to be redeveloped by the new DC standards.

“A goal of this subarea will be to create a consistent building size and form.

Properties to the south and north are zoned DC. The exclusion of the subject property from the DC plan creates a significant hole in the DC zoning district. Including this property in the DC will apply the same design, size and form standards that already apply to neighboring properties to the south and north.

“Buildings should be located to create an attractive street wall and take advantage of good urban design principles ... .”

As stated above, this property contains 400 feet of street frontage along East Broadway and Deloney, and provides an outstanding opportunity to achieve the type of street wall envisioned in the Comprehensive Plan. Including the subject property in the DC zone will ensure this vision is accomplished. Continuing to apply the outdated UC zoning will provide no such assurance.

#### Intent of the DC Zone

Below are the five stated Intents that are adopted in the DC zone followed by the applicant's response.

1. General intent of the Downtown Core (DC) zone is to provide for a vibrant mixed use area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.
2. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.
3. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.
4. Active and engaging uses are encouraged on ground floors but not required, with offices, apartments, single-family attached, and lodging primarily located on upper stories.
5. Based primarily on sub area 2.3 of the Comprehensive Plan.

The DC zoning district was created to accomplish these intent statements through the various land use, design and development standards. Approving the requested rezoning for 135 and

175 East Broadway will ensure future changes and redevelopment of the property will occur consistently with the standards and intentions of the DC zone.

In addition to the intentions of the DC zone, another key intention must be considered. By the inclusion of the subject property in Comprehensive Plan Subarea 2.3, and the inclusion of the property in the Planning Department's initial proposal, it always has been intended to include the East Broadway property in the new downtown zoning district.

### **Findings for Approval – Zoning Map Amendment**

Below are the applicant's responses to the Findings for Approval, which are essentially the same Findings the Planning Department proposed and the Mayor and Town Council adopted in 2015, with minor changes.

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

The proposed District 2 amendments to the Official Zoning Map were the first targeted mapping update to the LDRs and were deemed by the Mayor and Town Council to be consistent with the LDRs' primary purpose which is to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. In addition, the new District 2 zoning districts were found by the Mayor and Council to be consistent with the LDRs' goals to improve predictability in LDR implementation and to focus on desired future character as the organizing principle for development in the Town.

The subject property is included in the same Comprehensive Plan Subarea 2.3, which is the basis for the new DC zoning district. The property is prominently and strategically located to implement the Comprehensive Plan.

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

The proposed District 2 amendments to the Official Zoning Map were intended as the first step in updating the Official Zoning Map to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. The proposed zoning map changes were found by the Mayor and Council to implement the desired future character of Character District 2: Town Commercial Core, which is for a vibrant, walkable, and "lights on" downtown area, consistent with the new policy direction of the 2012 Comprehensive Plan.

See the above Comprehensive Plan section for a discussion specific to 135 and 175 East Broadway and its inclusion in the same Subarea as the other DC properties.

3. Is necessary to address changing conditions or public necessity

The adoption of a Jackson/Teton County Comprehensive Plan adopted in May 2012 is a new condition that requires the Town to update its LDRs and Official Zoning Map to be consistent with the new Comprehensive Plan. The District 2 zoning map amendments, which provide updated zoning regulations for Character District 2: Town Commercial Core, is the first targeted mapping update by the Town to implement the new Comprehensive Plan.

The subject property is included in the same Comprehensive Plan Subarea 2.3 as all the existing DC zoning. It is prominently and strategically located to implement the Comprehensive Plan.

4. Is consistent with other adopted Town Ordinances

The proposed District 2 amendments to the Official Zoning Map were deemed by the Mayor and Council to be consistent with other adopted Town Ordinances. Including the subject property in the DC does not change this Finding.

SPECIAL RESTRICTIONS FOR  
135 E. BROADWAY AND 175 E. BROADWAY  
(Preservation of Historic Buildings)

KNOW ALL MEN BY THESE PRESENTS that the undersigned Declarants, as owners of property located at 135 E. Broadway and 175 E. Broadway (collectively the Property) in the Town of Jackson, Wyoming, adopts these Special Restrictions and hereby declares that the properties described above shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions affecting all buildings, appurtenances, and improvements, upon each Lot and shall be in addition to all other covenants, conditions or restrictions of record effecting each Lot, and shall be enforceable by the Jackson, Wyoming Mayor and Town Council.

RECITALS:

WHEREAS, Declarants have agreed to restrict the sale, purchase, transfer, use, development and redevelopment of each Lot within the Property to accomplish the Historic Preservation Board's goal of preserving historic buildings; and

WHEREAS, the Historic Preservation Board has identified buildings throughout Teton County that have historic significance and three such buildings are located on the Property; and

WHEREAS, the Declarants and Historic Preservation Board have agreed to a certain plan to preserve said three buildings on that are currently on the Property; and

WHEREAS, the Declarants have agreed to a binding commitment on itself, successors and assigns to implement the agreed upon historic preservation plan for the said Property; and

WHEREAS, the Historic Preservation Board has committed to support the Declarants' proposed plan to rezone the subject Property under the Town of Jackson zoning scheme to match the zoning classification of adjoining properties.

NOW, THEREFORE, the Declarant, in consideration of the said commitment of support from the Historic Preservation Board, covenants and agrees for itself and each and every person, entity or organization acquiring ownership of each Lot or the entire Property, to the following special covenants, conditions and deed restrictions:

1. Van Fleck House Retained on Property. The building known as the Van Fleck House that currently houses the Genevieve restaurant and has housed Jedidiah's restaurant in the past, shall be retained on the Lot at 135 E. Broadway or be more moved to 175 E. Broadway. This restriction does not preclude the structure from being moved to a different location on said Property provided the new location fronts onto East Broadway.

2. Visual Prominence. In addition to fronting East Broadway, the Van Fleck House shall be maintained or relocated to be visually prominent within any redevelopment scheme of the Property. Visual prominence shall mean that the Van Fleck House stands alone with sufficient separation from other buildings to allow it to be in scale with its immediate surroundings and to maintain its architectural integrity.
3. Relocate Two Buildings. At the landowners expense the two buildings currently housing Persephone's Bakery and the Juicery may be maintained anywhere on the Property or relocated to another meaningful location.
4. Meaningful Location. For purposes of these Special Restrictions, a meaningful location shall consist of the following characteristics:
  - a. Within Jackson Valley. The location may be within or outside of the Town of Jackson but shall be within Jackson Valley.
  - b. One or Two Locations. The two structures that may be moved off the property may be moved to the same property or to separate properties.
  - c. Legal Lot, Tract. The location(s) that receive the building(s) shall exist as a legally created lot, tract or parcel under Wyoming State Statutes and/or the applicable Land Development Regulations.
  - d. LDR Compliance. The relocated structures shall be placed on the new property in compliance with all applicable land use regulations and building codes.
  - e. Visually Prominent. The location(s) shall be visible from a public street or road, or if relocated to the unincorporated portion of Teton County, the buildings shall be visible from a public or private street or road.
  - f. Meaningful Use. The relocated structures shall be placed on the new property in a manner and location that allows them to serve a meaningful use or purpose. The placement also shall allow the structures to continue serving a meaningful use or purpose in the event the property is further developed or redeveloped.
  - g. Longevity. While these Special Restriction do not establish a minimum length of time the relocated structures shall remain in the new locations, at the time of the relocation, there shall be no foreseeable factors or reasons that will cause the structures to be further relocated.
5. Identify Locations. The first application submitted to the Town of Jackson for a development permit to redevelop the Property shall identify the locations to where each of the three buildings will be moved, whether the locations are on the Property or

in another location. This first application shall include proof of ownership of the land that will receive the structures or a binding contract or agreement to purchase said land.

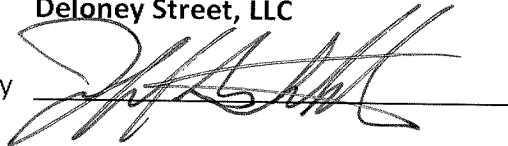
6. Timing of Relocation. The first application for a construction permit to redevelop the Property, which could be for a permit for demolition, grading or building construction, shall be accompanied by any necessary application(s) for the applicable permits to relocate each of the three structures.
7. Rezoning Denied. In the event the Declarants' proposal to rezone the Property to match the zoning classification of the adjoining properties is denied by the Jackson Mayor and Town Council, these Special Restrictions shall become null and void.
8. Severability. Whenever possible, each provision of these Special Restrictions shall be interpreted in such a manner as to be valid under applicable law; but, if any provision of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of these Special Restrictions.
9. Modifications. The Declarants agree that any modification to these Special Restrictions shall be made in writing, signed by the Declarants, approved by the Historic Preservation Board, and recorded with the Clerk of Teton County, Wyoming.

IN WITNESS WHEREOF, the Declarants have executed this instrument on August  
30, 2018.

DECLARANTS:

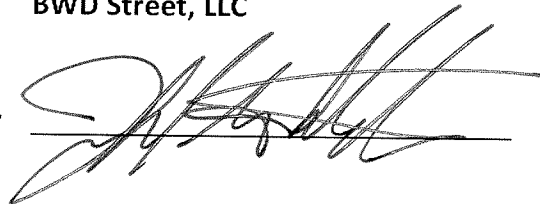
**Deloney Street, LLC**

By



**BWD Street, LLC**

By



# LETTER OF AUTHORIZATION

Deloney Street/BWD, LLC

, "Owner" whose address is: \_\_\_\_\_

135 & 175 E. Broadway Jackson, WY 83001

(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)

Max C. Chapman, Jr.

, as the owner of property

more specifically legally described as: PT SW1/4SW1/4, SEC. 27, TWP. 41, RNG. 116

(If too lengthy, attach description)

HEREBY AUTHORIZES Jeff Golightly

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 OF CO-OWNER)

Title: Managing Partner

(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

)

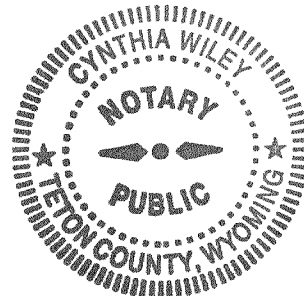
The foregoing instrument was acknowledged before me by Max C. Chapman this 6<sup>th</sup> day of September, 2018.

WITNESS my hand and official seal.

(Notary Public)

My commission expires: 6/18/21

(Seal)



# PLEASE SIGN IN

|    | First & Last Name  | Phone Number   | Email Address                     |
|----|--------------------|----------------|-----------------------------------|
| 1  | ANNA SULLIVAN      | 303-807-3795   | ANNASULLIVANphotography@GMAIL.COM |
| 2  | Julien Hass        | 970 909 0780   | Julien.Hass@gmail.com             |
| 3  | MIKEY FRANCO       | 307 690 3732   | mikey@franco snowshoes.com        |
| 4  | Jennifer Franco    | 307 690 5257   | jencfranco@yahoo.com              |
| 5  | Alice Widdess      | 307-690-5015   | alice@alicewiddess.com            |
| 6  | Allie Gros         | 307 732 7063   | countryejnewsandguide.com         |
| 7  | Jim Hill           | 263-561-3130   | PSYCHIC @ gillco.com              |
| 8  | ESTHER LUBER       | 307-409-7200   | ESTHERLUBER@gmail.com             |
| 9  | Adam Connor        | 517 335 4912   | adamconnor@aol.com                |
| 10 | Kevin Cohane       | 690-4135       | kevin@persephorahkny.com          |
| 11 | Ali Cohane         | 413-4749       | ali@                              |
| 12 | Josh Governale     | 690-2800       |                                   |
| 13 | Linda Cohane       | 732-5492       |                                   |
| 14 | Andrew Smith       | 690 4238       | andrepasmith@gmail.com            |
| 15 | Karen Stewart      | 690-0701       | kstewart3050@gmail.com            |
| 16 | RYAN KOURAI        | 310 600-3947   | RYANKOURAI@MAC.COM                |
| 17 | Antley Campbell    |                |                                   |
| 18 | Jessica Vandenberg | 690-6461       | JESSICA@HBCAFEANDJUICERY.COM      |
| 19 | Morgan Jaouen      | 733-2414       |                                   |
| 20 | Fred Pugh          | 413 1030       | fred@genieveugh.com               |
| 21 | NICK FREDRICKS     | (517) 643 5577 | FREDRI41@GMAIL.COM                |
| 22 | Charles Bemis      | (612) 709-1270 | bemis17@gmail.com                 |
| 23 | Sam Fitz           | 307 413 4907   | abigwarden@aol.com                |



|    | First & Last Name      | Phone Number | Email Address                 |
|----|------------------------|--------------|-------------------------------|
| 24 | Michelle Lynago        | 708-534-8308 | MichelleWine@hotmail.com      |
| 25 | MAC GREGOR             | 413 5555     | MAC GREGOR W/ @ MA            |
| 26 | Mike Clement           |              |                               |
| 27 | Biel                   |              |                               |
| 28 | Ann B                  |              |                               |
| 29 | Way St                 |              |                               |
| 30 | Ally                   |              |                               |
| 31 | Hindi Christine Ramsey | 307-690-8956 | the.hindi.christine@gmail.com |
| 32 | Walter Gerald          | 864-918-3636 | Waltergerald@gmail.com        |
| 33 | Shane Rothman          | 970 275 1684 | bredtoshred@hotmail.com       |
| 34 | Kate Winters           | 307 200 1932 | kate.winters@gmail.com        |
| 35 | Peter Rosenberg        | 617-771-4680 | peter@parosenberg.com         |
| 36 | Sara Kirkpatrick       | 307-699-3540 | sara.kirkpatrick17@gmail.com  |
| 37 | NOAH OSNOS             | 307 203-2009 | sonsony 2 charter             |
| 38 | Chris Kirkpatrick      |              | .net                          |
| 39 | Andy Ripas             | 307 690-7722 | aripras@gmail.com             |
| 40 | Penny                  |              |                               |
| 41 | Daryl Peightal         | 307-413-1632 | dmpaightal@hotmail.com        |
| 42 |                        |              |                               |
| 43 |                        |              |                               |
| 44 |                        |              |                               |
| 45 |                        |              |                               |
| 46 |                        |              |                               |
| 47 |                        |              |                               |
| 48 |                        |              |                               |

| Name                                            | Address 1                     | Address 2                     |
|-------------------------------------------------|-------------------------------|-------------------------------|
| 1 HUTCHINGS, MELVIN D. ET UX                    | 1892 COUNTY ROAD 125          | THAYNE, WY 83127              |
| 2 DELONEY STREET, LLC                           | P.O. BOX 10309                | JACKSON, WY 83002             |
| 3 98 CENTER STREET, LLC                         | 217 WEST 22ND STREET          | NEW YORK, NY 10011            |
| 4 RTN-PSN TRUST, THE                            | PO BOX 6754                   | JACKSON, WY 83002             |
| 5 JACKSON STATE BANK C/O THOMSON PROPERTY TA    | P. O. BOX 2609                | CARLSBAD, CA 92009            |
| 6 REDEEMER LUTHERAN CHURCH OF JACKSON, WY       | PO BOX 1016                   | JACKSON, WY 83001             |
| 7 CHET'S WAY, LLC                               | P.O. BOX 694                  | JACKSON, WY 83001             |
| 8 BROADWAY MILLENNIUM LLC C/O GTPM              | P.O. BOX 2282                 | JACKSON, WY 83001             |
| 9 BROADWAY & WILLOW LLC                         | P.O. BOX 4719                 | JACKSON, WY 83001             |
| 10 GILL FAMILY, LLC                             | 2505 SHOOTIN' IRON RANCH ROAD | JACKSON, WY 83001             |
| 11 FOAM CAPITAL, LLC                            | PO BOX 1045                   | JACKSON, WY 83001             |
| 12 TETON COUNTY SCHOOL DISTRICT #1              | P.O. BOX 568                  | JACKSON, WY 83001             |
| 13 JACKSON STATE BANK & TRUST, THE              | P. O. BOX 2609                | CARLSBAD, CA 92009            |
| 14 BALD EAGLE, LLC                              | P.O. BOX 6368                 | JACKSON, WY 83002             |
| 15 BROADWAY CENTRE LLC                          | PO BOX 489                    | JACKSON, WY 83001             |
| 16 KOMINSKY, RAYMOND J. & SHARLEEN KAY          | PO BOX 1318                   | JACKSON, WY 83001             |
| 17 CRABTREE CORNER, LLC                         | PO BOX 3767                   | JACKSON, WY 83001             |
| 18 JOURDAN FAMILY LIMITED PART.                 | P.O. BOX 3159                 | JACKSON, WY 83001             |
| 19 JACKSON STATE BANK ATTN: ACCOUNTING DEPT.    | P. O. BOX 2609                | CARLSBAD, CA 92009            |
| 20 ZIONS FIRST NATIONAL BANK                    | 1 SOUTH MAIN STREET           | SALT LAKE CITY, UT 84133-1109 |
| 21 JACKSON HOLE DEVELOPMENT CO. C/O MATHIEU, J. | PO BOX 1659                   | JACKSON, WY 83001             |
| 22 MILLER HOUSE, LLC                            | P.O. BOX 4902                 | JACKSON, WY 83001             |
| 23 COLTER BAY RESORTS, LLC                      | 6067 NORTH SEQUOIA DRIVE      | FRESNO, CA 93711-1256         |
| 24 BWD STREET, LLC                              | PO BOX 10309                  | JACKSON, WY 83002             |
| 25 TOWN OF JACKSON                              | P.O. BOX 1687                 | JACKSON, WY 83001             |
| 26 YAMINI LLC                                   | PO BOX 9696                   | JACKSON, WY 83002             |
| 27 SOLEIL HOLDING COMPANY, LLC                  | P.O. BOX 4316                 | JACKSON, WY 83001             |
| 28 DOWNTOWN HOLDINGS, LLC                       | P.O. BOX 126                  | JACKSON, WY 83001             |

August 23, 2018

### Neighborhood Meeting Notice

|                                                 |                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application Type:                               | Zoning Map Amendment                                                                                                                                                                                                                                                                                            |
| Location of Land Zoning Amendment Would Change: | 135 & 175 West Broadway<br>Jackson, WY 83001<br><br>PT SW1/4SW1/4, SEC. 27, TWP. 41,<br>RNG. 116<br><br>AKA The block that contains: Café<br>Genevieve / Persephone / Flower<br>Hardware / Healthy Being Café and<br>Juicery / Susan Fleming Jewelry /<br>Belle Cose at Home                                    |
| Meeting Details:                                | Thursday, September 6 <sup>th</sup> at 3:00 pm.<br>Centennial Building Suite 204<br>610 West Broadway, Jackson WY<br>83001                                                                                                                                                                                      |
| How to view the Final Application:              | The final application will be filed<br>with the Town of Jackson Wyoming<br>Building and Planning Department.<br>Tyler Valentine, Principle Planner, is<br>leading the staff review. He can be<br>reached at 307.733.0440 ext. 1305<br>or <a href="mailto:tvalentine@jacksonwy.gov">tvalentine@jacksonwy.gov</a> |
| Description of the Proposal:                    | See Attached Documents                                                                                                                                                                                                                                                                                          |

## **135, 175 EAST BROADWAY REZONING REQUEST FROM UC/LO TO DC/LO**

### **Proposal**

This application proposes to rezone property at 135 and 175 East Broadway from Urban Commercial/Lodging Overlay (UC/LO) to Downtown Core/Lodging Overlay (DC/LO).

### **Recent History, Context**

This application proposes to complete the task that was initiated by Town planners and officials in 2014 and 2015 and zone property on East Broadway, located 225 feet from the Town Square, as DC/LO. Town planners, acting on the direction of the Mayor and Town Council and implementing the Comprehensive Plan, brought forward a 2014 plan to rezone the downtown commercial core to DC. This plan created a zoning district designed to accomplish numerous Comprehensive Plan goals and apply the newly conceived form-based zoning code. This Town initiative included 135 and 175 East Broadway, the property that is the subject of this request to amend the zoning map.

In addition to the favorable recommendation from the Planning Department, the Planning Commission also recommended approval of the zoning plan with the East Broadway property included. The Mayor and Town Council progressed toward a vote on the zoning plan with no hesitation about including the subject property when, at one of the last meetings before the Council's approval of the zoning plan, the East Broadway property was removed from the plan.

A concern expressed by the Teton County Historic Preservation Board precipitated the removal. The TCHPB was concerned that inadequate tools existed to preserve buildings that have historic significance. The subject property contains one historic structure that houses Café Genevieve, and two additional buildings of significance to TCHPB that house Persephone's Bakery and the Juicery. Owners of the subject property took TCHPB's concern seriously and have devised a plan in conjunction with the TCHPB to preserve all three buildings. TCHPB now supports moving forward to add the property to the DC zoning district. Below is a motion unanimously approved by the TCHPB during a recent meeting.

"The TCHPB agrees to support efforts to rezone 135-175 East Broadway to the downtown core zoning in exchange for Garner Capital management's commitment to preserve the three existing recognized historic structures that currently occupy the site (Genevieve Van Vleck's house, Persephone Bakery, and Juicery). The TCHPB will participate actively in the planning process and the determination of appropriate incentives and/or bonuses."

The only reason the subject property was removed from the DC zoning plan now has been eliminated. The owners will work with the TCHPB to record a deed restriction or execute a

similar mutually agreed upon mechanism, that guarantees the historic preservation plan will be honored when future redevelopment plans are created.

Two other areas were similarly removed from the DC zone for the same reason. Reportedly, these other locations also contain historic structures. The applicant for this request, however, pro-actively and creatively worked with the TCHPB to develop a preservation plan and gained the Board's support. This preservation plan accomplishes what current rules and regulations do not accomplish. It is foreseeable that historic preservation regulations will not exist for years, and when they do exist, they will not be more comprehensive or effective than the voluntary preservation plan that the applicant and TCHPB have created. Furthermore, under the current Urban Commercial zoning designation, nothing preserves the historic buildings that are on the property. The work and commitment to develop and execute a preservation plan for the East Broadway property has gained the applicant the right to move forward with this application for DC zoning.

In addition to the preservation plan, the East Broadway property fits squarely into the overall DC district, in terms of its characteristics, location and the Comprehensive Plan goals.

- The land uses on the subject property are similar to the other properties in the DC zone,
- and the property fulfills the intent of the DC zone as well or better than other properties in the district. (See the DC intent detailed below.)
- The DC zone is rectangular and extends east-west from Braun/Willow to the 5-way, and north-south from Gill to south side of Pearl. The subject property is a conspicuous gap missing from the DC district.
- Finally, as detailed below, the East Broadway property is perfectly located to implement the Comprehensive Plan goals for which the DC zone was created. The DC zone is generally derived from the Comprehensive Plan Subarea 2.3. The DC district encompasses almost all of Subarea 2.3, except for a northern extension that is zoned CR. The subject property is in Subarea 2.3, as are all other properties in the DC zone.

### **Justification**

All the reasons that led the Planning Department and Planning Commission to recommend DC zoning for the subject property in 2014 – 2015, and the Council's inclusion of the property in the DC until the TCHPB comment, continue to exist today. As detailed below, including the property in the DC implements the Comprehensive Plan and is consistent with the adopted intent of the DC zoning district.

### **Comprehensive Plan**

The property is in Comprehensive Plan Subarea 2.3, Downtown. Below are excerpts from the Plan followed by the applicant's responses.

Subarea 2.3 is classified as "Transitional" and is described by the Plan as "the center of civic, cultural, economic and social activity as well as the center of the visitor experience, as a significant amount of lodging is located here."

The “transitional” classification identifies the property in Subarea 2.3, including 135 – 175 East Broadway, for future change and redevelopment. The DC zoning district was created with numerous form-based-zoning and dimensional standards to guide future changes toward a desired character and development pattern. DC zoning will ensure that future changes and redevelopment of the East Broadway property will be consistent with the character and pattern of downtown development. The subject property is critical to achieving this consistency because it is

- centrally located in the downtown commercial core,
- maintains a prominent location in the area that is zoned DC, and
- sits between DC-zoned areas that are located to the south and north.

“The goal of this subarea is to create a vibrant mixed use area by accommodating a variety of uses and amenities. The subarea will be the starting point for the development of a refined Lodging Overlay.”

The subject property is perfectly located and configured to accomplish this adopted vision for downtown. It is located 225 feet from the Town Square and contains 400 feet of street frontage along East Broadway and Deloney. The land uses and building design will occupy a prominent and central location in downtown. Applying the new DC standards for mixed uses, form-based building design and dimensions will allow this property to be redeveloped in a manner that creates vibrancy and a variety of uses.

“Commercial uses that create an active and engaging pedestrian experience will be predominantly located on the first and second floors of buildings.”

Design standards in the DC zoning district require building fronts and pedestrian amenities that promote the pedestrian experience. The Comprehensive Plan and our modern planning approach want the prominent 400-foot long street frontages of 135 and 175 East Broadway to be redeveloped by the new DC standards.

“A goal of this subarea will be to create a consistent building size and form.

Properties to the south and north are zoned DC. The exclusion of the subject property from the DC plan creates a significant hole in the DC zoning district. Including this property in the DC will apply the same design, size and form standards that already apply to neighboring properties to the south and north.

“Buildings should be located to create an attractive street wall and take advantage of good urban design principles ... .”

As stated above, this property contains 400 feet of street frontage along East Broadway and Deloney, and provides an outstanding opportunity to achieve the type of street wall envisioned in the Comprehensive Plan. Including the subject property in the DC zone will ensure this vision is accomplished. Continuing to apply the outdated UC zoning will provide no such assurance.

### Intent of the DC Zone

Below are the five stated Intents that are adopted in the DC zone followed by the applicant's response.

1. General intent of the Downtown Core (DC) zone is to provide for a vibrant mixed use area with a variety of uses and amenities, consisting of wide sidewalks and retail shopfronts pulled up to the street.
2. Buildings can be up to 3 stories in height. Massing, articulation, openings, and step backs are used to reduce bulk and mass. Buildings are located close to the sidewalk, creating an attractive street edge. Large storefront windows invite and encourage pedestrian activity.
3. Parking is primarily provided off-site on public lots and on-street. Parking provided on-site is underground or screened from view by buildings.
4. Active and engaging uses are encouraged on ground floors but not required, with offices, apartments, single-family attached, and lodging primarily located on upper stories.
5. Based primarily on sub area 2.3 of the Comprehensive Plan.

The DC zoning district was created to accomplish these intent statements through the various land use, design and development standards. Approving the requested rezoning for 135 and 175 East Broadway will ensure future changes and redevelopment of the property will occur consistently with the standards and intentions of the DC zone.

In addition to the intentions of the DC zone, another key intention must be considered. By the inclusion of the subject property in Comprehensive Plan Subarea 2.3, and the inclusion of the property in the Planning Department's initial proposal, it always has been intended to include the East Broadway property in the new downtown zoning district.

### **Findings for Approval – Zoning Map Amendment**

Below are the applicant's responses to the Findings for Approval, which are essentially the same Findings the Planning Department proposed and the Mayor and Town Council adopted in 2015, with minor changes.

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

The proposed District 2 amendments to the Official Zoning Map were the first targeted mapping update to the LDRs and were deemed by the Mayor and Town Council to be consistent with the LDRs' primary purpose which is to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. In addition, the new District 2 zoning districts were found by the Mayor and Council to be consistent with the LDRs' goals to improve predictability in LDR implementation and to focus on desired future character as the organizing principle for development in the Town.

1

The subject property is included in the same Comprehensive Plan Subarea 2.3, which is the basis for the new DC zoning district. The property is prominently and strategically located to implement the Comprehensive Plan.

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

The proposed District 2 amendments to the Official Zoning Map were intended as the first step in updating the Official Zoning Map to implement the Jackson/Teton County Comprehensive Plan adopted in May 2012. The proposed zoning map changes were found by the Mayor and Council to implement the desired future character of Character District 2: Town Commercial Core, which is for a vibrant, walkable, and “lights on” downtown area, consistent with the new policy direction of the 2012 Comprehensive Plan.

See the above Comprehensive Plan section for a discussion specific to 135 and 175 East Broadway and its inclusion in the same Subarea as the other DC properties.

3. Is necessary to address changing conditions or public necessity

The adoption of a Jackson/Teton County Comprehensive Plan adopted in May 2012 is a new condition that requires the Town to update its LDRs and Official Zoning Map to be consistent with the new Comprehensive Plan. The District 2 zoning map amendments, which provide updated zoning regulations for Character District 2: Town Commercial Core, is the first targeted mapping update by the Town to implement the new Comprehensive Plan.

The subject property is included in the same Comprehensive Plan Subarea 2.3 as all the existing DC zoning. It is prominently and strategically located to implement the Comprehensive Plan.

4. Is consistent with other adopted Town Ordinances

The proposed District 2 amendments to the Official Zoning Map were deemed by the Mayor and Council to be consistent with other adopted Town Ordinances. Including the subject property in the DC does not change this Finding.



SPECIAL RESTRICTIONS FOR  
135 E. BROADWAY AND 175 E. BROADWAY  
(Preservation of Historic Buildings)

KNOW ALL MEN BY THESE PRESENTS that the undersigned Declarants, as owners of property located at 135 E. Broadway and 175 E. Broadway (collectively the Property) in the Town of Jackson, Wyoming, adopts these Special Restrictions and hereby declares that the properties described above shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions affecting all buildings, appurtenances, and improvements, upon each Lot and shall be in addition to all other covenants, conditions or restrictions of record effecting each Lot, and shall be enforceable by the Jackson, Wyoming Mayor and Town Council.

RECITALS:

WHEREAS, Declarants have agreed to restrict the sale, purchase, transfer, use, development and redevelopment of each Lot within the Property to accomplish the Historic Preservation Board's goal of preserving historic buildings; and

WHEREAS, the Historic Preservation Board has identified buildings throughout Teton County that have historic significance and three such buildings are located on the Property; and

WHEREAS, the Declarants and Historic Preservation Board have agreed to a certain plan to preserve said three buildings on that are currently on the Property; and

WHEREAS, the Declarants have agreed to a binding commitment on itself, successors and assigns to implement the agreed upon historic preservation plan for the said Property; and

WHEREAS, the Historic Preservation Board has committed to support the Declarants' proposed plan to rezone the subject Property under the Town of Jackson zoning scheme to match the zoning classification of adjoining properties.

NOW, THEREFORE, the Declarant, in consideration of the said commitment of support from the Historic Preservation Board, covenants and agrees for itself and each and every person, entity or organization acquiring ownership of each Lot or the entire Property, to the following special covenants, conditions and deed restrictions:

1. Van Fleck House Retained on Property. The building known as the Van Fleck House that currently houses the Genevieve restaurant and has housed Jedidiah's restaurant in the past, shall be retained on the Lot at 135 E. Broadway or be more moved to 175 E. Broadway. This restriction does not preclude the structure from being moved to a different location on said Property provided the new location fronts onto East Broadway.

2. Visual Prominence. In addition to fronting East Broadway, the Van Fleck House shall be maintained or relocated to be visually prominent within any redevelopment scheme of the Property. Visual prominence shall mean that the Van Fleck House stands alone with sufficient separation from other buildings to allow it to be in scale with its immediate surroundings and to maintain its architectural integrity.
3. Relocate Two Buildings. At the landowners expense the two buildings currently housing Persephone's Bakery and the Juicery may be maintained anywhere on the Property or relocated to another meaningful location.
4. Meaningful Location. For purposes of these Special Restrictions, a meaningful location shall consist of the following characteristics:
  - a. Within Jackson Valley. The location may be within or outside of the Town of Jackson but shall be within Jackson Valley.
  - b. One or Two Locations. The two structures that may be moved off the property may be moved to the same property or to separate properties.
  - c. Legal Lot, Tract. The location(s) that receive the building(s) shall exist as a legally created lot, tract or parcel under Wyoming State Statutes and/or the applicable Land Development Regulations.
  - d. LDR Compliance. The relocated structures shall be placed on the new property in compliance with all applicable land use regulations and building codes.
  - e. Visually Prominent. The location(s) shall be visible from a public street or road, or if relocated to the unincorporated portion of Teton County, the buildings shall be visible from a public or private street or road.
  - f. Meaningful Use. The relocated structures shall be placed on the new property in a manner and location that allows them to serve a meaningful use or purpose. The placement also shall allow the structures to continue serving a meaningful use or purpose in the event the property is further developed or redeveloped.
  - g. Longevity. While these Special Restriction do not establish a minimum length of time the relocated structures shall remain in the new locations, at the time of the relocation, there shall be no foreseeable factors or reasons that will cause the structures to be further relocated.
5. Identify Locations. The first application submitted to the Town of Jackson for a development permit to redevelop the Property shall identify the locations to where each of the three buildings will be moved, whether the locations are on the Property or

in another location. This first application shall include proof of ownership of the land that will receive the structures or a binding contract or agreement to purchase said land.

6. Timing of Relocation. The first application for a construction permit to redevelop the Property, which could be for a permit for demolition, grading or building construction, shall be accompanied by any necessary application(s) for the applicable permits to relocate each of the three structures.
7. Rezoning Denied. In the event the Declarants' proposal to rezone the Property to match the zoning classification of the adjoining properties is denied by the Jackson Mayor and Town Council, these Special Restrictions shall become null and void.
8. Severability. Whenever possible, each provision of these Special Restrictions shall be interpreted in such a manner as to be valid under applicable law; but, if any provision of the foregoing shall be invalid or prohibited under said applicable law, such provisions shall be ineffective to the extent of such invalidity or prohibition without invalidating the remaining provisions of these Special Restrictions.
9. Modifications. The Declarants agree that any modification to these Special Restrictions shall be made in writing, signed by the Declarants, approved by the Historic Preservation Board, and recorded with the Clerk of Teton County, Wyoming.

IN WITNESS WHEREOF, the Declarants have executed this instrument on \_\_\_\_\_  
\_\_\_\_\_, 2018.

DECLARANTS:

**Deloney Street, LLC**

By \_\_\_\_\_

**BWD Street, LLC**

By \_\_\_\_\_

## PLANNING

|                            |                                             |                     |                     |            |
|----------------------------|---------------------------------------------|---------------------|---------------------|------------|
| <b>Project Number</b>      | P18-267                                     | <b>Applied</b>      | 9/7/2018            | STOL       |
| <b>Project Name</b>        | Zoning Map Amendment - 135, 175 E. Broadway |                     | <b>Approved</b>     |            |
| <b>Type</b>                | ZONING MAP AMENDMENT                        |                     | <b>Closed</b>       |            |
| <b>Subtype</b>             |                                             |                     | <b>Expired</b>      |            |
| <b>Status</b>              | STAFF REVIEW                                |                     | <b>Status</b>       |            |
| <b>Applicant</b>           |                                             | <b>Owner</b>        | DELONEY STREET, LLC |            |
| <b>Site Address</b>        |                                             | <b>City</b>         | <b>State</b>        | <b>Zip</b> |
| 135, 175 E BROADWAY AVENUE | JACKSON                                     | WY                  | 83001               |            |
| <b>Subdivision</b>         | <b>Parcel No</b>                            | <b>General Plan</b> |                     |            |
|                            | 22411627300010                              |                     |                     |            |

| Type of Review | Status | Dates    |           |          |         |
|----------------|--------|----------|-----------|----------|---------|
|                |        | Sent     | Due       | Received | Remarks |
| Contact        |        |          |           |          |         |
| Notes          |        |          |           |          |         |
| Fire           |        | 9/7/2018 | 9/28/2018 |          |         |
| Kathy Clay     |        |          |           |          |         |

Legal APPROVED W/CONDITI 9/7/2018 9/28/2018 9/28/2018 see notes  
A Cohen-Davis  
(9/28/2018 12:58 PM AC)  
LDR 8.7.2.C, Findings for Approval for a Zoning Map Amendment states that:

"The advisability of amending the Official Zoning Map is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed zoning map amendment the Town Council shall consider factors, including, but not limited to, the extent to which the proposed amendment:

1. Is consistent with the purposes and organization of the LDRs;
2. Improves implementation of the desired future character defined in the illustration of Our Vision chapter of the Comprehensive Plan;
3. Is necessary to address changing conditions or a public necessity;
4. Is consistent with other adopted Town Ordinances.

Parks and Rec NO COMMENT 9/7/2018 9/28/2018 10/1/2018  
Steve Ashworth  
(10/2/2018 9:37 AM STOL)  
No comments as it relates to Parks & Recreation for P18-267.

Pathways NO COMMENT 9/7/2018 9/28/2018 10/1/2018  
Brian Schilling  
(10/2/2018 9:33 AM STOL)  
No comments from pathways

Planning 9/7/2018 9/28/2018  
Paul Anthony  
The Planning Department has no comments at this time but will continue to communicate with the applicant in preparation for drafting the staff report for the Planning Commission.

| Type of Review<br>Contact<br>Notes                                                                                                                                                                                                                                                      | Status     | Dates    |           |           | Remarks |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-----------|-----------|---------|
|                                                                                                                                                                                                                                                                                         |            | Sent     | Due       | Received  |         |
| Police<br>Todd Smith<br>(9/11/2018 12:59 PM STOL)<br>Tiffany,<br>The Police Department has no concerns at this time regarding this project. I am sure we will have comments in the future once we know what the applicant intends to build on the lots.<br><br>Thank you,<br>Todd Smith | APPROVED   | 9/7/2018 | 9/28/2018 | 9/11/2018 |         |
| Public Works<br>Brian Lenz                                                                                                                                                                                                                                                              |            | 9/7/2018 | 9/28/2018 |           |         |
| START<br>Darren Brugmann                                                                                                                                                                                                                                                                |            | 9/7/2018 | 9/28/2018 |           |         |
| TC Housing Authority<br>Stacy Stoker                                                                                                                                                                                                                                                    | NO COMMENT | 9/7/2018 | 9/28/2018 | 9/7/2018  |         |



11.27.18

(sent via email only)

RE: The VanVleck Block (135/175 E. Broadway)

Dear Mayor, Council Members, Planning Commissioners and Planning Director, Town of Jackson:

The Town of Jackson Planning staff has asked the Teton County Historic Preservation Board to provide our recommendation on the current application to rezone 135/175 E. Broadway to DC from UC. This letter will serve to inform you of the Board's recommendations in this matter.

In exchange for the desired rezoning, the current property owner has proposed a deed restriction on three of the historic buildings currently on the site (requiring that one stay on-site, while two would be relocated off-site to a "meaningful location"), which would require any buyer to preserve these structures, albeit in new locations.

Our board's mission is to identify, protect, and preserve Teton County's architectural and archaeological heritage to ensure respectful planning and development that preserves our sense of place and community character. In keeping with the first part of this mission—to identify—we would like to share the block's history for your consideration as you review this rezoning request.

This block's historic structures include the Roy and Genevieve VanVleck House (Café Genevieve), which is listed in the National Register of Historic Places; their daughter Stella and Harry Weston's home (Whole Being Juicery), which was recently evaluated as eligible for the National Register by a professional survey historian; and their second daughter Jean and Bob Stewart's home (the red house) which has not yet been evaluated for National Register eligibility. The Van Vleck family was an early contributor to the town of Jackson's foundational businesses and to its governance. Genevieve was a member of the nation's first all-women's Jackson town council in the 1920s. The VanVleck house was moved in the 1990s closer to the street front (approximately 30 feet) but retains a high level of historic integrity. The VanVleck daughters' homes have not been moved and retain a high level of integrity. Furthermore, the landscape reflects the spatial arrangement, vegetation and building density of early Jackson, meaning that this property is significant for more than just its buildings. For more information see attached documents.

Other structures, such as the Smith House (Persephone) were moved to the site, however, they are historic buildings and stand to tell the history of life in early Jackson. The buildings

containing Workshop, the former Flower Hardware and Belle Cose (the back half of the building) also appear to be more than fifty years old and have not yet been evaluated for historic significance.

Many significant events occurred in these buildings and they serve as a symbol of our town's past in a visually prominent location. But equally importantly, these buildings are now occupied by thriving local businesses and deserve to have a continued life as public venues. The group of mature cottonwood trees has established a park-like setting that is a significant asset for the community.

The Teton County Historic Preservation Board has been working with Gardner Capital Management Corp. through their representative, Jeff Golightly, since April 24, 2018 when Mr. Golightly first presented his proposal to the Board. In the absence of any other historic preservation options other than relocation of the buildings (one of which would remain on the existing site, but in a different, unspecified location), the Board ambivalently agreed to continued discussions, pending review of the final language of the deed restriction and Town Council's review. As stated in our August 14, 2018 board meeting, the TCHPB made a motion to "accept the spirit of the special restrictions as presented" but "reserves the right to retract formal support of Genevieve block Special Restriction Language."

In the ensuing months since our August meeting there has been a vigorous public conversation about the need for greater protection of historic places throughout Teton County, but particularly at this location. The local media has featured numerous articles about the subject and we have heard citizen testimony on the issue at our Board meetings. Our board has received many emails, phone calls and attendees to our meetings out of concern over the rezoning request. As a public board, we feel it is our responsibility to reconsider our support of the special restrictions as presented in this rezoning application.

In addition, since initially engaging with Gardner Capital Management Corp., our board has commissioned historic resource surveys of two of the buildings on the site (the Persephone Building/Smith House and the Whole Being Juicery/Weston House). We have learned through this research that other buildings located on the 135-175 East Broadway lots may also have historic significance (as noted above). Knowing that this site actually may contain upwards of seven historic structures, only saving one on-site now seems insufficient. If the current owners were willing to save the three VanVleck family buildings in their current locations, we could support moving forward on the rezoning request. However, we recognize that by asking the current owner to retain more than just the VanVleck Cabin on site that we would be posing a substantial burden. Communities like ours often compensate for these restrictions by creating preservation incentives (bonus FAR, transferable development rights, increased height allowance, reduced parking or landscaping space, etc.). While implementing Historic Preservation LDR's is on the town and county planning departments' 2019 workplan, we currently have no such tools in place.

In response to this concern, the TCHPB has initiated a planning study to evaluate potential preservation planning tools, scheduled to begin in January that will address our community's need for comprehensive historic preservation strategies. The study will be conducted in collaboration with the planning departments of the Town of Jackson and Teton County and will be a public process that solicits public comment and participation. The Board believes that it

would be premature to approve the rezoning application for these properties before that study is completed.

We recognize that this creates an inconvenient delay for the property owner; however, as a community board we are obligated to respond to the public's concerns and advocate for a better resolution. At a recent public meeting about this issue, Mr. Golightly pointed out that if we had appropriate historic preservation measures in place we would have avoided this controversy, and he endorsed our planning efforts for the future. We thank Gardner Capital Management Corp. for their willingness to advance historic preservation in our town through their offer to save these three structures; however, relocated structures lose their historic connections to a specific history of the place where they were built and lose significant meaning. A more comprehensive solution will preserve Jackson's unique identity as an asset for the future. The subject property, 135-175 East Broadway, represents a remarkable set of buildings and landscapes that tells the tale of early 20<sup>th</sup> Century Jackson; once this history is lost, there is no getting it back. We urge you to take the time to properly develop a comprehensive preservation strategy for our community.

Thank you for your consideration,

Katherine Wonson, President  
TCHPB

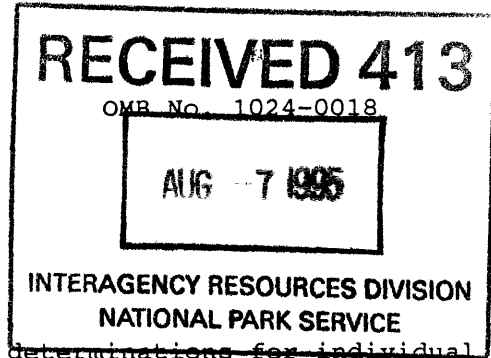


1075

NPS Form 10-900  
(Rev. 10-90)

United States Department of the Interior  
National Park Service

NATIONAL REGISTER OF HISTORIC PLACES  
REGISTRATION FORM



This form is for use in nominating or requesting ~~determinations for individual~~ properties and districts. See instructions in How to Complete the National Register of Historic Places Registration Form (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

=====

1. Name of Property

=====

historic name Van Vleck House and Barn

other names/site number Jedidiah's House of Sourdough (TE 1373)

=====

2. Location

=====

street & number 135 East Broadway not for publication NA  
city or town Jackson vicinity NA  
state Wyoming code WY county Teton code 039 zip code 83001

=====

3. State/Federal Agency Certification

=====

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this X nomination      request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property X meets      does not meet the National Register Criteria. I recommend that this property be considered significant      nationally      statewide X locally. (      See continuation sheet for additional comments.)

Mark Baierwald July 12, 1995  
Signature of certifying official Date

State Historic Preservation Office  
State or Federal agency and bureau

In my opinion, the property      meets      does not meet the National Register criteria. (      See continuation sheet for additional comments.)

\_\_\_\_\_  
Signature of commenting or other official Date

\_\_\_\_\_  
State or Federal agency and bureau

I, hereby certify that this property is:

|                         |                   |
|-------------------------|-------------------|
| for Signature of Keeper | Date<br>of Action |
|-------------------------|-------------------|

Ownership of Property (Check as many boxes as apply)

Category of Property (Check only one box)

Number of Resources within Property

Number of contributing resources previously listed in the National Register N/A

38

6. Function or Use

Historic Functions (Enter categories from instructions)

Cat: Domestic

Sub: Single Dwelling

Current Functions (Enter categories from instructions)

Cat: Commerce

Sub: Restaurant

7. Description

Architectural Classification (Enter categories from instructions)

Other: Log Cabin  
Wood frame barn

Materials (Enter categories from instructions)

foundation Concrete  
roof Asphalt shingles  
walls Log  
wood boards - barn  
other Porch:Wood  
Chimney:Brick

Narrative Description (Describe the historic and current condition of the property on one or more continuation sheets.)

8. Statement of Significance

Applicable National Register Criteria (Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- ☒ A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- ☐ B Property is associated with the lives of persons significant in our past.
- ☐ C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- ☐ D Property has yielded, or is likely to yield information important in prehistory or history.

Criteria Considerations (Mark "X" in all the boxes that apply.)

- ☐ A owned by a religious institution or used for religious purposes.  
☒ B removed from its original location. (36'west & 30'south)  
☐ C a birthplace or a grave.  
☐ D a cemetery.  
☐ E a reconstructed building, object, or structure.  
☐ F a commemorative property.  
☐ G less than 50 years of age or achieved significance within the past 50 years.

Areas of Significance (Enter categories from instructions)

Settlement

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Period of Significance 1910 - 1935

\_\_\_\_\_  
\_\_\_\_\_

Significant Dates 1910/1911

\_\_\_\_\_  
\_\_\_\_\_

Significant Person (Complete if Criterion B is marked above)

N/A

Cultural Affiliation N/A

\_\_\_\_\_  
\_\_\_\_\_

Architect/Builder Van Vleck, Roy

\_\_\_\_\_

Narrative Statement of Significance (Explain the significance of the property on one or more continuation sheets.)

=====

9. Major Bibliographical References

=====

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

Previous documentation on file (NPS)

\_\_\_ preliminary determination of individual listing (36 CFR 67) has been requested.

\_\_\_ previously listed in the National Register

\_\_\_ previously determined eligible by the National Register

\_\_\_ designated a National Historic Landmark

\_\_\_ recorded by Historic American Buildings Survey # \_\_\_\_\_

\_\_\_ recorded by Historic American Engineering Record # \_\_\_\_\_

Primary Location of Additional Data

\_\_\_ State Historic Preservation Office

\_\_\_ Other State agency

\_\_\_ Federal agency

\_\_\_ Local government

\_\_\_ University

X Other

Name of repository: Teton County Historical Center

=====

10. Geographical Data

=====

Acreage of Property: 1.03 acres

UTM References (Place additional UTM references on a continuation sheet)

|   | Zone | Easting | Northing |
|---|------|---------|----------|
| A | 12   | 519465  | 4813990  |
| B | 12   | 519465  | 4813900  |

Verbal Boundary Description (Describe the boundaries of the property on a continuation sheet.)

Boundary Justification (Explain why the boundaries were selected on a continuation sheet.)

=====

11. Form Prepared By

=====

name/title Amy Kiessling/Research Assistant

organization Teton County Historical Society

date June 27, 1994

street & number P.O. Box 1005

telephone (307)733-9605

city or town Jackson

state WY zip code 83001

USDI/NPS Registration Form  
The Van Vleck House and Barn  
Teton County, Wyoming

Page 6

=====  
Property Owner  
=====

(Complete this item at the request of the SHPO or FPO.)

name Abi Garaman

street & number P.O. Box 1

telephone (307)733-3333

city or town Jackson, WY 83001

state WY

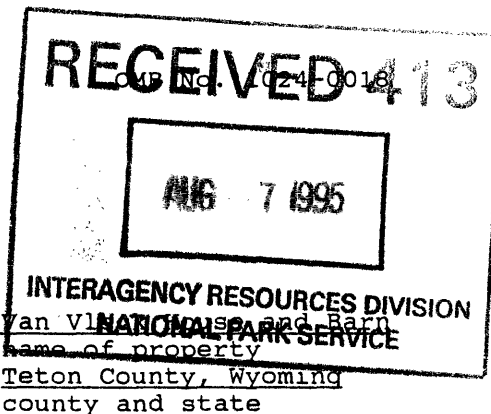
zip code 83001  
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NPS Form 10-900-a  
(8-86)

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The Van Vleck House is a small one-story log cabin located at 135 East Broadway in the town of Jackson, Wyoming. The building was built as a residential home in the years 1910 and 1911. The residential barn stands 42 yards behind the house at 130 East Deloney Avenue. Jean Van Vleck Stewart believes her father built the barn within a few years of the house. The barn is rectangular with dimensions of 29 feet 9 inches by 27 feet 8 inches. It is a wood frame barn with narrow novelty siding. It is 2 stories with a gable roof.

The present appearance of the property is very similar to its historical appearance despite a fire which occurred in 1988 destroying much of the interior of the house, but did not affect the barn. The exterior of the house remained intact and relatively unaffected by the fire.

After the fire the house was moved from the original foundation which did not span the entire building and was placed on an all new poured concrete foundation approximately 36 feet to the west and 30 feet to the south. Although the building was moved the historic appearance has been maintained in that the move was very slight and the building sits in the same orientation and retains its original setting, feeling and association as well as general location and distance from the barn.

The overall layout of the house is L-shaped. Today the building's dimensions are 36 feet by 60 feet. These dimensions are only slightly larger than the original. (Historically there had been an enclosed porch attached to the back of the cabin but due to extensive fire damage it was removed. The dimensions of this enclosed porch were 10 feet 6 inches by 24 feet. When this area was removed it was replaced with an addition 10 feet longer in length and 3 feet shorter in width. Although the addition is slightly larger the exterior walls are of the same type of construction and materials as the original.)

Another change occurring to the exterior at the time of the fire, was the removal and reconstruction of a closet that had protruded off the northeast corner of the building. The closet maintains its original dimensions of six feet square.

A deck, 47 feet 5 inches by 18 feet, was added off to the west side of the building. This deck is wood and is constructed in the same fashion as the front deck which spans the entire width of the building across the front. The front deck/porch is from the original 1910 construction and is covered with an overhang. The porch ceiling of the overhang has a typical tongue and groove ceiling. One by four tongue and groove pine was used for the porch decking. Four inch diameter log balusters standing 23 inches high support a 2 by 6 clap railing wrapping around both the original front porch and added porch. At the corners and walkways two and three balusters extend to the porch overhang.

The exterior walls are stained brown and cement daubing is used between the logs. The logs, are laid horizontally and are peeled. The corners are square corner notched and have cornerboards. The logs are squared off at the window openings four to eight inches beyond the window trim.

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The facade is asymmetrical with two windows at the left of the door and one to the right. The windows are all double hung with one over one window panes. The window surrounds are plain wood molding with lugsills. There had been nine windows on the original construction, today there are eight. A window on the west side of the building was made into a door to meet fire safety regulations. The front door is from the original construction. It is wood and has four panels with a window. The door surround is plain molding.

The soffit is trimmed with a crown molding. The medium pitched hip roof is covered with brown asphalt shingles. The front hip is intersected by a rear hip. There are two scroll metal ornaments from the original construction placed along the roof ridges. Two brick chimneys straddle the roof, one in front and one in back.

The interior was badly damaged in the 1988 fire and is newly constructed. It was reconstructed with the help of Jean Van Vleck Stewart who grew up in the home. The interior had originally been divided into four rooms. Today there are three rooms excluding the new addition in back (D on Diagram 1). Plain wood surrounds trim the entryways dividing the rooms. The front room on the west side of the building maintains the original oak wood floor. It is laid out in a square pattern paralleling the walls. The floor on the east side of the building is a pine overlay done by Roy Van Vleck in the 1940's.

Overall the building is in good condition. Roy and Genevieve resided in the home until 1960. From 1960 to 1974 Jean Van Vleck Stewart lived in the home. After 1974 the building was leased to a local doctor for three years. After this Teton County leased the home as a social services center for troubled teens. In 1980, the house was leased as a restaurant: Jedediah's Original House of Sourdough. It still serves this same function today.

There are numerous windows and doors found on all sides of the barn. The east and west sides each have a rolling barn door. Both sides also have man doors, two appear to have been put in at a later date. The east and south sides each have a six over six lite window. All sides, except the west side, have a hinged hay loft door. On the east side there is small window with a pulley above it used to haul hay into the large hay loft. At the northeast corner is the turn drum that was used to pull up the hay. Three small windows, one on the south side and two on the north side, appear to be later additions.

The south side of the barn roof is wood shingled and the north side is covered with rolled asphalt roofing. A central brick chimney straddles the ridge. The barn is painted a traditional barn red.

Overall the barn is in fair condition and is currently being used for storage by the owner of the property.



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The Van Vleck House and barn are significant for their association with and representation of the earliest settlement and development of the Town of Jackson in the early twentieth century. The structures are therefore eligible for listing in the National Register of Historic Places under criterion A. They constitute an interesting and fragile property, which survived the early settlement period and the later transformation of Jackson into an internationally recognized tourist destination area after the National Park was established. The buildings work together in that both were needed and utilized for everyday living. The barn, located at the back of the lot, was used by the Van Vlecks, as was typical in the early 1900s, much like a modern garage. It housed cows, chickens, horses, wagons and hay. There were never more than a dozen similar residences located within downtown Jackson, but no other examples of this residential/ house and barn relationship remain. In 1989 a historic survey of the downtown identified twenty historic buildings standing, with only six retaining integrity. Two of these are stone structures from the 1920s, two are the Van Vleck house and barn and two have since been removed. With very few exceptions historic buildings that have survived in Jackson have lost their integrity in a frenzied drive to create "a wild west image" that represents the communities role as a tourist town but not its early history. As the only original residential structures adjacent to the town square, the Van Vleck house, barn, on the original lot represent the earliest history and development of this genuine old west agricultural community, which was transformed by tourism.

Prior to the early 1880's, Jackson Hole had no permanent year round residents and it was not until 1884 that the valley would see its first settlers. In that year John Holland filed for the first homestead on what is now the National Elk Refuge. Until 1900 the valley remained sparsely populated with homesteads being found throughout the 80 mile long, 15 mile wide valley. The population for the entire valley was less than 50 souls. With the sparse population the settlers did not need a central location or town. With the growth of population little towns with their post offices and schools emerged all over the valley. Eventually Jackson was established as the valley's primary community. (Daugherty n.d.:14:3) Jackson possessed an advantage over other areas for its geographic location. It "was a natural crossroad linking all ends of the valley." (Huidekoper 1978:70) The earliest settlement of Jackson was considerably more spread out than it is now, with a single property owner having a home, barn, garden and outbuildings taking up the space of approximately 1/4 of a standard city block.

In 1896, the members of the Jackson Hole Gun Club built the town's first community building, the Clubhouse, on what eventually developed into the Town Square, a space equivalent to a standard city block. Although still standing the clubhouse is no longer recognizable as a historic building, its original shape and facade have been altered in an attempt to "westernize" its appearance.

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In 1901 the residents established the first town plat and by 1907 there were twenty-one buildings in Jackson. These buildings included businesses as well as homes. An early photograph shows the twenty-one buildings spread over an approximately 40 block area with empty lots and open space. A few residential structures can be picked out on large lots with barns located at the back of the property, unfortunately the photo is faded and the properties were never labeled so we can not be certain which properties functioned in specific capacities. Large lots were not uncommon, and provided street access to the entrances of all buildings.

In 1906, Roy and Frank Van Vleck arrived in Jackson. They had grown up in Michigan, tried their hand at running a mercantile in Colorado, and were headed for Oregon when they stopped in Jackson Hole to hunt for provisions. Apparently winter was coming, they liked the area and stayed. They found work assisting in the construction of the first Mormon church in the valley. Moved from its original location the church is now a pizza parlor with a red and white striped "boom town" facade. They rented the first floor of the most prominent structure in town, the Clubhouse, and using the provisions from their first merchandising operation, they opened Jackson's first mercantile. In 1909 Roy and Frank purchased the V-V cattle ranch near Hoback Junction and operated it with the store in partnership. In 1913 they decided to split the two operations and didn't apparently care who got which. They decided by the flip of a coin -- Frank got the ranch and Roy the general store.

The population of the town of Jackson had grown to 180 by 1910, the year Roy Van Vleck began building the log cabin known as the Van Vleck House. Before its completion in 1911, he traveled to Michigan and married his childhood sweetheart, Genevieve Lawton. He and his bride returned to Jackson and lived in the cabin until 1960.

By 1914 Jackson was well on its way to becoming a permanent town. The residents built a two-story, brick schoolhouse and the valley's first bank was opened providing a local source of funding for community development. Both buildings have been replaced with new structures. The town incorporated and elected its first mayor and town council. (Daugherty n.d.:14:5)

The Van Vleck House became the center of much social activity for it was the only home with its own water well. As recalled by the Van Vleck's daughters, Jean Stewart and Stella Weston, when friends and neighbors were not coming to the home for meetings or social activities, they came to get water to carry away to their homes.

In 1917 the mayor had established the first street grade around the area in the center of town known as the park. It had a deep swale which was filled with dirt from various building projects and eventually became a town square park through the attentions of numerous citizens. It was during this period of growth that many buildings were added to the downtown area. None of these are recognizable as historic structures because of alterations.

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The Mercantile remained in the same location until 1918 when it moved to a new building next to the Clubhouse. The structure has been reconstructed so many times local authorities believe the original structure is completely gone. Roy continued to operate the store on the square for another 27 years. By 1930 the town of Jackson had a population of 533.

As was typical in the early years of settlement of such agricultural communities, the merchants became very important in local issues. Roy and Genevieve Van Vleck were active participants in the community and both are important figures in the history of Jackson. Genevieve Van Vleck was among the five women who served on the nation's first all women's town council. The five women won the Municipal election in May of 1920, replacing the entire town council. They served until June of 1923. Roy Van Vleck was a successful businessman and was instrumental in bringing new ranching equipment to the valley. He administered the Homestead Act of 1862 in the position of Land Commissioner, served on the hospital and school boards, and was a member of several civic organizations.

Roy Van Vleck is also closely associated with what was probably the most controversial event to take place in the valley, the creation and eventual extension of the Jackson Hole National Monument now known as Grand Teton National Park. The controversy spanned across some four decades and the eventual result, the creation of the park, changed Jackson history forever. Van Vleck spent a considerable amount of time and money on representing his and fellow businessmen's interests. (Starr 1992:14-15)

The businessmen felt that as the park was extended, valuable agricultural land would be taken out of production. They feared their businesses would suffer due to the departure of settlers. (Righter 1982:64) In 1931, the opponents of park extension published a weekly paper, "The Grand Teton", for the express purpose of voicing their opposition. The paper was published by the Grand Teton Publishing Co. (Inc.) with Van Vleck as one of the "principle stockholders." He also served as Secretary-Treasurer for the first few issues of this paper. (Bonney 1984:23) Representing the interests of the opposition, Van Vleck traveled to Washington D.C. and New York City in 1934 where he met with a number of government officials.

By 1945, with the population approaching 1300 Jackson had become a tourist town and its early history as an agricultural community was pushed aside. Today we see buildings designed portraying the West as defined by novels, Hollywood movies and television.

Very little has been done in the way of preserving Jackson's historic structures and as a result the town has lost much of its historic character, but the Van Vleck House as one of few original structures, is representative of Jackson's earliest history. Many of Jackson's oldest buildings have been torn down or altered dramatically. Because of tremendous growth and property tax pressures, (the population now exceeds 7000) the original community has been almost completely replaced with a mythical "wild west fantasy" representation including

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elements described by visitors and locals as "wild west boom town", "riverboat victorian" and "French Alps". Gone are the open spaces and empty lots which historically characterized this small agricultural community. With the exception of the town square, the Van Vleck property is the only remaining open space within the 3 block area surrounding the square. The house and barn stand in the midst of modern encroachments as a reminder of how Jackson began. It serves to remind locals of their heritage and provides visitors with an opportunity to experience a small reminder of the towns modest beginnings.

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Verbal Boundary Description:

The boundary for the Van Vleck property is defined by the sidewalk edge on the north along East Deloney Avenue and by the sidewalk edge on the south along Broadway. The boundary on the west is defined by the east edge of the driveway extending from north to south approximately 5 feet west of the building and porch exterior. The eastern boundary is defined by an invisible and arbitrary line extending north and south approximately 5 feet east of the building exterior. The legal description for the property included within the boundaries is as follows. Part of the SW 1/4 of the SW 1/4 of Section 27, Township 41, North Range 116 West

Boundary Justification:

The boundary includes only the Van Vleck House and barn. The barn stands on the back of the property 42 yards from the house in its original location. The property is bounded by Broadway to the south, a driveway to the west and East Deloney Avenue on the north. An arbitrary boundary is used on the east to exclude a portion of the original lot and a building recently placed directly east of the house. This building was not part of the original Van Vleck property.

**From:** Susan Marsh  
**To:** [Town Council](#)  
**Subject:** Broadway and Willow block  
**Date:** Friday, September 07, 2018 8:31:59 AM

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Dear Council,

I just read in Buckrail (and have seen the signs posted) that “If the owner of a property in Jackson wants to pursue a large scale project like a PUD, or an amendment to a master plan, or, in this case, a proposed change to zoning, he/she is required by the town to hold a public meeting to inform the ‘neighborhood’ and take a temperature.”

I’m unsure as to whether this is accurate. Maybe the process for variance requests differs, but in my experience everyone within 200 feet of the property in question is usually given a written notice well in advance of the meeting. Is posting a sign a good enough substitute? In any case, I think a lot of us dread the day when the historic site with its big shade trees and open space will be replaced by a huge hotel.

Thanks, Susan Marsh

**From:** [Alyssa Friedman](#)  
**To:** [Town Council](#)  
**Cc:** [molly@jhalliance.org](mailto:molly@jhalliance.org); [Emily Coleman](#); [Clare Stumpf](#); [Ryan Nourai](#)  
**Subject:** Public Comment 11/15: Deloney Block  
**Date:** Wednesday, October 17, 2018 7:03:13 PM

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Dear Town Council,

Thank you for listening to my public comment during the town council meeting on Monday. I know I speak on behalf of my colleagues cc'ed when I say that we appreciate your thoughtful consideration of our concern.

On Monday, I had spoken about my concern regarding the the sale of the Deloney block. We understand that Gardner capital has a deal in place to sell the block to an unknown entity contingent upon an upzone, which would be voted upon by the town council, to build a hotel.

We are concerned because this potential hotel would effectively wipe out an important community space and green space within jackson, and relocate or demolish historic structures, all of which house small local business and are important to the community character of Jackson Hole, and thus to locals and our tourist economy.

Our questions are:

1. What's the timeline for a vote on the upzone?
2. What's your take on the situation?
3. What does community character mean to you?
4. Do you think that having an ordinance in place for historic preservation is important prior to voting?

Thank you for your time and consideration of our questions.

All best,  
Alyssa



**From:** [Katherine Wonson](#)  
**To:** [Jim Stanford](#)  
**Subject:** Re: Diary of a Dude Wrangler  
**Date:** Wednesday, October 24, 2018 11:47:23 AM  
**Attachments:** [forward 3 revised final.docx](#)

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Oops. Here is the attachment.

On Wed, Oct 24, 2018 at 11:43 AM Katherine Wonson <[katherinewonson@gmail.com](mailto:katherinewonson@gmail.com)> wrote:

I think you'll enjoy my forward as it sounds like we like the same thing about Struthers Burt's message in general.

Also, I just had a good talk with Jeff Golightly. I told him that we would be writing a letter in advance of the planning commission meeting on November 7th. I also stated that we are of course in support of something more preservation-forward for the property and did mention that perhaps talking to a philanthropic partner would be the way to go. He brought up the Land Trust and said he was interested in that avenue but did not want to pursue it to the detriment of his current proposal with the current buyer. I am going to reach out to Laurie and float this with her. Would you like to be involved or do you want to make the contact? I think our board should be pursuing the most pro-preservation avenue as a counter proposal to the current rezone attempt. I don't want to get sideways with Jeff as you know, but since this came up in our discussion, I don't feel disingenuous in talking to Laurie. Thoughts?

k

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***Katherine Wonson***  
***307-690-5062***

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***Katherine Wonson***  
***307-690-5062***

“The desire to succeed and the desire to be left alone are antagonistic.”

[STRUTHERS BURT, DIARY OF A DUDE WRANGLER, PG #?]

**Comment [WK1]:** Probably good to indicate that this is a quote from the book.

In 1904 Struthers Burt was a restless Princeton graduate with an inexplicable lifelong pull westward. This western orientation finally landed Burt in the Tetons as a partner in the JY Ranch, Jackson Hole's first dude ranch, or guest ranch for those wishing to vacation by stepping into the life of Western cattle rancher. After that partnership dissolved in 1911, Burt joined the JY's resident doctor, and fellow Philadelphian, Dr. Horace Carncross, to found the Bar BC Dude Ranch in 1912.

Jackson in the first decade of the twentieth century had seventeen permanent town structures, no bridges crossing the valley's formidable rivers, sixty families and no stable economy. A man could experience solitude in abundance, but success, or financial success at least, was illusive. Jackson stood as the last remnant of the frontier into the 1880s for good reason. The growing season is less than ninety days long; the cobbled soil is poor for cultivation; there was no access to market to sell goods; and grazing was difficult on the Homestead Act and the Desert Lands Act's limited land allowances.

A natural entrepreneur, Burt flipped the equation by exploiting the valley's seeming liabilities to become its greatest assets. In Burt's view it was precisely the isolation, ruggedness, inhospitable climate, colorful bachelors and lack of access to population centers that made Jackson Hole the dude rancher's paradise and therefore a good investment. The Bar BC Dude Ranch represents a simple business proposition: It is more profitable to wrangle dudes than wrangle cattle in Jackson Hole.

To build a successful dude ranch business in the spring of 1912 meant erecting nine cabins, two bunkhouses, a shop and saddle shed, a laundry, 1,120 rods of fence, a well, a bridge and an irrigation system to accommodate the “tiny village” of fifteen dudes, accompanying staff and the owners. This was all accomplished by two teams of unskilled laborers over the two-month mud season with unreliable access to building materials. By 1913, the ranch would expand to accommodate forty guests with an additional fifty supporting staff. And so enters the conflicting relationship between the desire for success and solitude. As Burt writes, “You must do your best, even on a place where from fifty to over a hundred people are gathered together, not to destroy the impression of wildness and isolation.”

Struthers Burt and Katharine Newlin Burt espoused the virtues of the Wild West, isolation and rugged individualism through their popular books (namely *Diary of a Dude Wrangler*), films and magazine articles, enticing urban easterners to patronize their ranch. These dudes, or “strangers to a country,” once baptized to the dude ranch life would often in turn buy land and start their own dude ranches, continuing the successive pattern of eastern settlement. By 1925, dude ranching had become such a staple of the local economy that there were 600 dudes visiting the valley at a time when there were only 400 local residents. Bar BC Dude Ranch was among the leading employers in the valley.

Dude ranching was a welcomed arrival in Post-WWI-Jackson following the collapse of the cattle market. However, the valley's tourism boom posed a new problem. As Jackson left its frontier past behind, signs of overdevelopment and exploitation of its natural resources emerged. In 1919, the Bureau of Reclamation proposed a dam on Jenny Lake, spurring forward thinking business owners like Burt to reconsider their position against the National Park idea to conserve the Teton Range and glacial lakes.

Burt's conflicting desire for success and solitude came to a head in the 1920s as the growth of tourism seemed limitless and the land's capacity to support private development clearly limited. Ultimately,

Burt chose the desire to create space for solitude and walked away from the desire for continued success when he put his conservation values into action. In 1930 Burt sold his beloved Bar BC Ranch with the intent for it to become part of Grand Teton National Park. Burt writes “since it was part of the dude-man’s job to protect game and preserve beauty, in other words, to use foresight, he was regarded as a reactionary and an impediment to progress... And, as a matter of fact, the dude-wranglers were the first men to realize as a class the potential values of the Far West, partly from clear-sighted selfishness.”

I like to think that the Burts satisfied the desire for both solitude and success when they used the proceeds of the sale of the Bar BC to build the Three Rivers Ranch in Moran, WY. As an invite-only writers retreat, the throngs of guest and obligations of running a dude ranch were safely behind them, offering them opportunities for being “left alone.” Success certainly found them as the couple, and later their author son, Nathaniel Burt, enjoyed prolific literary careers while writing at the ranch.

In 2017, over three million people visited Grand Teton National Park. Burt’s dude ranching economy was the seed that matured into today’s tourism industry. Modern Jackson residents struggle with the paradox of success and solitude just as Burt did. For many of us success depends on growing the tourism economy that brings more people here, though many of us came to the valley for the same romanticized ideals of solitude that Burt did.

In a bit of poetic justice, the Bar BC is now a great place to go to “be left alone.” After the life lease attached to the 1930 sale of the ranch was terminated in 1986, Grand Teton National Park stopped maintaining the buildings. By the early 2000s the structures were in poor condition and in-the-know park visitors or locals would seek out the ranch to explore the ranch as an architectural ruin. Burt’s vision of Grand Teton National Park as “a museum on the hoof” where visitors would experience the western cultural landscape was finally realized.

In 2018, the park and the Grand Teton National Park Foundation entered into a partnership to stabilize two core buildings, the Main Cabin and Corse Cabin, making a commitment to start preserving the important story of the Bar BC. With the republication of *Diary of a Dude Wrangler*, we are similarly committing to the preservation of the Bar BC Dude Ranch. It is the synthesis of the logs and nails and Burt’s firsthand accounts of building the ranch that makes its history come alive. Too frequently in this valley, we are left with only the history and not the physical reminder of that history. I am proud to have been a part of keeping both the story and the building alive.

**From:** [Miriah Atwood](#)  
**To:** [Town Council](#); [Pete Muldoon](#); [Hailey Morton Levinson](#); [Jim Stanford](#); [Don Frank](#); [Bob Lenz](#)  
**Subject:** A note concerning Deloney Block  
**Date:** Tuesday, November 20, 2018 4:19:46 PM

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Dear Town Council,

I am writing on behalf of the Deloney block. During the fall of 2017 I visited Jackson for the first time as part of my partner's interview at St. John's Hospital. We were two days into our visit when we sat down on the patio of Cafe Genevieve and had brunch. It was there, sitting on that porch eating and watching ravens fly over head that we fell in love with Jackson. We packed up and moved here two months later and have learned a lot about life in Jackson since then.

I have learned that there are places that tourists go, there are fewer places that locals go, and even fewer places where locals and tourists go together. Persephone, The Juicery, and our beloved Cafe Genevieve are among the few places where locals and tourists congregate together in harmony. I can't help but feel that if torn down and replaced with yet another commercial property, there will be three fewer places where locals feel welcome and another area that will no longer belong to the community members that live here. The Deloney block is the magic of Jackson. If we hadn't stumbled upon Cafe Genevieve and had breakfast there over a year ago I'm not sure we would be here now.

I walk around town square and do not feel welcome, or much desire at all frankly, to enter any of the shops on the square. In fact, the square is avoided at all costs during the summer season because it is so crowded with visitors. Why would we want to upzone Deloney block to a Downtown Core area and cut off locals from another beautiful, relaxing green space and the historic buildings that made us all fall in love with Jackson in the first place. Please reconsider the upzoning deal and keep Deloney block under the Urban Commercial zoning. The town of Jackson needs a Historic Preservation Ordinance to protect the remaining magical properties we have, because without these places, why are we here? The historic locations in town are what makes Jackson stand out and establishing a preservation ordinance will aid in keeping Jackson from becoming like any other sold out ski town. Look to Aspen and Telluride as an example, such beautiful communities keeping the magic alive and allowing their histories to thrive.

We do not want to risk "Jackson sucks, tell you friends." turning into "Jackson sucks.".

Thank you,  
Miriah Atwood

Email: [miriah3@gmail.com](mailto:miriah3@gmail.com)  
Mobile: 802 359 2474

**From:** [Maggie Moore](#)  
**To:** [Town Council](#); [pmuldoon@jackson.gov](mailto:pmuldoon@jackson.gov)  
**Subject:** Giving Thanks for Jackson's Precious Historic Character  
**Date:** Sunday, November 25, 2018 8:07:57 PM

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Dear Mayor Pete Muldoon and Town Council Members Hailey Morton-Levinson, Jim Stanford, Don Frank and Bob Lenz,

Thank you for all you do to protect the community character of Jackson. I care for the historic buildings, the green space, and local atmosphere on the Cafe Genevieve block, and want to see it protected. I admire this unique view every day from the windows of my desk at Spark- when the snow falls, when the leaves turn, and am grateful for the pleasing idiosyncrasies of each building among the cottonwood trees, and how they contain Jackson's past and present within them.

With that in mind, please say no to Max Chapman's upzone deal. Allow the community time to fund-raise and get an alternative offer to Max Chapman. Allow the Historic Preservation Board time to develop a Historic Preservation Ordinance to protect our remaining historic places in town. Please consider the Cafe Genevieve block as part of a long-term vision for our community. I am grateful that this precious parcel of land and buildings that reflect our Western heritage and local community still exists in Jackson. And once it is gone, it is gone forever. Please preserve what is left.

Sincerely,

Maggie Moore

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*Maggie Moore*  
Founder



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P.O. Box 1676  
Jackson, WY 83001  
203-610-2477

[www.artemisartadvisory.com](http://www.artemisartadvisory.com)

**From:** [Alexander Muromcew](#)  
**To:** [Town Council](#)  
**Cc:** [Arne Johanson](#); [Jon Schechter](#)  
**Subject:** "The Deloney Block"  
**Date:** Sunday, November 25, 2018 3:06:04 PM

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Dear Town Council and Town Council Elect:

Thank you for all your hard work. You certainly have several contentious and complex issues before you. One of these is the future of the "Deloney Block." I care for the historic buildings, the green space, and the local atmosphere on the Cafe Genevieve block, and would like to see it protected. I am writing to ask you to deny Gardner Capital's application for an upzone. I hope that we as a community can come up with a compelling offer to purchase the block ourselves. Also, please allow the Historic Preservation Board time to develop a Historic Preservation Ordinance to protect our remaining historic places in town.

Sincerely,

Alexander Muromcew

Alexander Muromcew  
P.O. Box 11897  
Jackson, WY 83002  
307-690-0968



# TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

**PREPARATION DATE:** NOVEMBER 30, 2018  
**MEETING DATE:** DECEMBER 5, 2018

**SUBMITTING DEPARTMENT:** PLANNING  
**DEPARTMENT DIRECTOR:** TYLER SINCLAIR  
**PRESENTER:** TYLER SINCLAIR

**SUBJECT:** **ITEM P17-147** A REQUEST TO AMEND THE JACKSON HOLE GOLF AND TENNIS MASTER PLAN PURSUANT TO SECTION 8.7.3, PLANNED UNIT DEVELOPMENT (PUD) OF THE TETON COUNTY LAND DEVELOPMENT REGULATIONS.

**APPLICANT:** Y2 CONSULTANTS

**PROPERTY OWNER:** JACKSON HOLE GOLF AND TENNIS RESORT. LLC

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## REQUESTED ACTION

Jackson Hole Golf and Tennis is requesting to amend the Resort Master Plan by submitting the following application:

- Amend the Jackson Hole Golf and Tennis Master Plan (Master Plan) pursuant to Sections 8.7.3 and 4.3.1.D. of the Teton County Land Development Regulations, Planned Unit Development (PUD) (PUD2018-0001)

The application states that the applicant proposes to amend the Master Plan, based on the following changes:

- I. To further define the physical area and use standards associated with the Golf Maintenance/Employee Housing site identified within the previously approved PUD for JHGTC, the subject property of this application.
- II. To add cellular, wireless telephone utilities to the list of utility services in the Golf Maintenance/Employee Housing site.
- III. To establish a 15 foot setback from a river channel in the Golf Maintenance/Employee Housing site.

The application includes the 2 sets of findings associated with a PUD application (Section 8.7.3 and 4.3.1.D), a PUD Site Plan Map and a Master Site Plan.

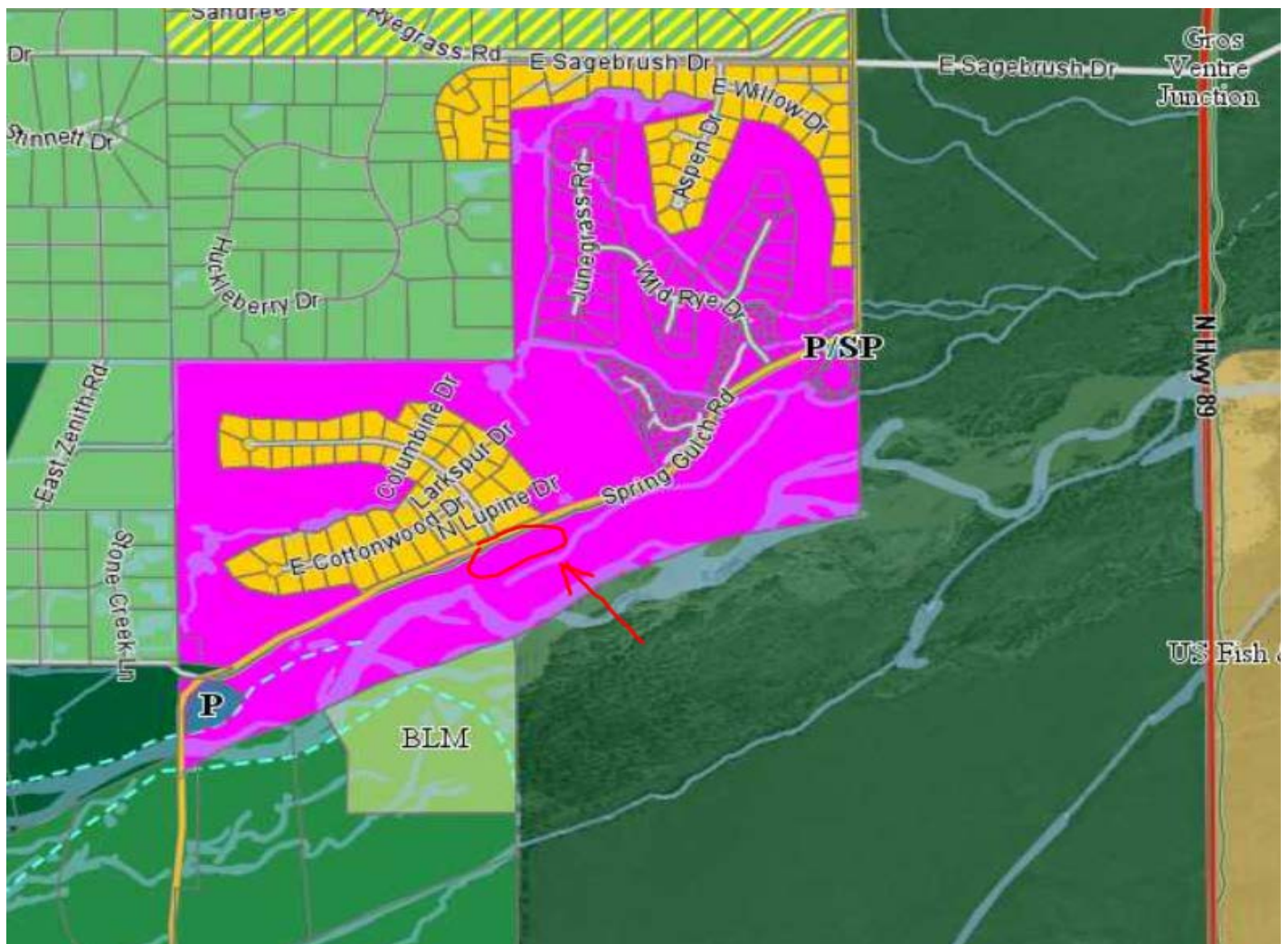
## APPLICABLE REGULATIONS

Division 4.3 Planned Resort Zones  
Section 4.3.1.E.4 Joint Review by Town and County  
Section 8.7.3 Planned Unit Development

## LOCATION MAP

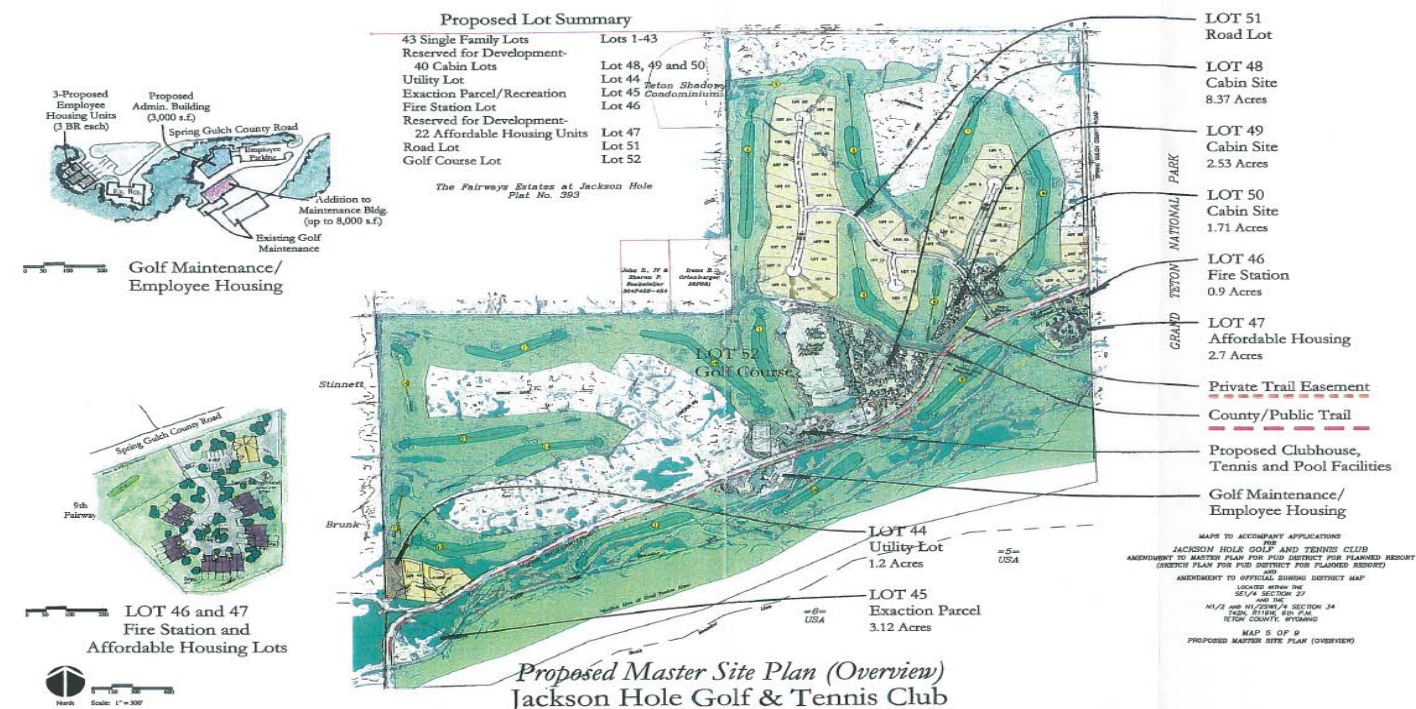
### Zoning/Vicinity Map

Legal Description: SEC. 34, TWP. 42N, RNG. 116W  
PIDN: 22-42-16-27-4-15-001  
Site Size: 6.3 acres  
Character: 9: County Valley  
District:  
Subarea: 9.1 Jackson Hole Golf and Tennis  
Zone: Planned Resort (PR)  
Overlay: Natural Resources Overlay (NRO)

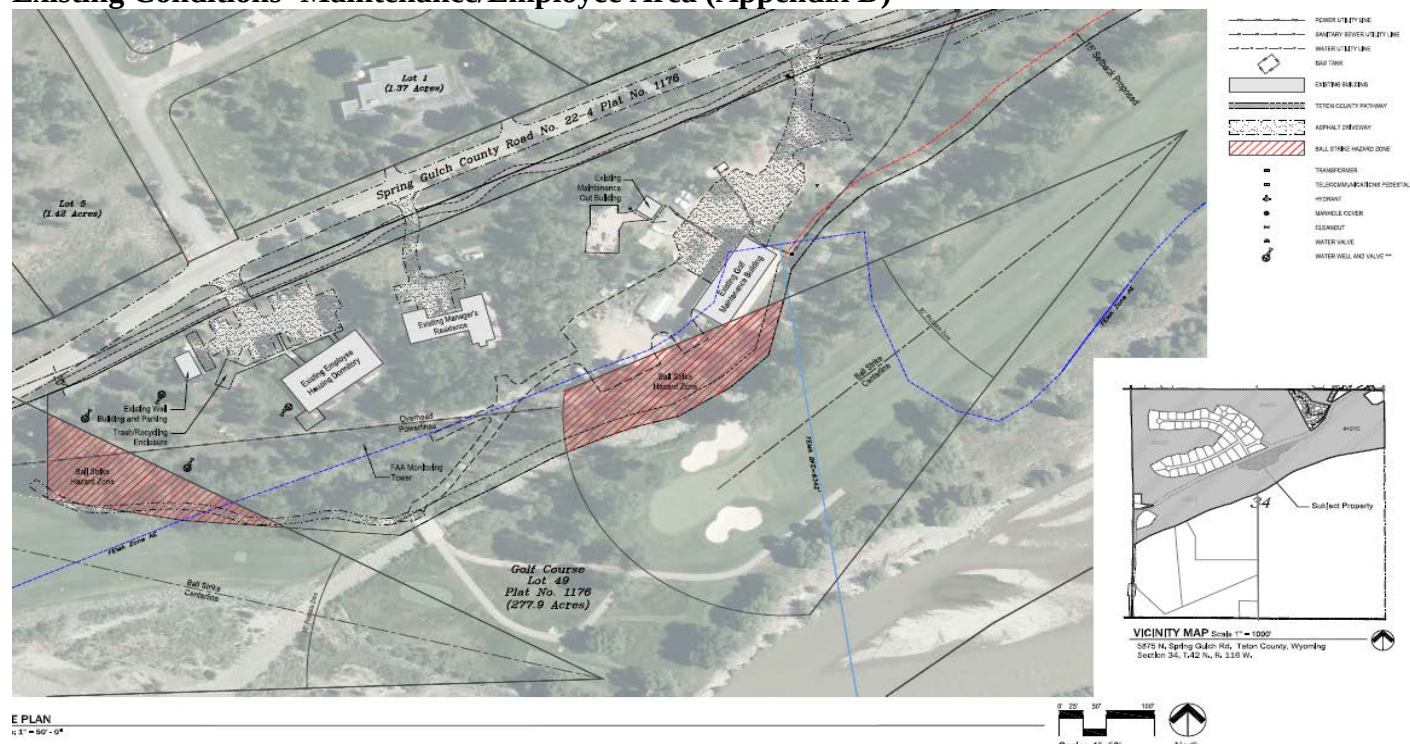




## Current Master Plan Map



## Existing Conditions- Maintenance/Employee Area (Appendix D)





[illegible]

JHGT is requesting an amendment to its current 2002 Resort Master Plan to further define the physical area and use standards associated with the Golf Maintenance/Employee Housing site identified within the previously approved PUD for JHGT. No other changes are proposed for the Master Plan amendment and no physical development is proposed. Specifically, JHGT requests the following amendments to the Master Plan:

- Please see the attached staff report from the Teton County Planning Department for a brief history of the resort approval.

4

According to Sec. 4.3.1.E.4 of the Teton County LDRs, each jurisdiction shall receive and consider recommendations from the other jurisdiction when a Planned Resort application is submitted for review or amendment. The text of Sec. 4.3.1.E.4 is as follows:

4. **Joint Review by Town and County.** The County Planning Commission and the Board of County Commissioners shall receive and consider recommendations from the Town Planning Commission and Town Council regarding any Planned Resort master plan application in the County. For the same purpose, The County Planning Commission and Board of County Commissioners shall make recommendations to the Town Planning Commission and Town Council regarding any Planned Resort master plan application within the Town of Jackson.
  - a. **Purpose.** The purpose of the County's and Town's review of any Planned Resort in the other jurisdiction is to recognize the impact of resorts on neighboring jurisdictions and to provide an opportunity for cooperation in planning and mitigation of potential impacts.
  - b. **Intent.** The intent of review is for the Town Planning Commission and Town Council to have an opportunity for review and comment on a proposed Master Plan. The Town's role is advisory only and does not include a voting participation in review of the Planned Resort master plan.

The County Planning Staff identified one key issue with the applicant's request which is whether the proposed 15' setback from the river channel is appropriate. The below excerpts are copied from the County staff report and provide further consideration of the issue:

*As part of the Master Plan amendment, the applicant has proposed to impose a 15 foot setback from the channel in the area of GMEH. Given the historic manipulation of the channel and its linear and steep sided configuration in the GMEH area, the channel appears to be a ditch. In past assessments and plans for the GMEH Area by Biota (1995, 2002, 2008), Pioneer Environmental Services (2011), Jorgensen Associates P.C. (2016), and Pierson Land Works, LLC (2016) the Channel was considered to be an irrigation ditch, rather than a side channel of the Gros Ventre River.*

*In the absence of an amended master plan, variances would be required to develop or redevelop in the GMEH area. Although not proposed for amendment, the majority of the affordable housing units on Sandcherry Way, just upstream of the GMEH area, are within the 150 foot channel setback. The 150 foot setback encompasses the majority of the GMEH site. The LDRs allow a different standard for master plans and the channel has historically been considered a ditch, so the 15 foot setback may be a reasonable request. To protect the resource, Planning Staff recommends requirement of 15 foot buffer establishment as part of physical development permits impacting the 150' river channel setback. A condition has been provided to address this recommendation.*

Staff has concluded that the proposed amendments should not have any significant adverse impacts on the Town of Jackson largely due to the location of the resort well to the north of Town. Impacts from traffic, housing, and issues related to public benefit will be primarily focused on neighborhoods in Teton County, with only indirect and insignificant impacts on the Town of Jackson.

## [ATTACHMENTS](#)

Applicant Submittal  
Town County Staff Report

### SUGGESTED MOTION

The LDRs state that the PC does not have a 'voting participation' in the review of a Resort Master Plan amendment, thus no motion is intended. However, the Town Planning Commission is expected to provide its recommendations and comments as appropriate.



GRADING & EROSION CONTROL PERMIT (GEC)  
APPLICATION  
Planning & Development Department  
Building Division

200 S. Willow St. | ph: (307) 733-7030  
P.O. Box 1727 | fax: (307) 739-9208  
Jackson, WY 83001 | [www.tetonwyo.org](http://www.tetonwyo.org)



For Office Use Only

Fees Paid \$350.00  
Check # 4309  
GEC 2017-0066

Credit Card \_\_\_\_\_ Cash \_\_\_\_\_  
BOR MSC 2017-0035

Please submit GEC applications to the Teton County Planning & Development Department, not Engineering.  
Please type or fill out this application in ink only.

PROJECT.

Name/Description: Jackson Hole Golf and Tennis, Long Term RV Sites  
Physical Address: 5000 N. Spring Gulch Road, Jackson, Wyoming  
Lot, Subdivision: Lot 49, The Resort at Jackson Hole Golf & Tennis club 2nd Filing PIDN: 22-42-16-27-4-15-001

OWNER. A copy of the Warranty Deed or Contract of Sale must accompany this application.

Name: Jackson Hole Golf & Tennis Club ( Guy Evans) Phone: (307) 734-3855  
Mailing Address: 5000 N. Spring Gulch RD City, State: Jackson, WY  
Email: gevans@gtlc.com ZIP: 83001

APPLICANT/AGENT.

Name: Jorgensen Associates P.C. / PIERSON LAND WORKS, LLC Phone: (307) 733-5150 / 307.733.5429  
Mailing Address: PO Box 9550 / PO Box 1143 City, State: Jackson, WY  
Email: gparke@jorgeng.com / robert@plwllc.com ZIP: 83002 / 83001

PURPOSE OF GRADING ACTIVITIES.

N/A If this is a revision to an existing grading permit, please identify the original permit number.  
No Is a pond or water feature proposed?  
N/A Identify the total horsepower of the associated pump system.  
No Are you altering an existing irrigation ditch?

Withdrawn



AREA OF DISTURBANCE. Land disturbing activities include excavation and piles for structures, roadways, septic systems, water lines, utility trenches, cut and fill slopes, stockpiles, building material storage area, etc. A plan level GEC is required for any land disturbance proposed in conjunction with impervious coverage on 41% or more of a site.

3% Identify the existing slope of the project area.  
< 1% Identify the percent of site covered by impervious surfaces.

Below, identify the area of disturbance in each slope category:

| Existing Slope of Area | Area to be Disturbed (sf) | Thresholds                         |                                                        |                                            |
|------------------------|---------------------------|------------------------------------|--------------------------------------------------------|--------------------------------------------|
|                        |                           | Exempt                             | Statement                                              | Plan                                       |
| TOTAL DISTURBANCE      | 21,700                    | See below                          | If disturbing at least 12,000 sf but less than 1 acre. | If disturbing 1 acre or more.              |
| 5% or less             | 21,700                    | If disturbing less than 12,000 sf. | If disturbing at least 12,000 sf but less than 1 acre. | If disturbing 1 acre or more.              |
| More than 5% up to 15% |                           | If disturbing less than 1,000 sf.  | If disturbing at least 1,000 sf but less than 1 acre.  | If disturbing 1 acre or more.              |
| More than 15%          |                           | No exemption.                      | If disturbing 3,000 sf or less.                        | If disturbing more than 3,000 square feet. |

NOTICE: For permits that require a plan-level GEC permit, a preapplication conference is mandatory prior to submitting the GEC application.

When requested, a financial surety is required; the applicant shall be responsible for providing a cost estimate for the work requiring the surety.

I certify that I have read and examined this application and know the same to be true and correct. All provisions of the laws and ordinances governing this work will be complied with whether specified herein or not. The granting of this permit does not give authority to violate or cancel the provisions of any state or local law regulating grading or the performance thereof.

Signature of Applicant

Alex Klein

Print Name

Date

6/12/2017/6/13/2017

VP and General Manager

Title

For Office Use Only

Planning Sufficiency declared by:

Date:

Planning Approval declared by :

Date:

Engineering Approval declared by:

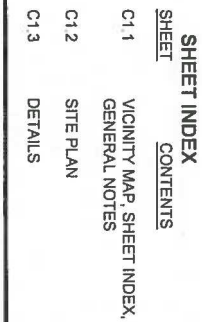
Date:

SUBMITTAL REQUIREMENTS. Please fill out the left side of this checklist. Staff will review this for Sufficiency

| Applicant |                                                                                                                                                                                                                                                                                                                                                 | Planning Check |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Check     | All GEC applications shall include the following:                                                                                                                                                                                                                                                                                               |                |
| ✓         | 1. One set of complete drawings scaled on sheets no larger than 24" x 36".                                                                                                                                                                                                                                                                      |                |
| ✓         | 2. Two sets of complete drawings scaled on sheets no larger than 11" x 17".                                                                                                                                                                                                                                                                     |                |
| ✓         | 3. Letter of authorization if the applicant is other than the property owner.                                                                                                                                                                                                                                                                   |                |
| ✓         | 4. A copy of the Warranty Deed or Contract of Sale.                                                                                                                                                                                                                                                                                             |                |
|           | 5. A fee due at the time of submittal - \$350 for a statement-level review, \$600 for a plan-level review.                                                                                                                                                                                                                                      |                |
| ✓         | 6. Site Development schedule - month and year of project initiation to completion of re-vegetation.                                                                                                                                                                                                                                             |                |
|           | 7. Proposed grading plan to include: <ul style="list-style-type: none"><li>- existing contours</li><li>- proposed contours</li><li>- extent of grading limits</li><li>- stockpile location</li></ul>                                                                                                                                            |                |
| ✓         | 8. Re-vegetation details for all disturbed areas to include: <ul style="list-style-type: none"><li>- types and approximate location of vegetation to be used</li><li>- seeding or planting and stabilization techniques to be followed</li><li>- source and method of irrigation, if necessary</li></ul>                                        |                |
| ✓         | 9. Erosion control plan to include: <ul style="list-style-type: none"><li>- drawing and specifications illustrating the type and location of required erosion control measures (silt fences, straw bales, detention basins, duff berms, etc)</li><li>- direction of runoff throughout the construction area and the re-contoured area</li></ul> |                |
| N/A       | 10. Ponds/Water features. Ponds and water features with a pump system are required to pay a fee of \$150 per horsepower.                                                                                                                                                                                                                        |                |

| Applicant |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Planning Check |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Check     | In addition to all the above items, plan-level applications shall include the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                |
| N/A       | 11. Drawings prepared and stamped by a Wyoming-registered professional engineer or landscape architect.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                |
| N/A       | 12. Existing conditions site plan to include: <ul style="list-style-type: none"><li>- Site boundaries and contiguous lands</li><li>- Watercourses – lakes, streams, wetlands, ditches, etc.</li><li>- Floodplains</li><li>- Landslide or bedrock slump (talus and/or avalanche slopes</li><li>- Predominant soil types – location and identification</li><li>- Vegetation cover – location and species</li><li>- Stormwater drainage and/or natural drainage patterns (locations and dimensions)</li><li>- Utilities and other structures – buildings and paved areas</li><li>- Site topographic map</li></ul>             |                |
| N/A       | 13. Plan of final site conditions showing the site changes at the same scale as the existing conditions site plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                |
| N/A       | 14. Site Construction Plans <ul style="list-style-type: none"><li>- Land disturbing activities- locations and dimensions</li><li>- Temporary topsoil/dirt stockpile-location and dimensions</li><li>- Plans and sections of grading features</li><li>- Engineering technique to minimize adverse effect of geologic or flood conditions</li><li>- Site storm water management and erosion control measures</li><li>- Starting and completion date of land disturbances/land development activity</li><li>- Maintenance of site erosion control measures</li><li>- Geotechnical report on slopes in excess of 25%</li></ul> |                |





1. PROJECT SCOPE: CONSTRUCT GRAVEL PAD AND SERVICE FOR 13 LONG TERM RV SITES

- NOTES: ~~SUMMER 2016~~ **FALL 2018.**

1. WATER AND SEWER INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE WYOMING PUBLIC

4. INVERT ELEVATIONS FOR EXISTING MANHOLE AND GROUND SURFACE AT NEW MANHOLE WILL NEED TO BE CONFIRMED IN THE FIELD PRIOR TO CONSTRUCTION.

- 9 TYPE 1 BEDDING MATERIAL AROUND THE PIPE FROM SIX (6) INCHES UNDER THE PIPE TO SIX (6) INCHES OVER THE PIPE SHALL BE A WELL-SORTED, CLEAN, CRUSHED STONE OR GRAVEL MATERIAL. BEDDING SHALL NOT BE PLACED ON TOP OF THE PIPE.

10. ALL FRENCH BACKFILL SHALL BE TYPE A WITHIN 7 FEET OF ANY TRAVELED WAY. MATERIALS USED FOR BEDDING AND BACKFILL SHALL BE CAREFULLY DEPOSITED IN LAYERS SUITABLE TO THE EQUIPMENT USED FOR COMPACTING, WETTED TO 3% BELOW TO 2% ABOVE OPTIMUM MOISTURE CONTENT, AND COMPACTED TO AT LEAST 98% OF MAXIMUM DENSITY AS DETERMINED BY AASTHO T-99 (STANDARD PROCTOR). COMPACTION BY FLOODING WILL NOT BE PERMITTED. TYPE B TRENCH BACKFILL SHALL NOT BE ALLOWED, UNLESS AUTHORIZED BY THE ENGINEER.

12. WATER LINES CONSTRUCTION SHALL INCLUDE DISINFECTION ACCORDING TO WPMSS 02675, AWWA C-651. THE CONTINUOUS FEED, OR SLUG METHOD ARE THE PREFERRED FOR DISINFECTION. THE TABLET METHOD SHALL NOT BE USED FOR DISINFECTION.

14. WATER UTILIZED FOR DISINFECTING THE WATER LINES SHALL BE FLUSHED THROUGH ALL SERVICE BIBS. FLUSHING WATER SHALL NOT BE ALLOWED TO ENTER LIVE STREAMS OR IRRIGATION DITCHES. DISPOSAL OF CHLORINATED WATER SHALL CONFORM TO THE REQUIREMENTS OF THE WATER QUALITY DIVISION OF THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY.

16. PRESSURE TESTING SHALL CONFORM TO WPWSS SECTION 02670.

17. ENGINEER SHALL BE CONTACTED PRIOR TO CONSTRUCTION TO PROVIDE CONSTRUCTION OBSERVATION, AND PRIOR TO TESTING TO WITNESS TESTING

1. GRADE DUBBED AREAS AS INDICATED ON THE PLAN WHERE GRADING ABUTS AN EXISTING GRADE. PROVIDE FOR A SMOOTH ROUNDED TRANSITION. SCARIFY COMPACTED SUBGRADE TO PERMIT PLANT GROWTH. THOROUGHLY RAKE SOIL - REMOVE CLUMPS OF DIRT AND ROCKS LARGER THAN 3" IN DIAMETER.

3. ON ALL DISTURBED AREAS, TOPSOIL IS NECESSARY TO INCREASE CHANCES OF SEED GERMINATION. A LAYER OF CLEAN TOPSOIL A MINIMUM OF 4" DEEP SHALL BE APPLIED PRIOR TO SEEDING.

- 

ALL SEED SHALL COMPLY WITH WYOMING SEED LAW. SEED SHALL BE PURCHASED FROM A DEALER LICENSED WITH THE WYOMING DEPARTMENT OF AGRICULTURE. CERTIFICATIONS FOR THE SEED MIX SHALL BE PROVIDED TO THE ENGINEER PRIOR TO SEEDING.

## WATER BLOWOUT CONNECTION

**Jackson Hole Golf & Tennis**

**ENGINEER.**

## JACKSON HOLE GOLF AND TENNIS LONG TERM EMPLOYEE RV SITES

Teton County, Wyoming

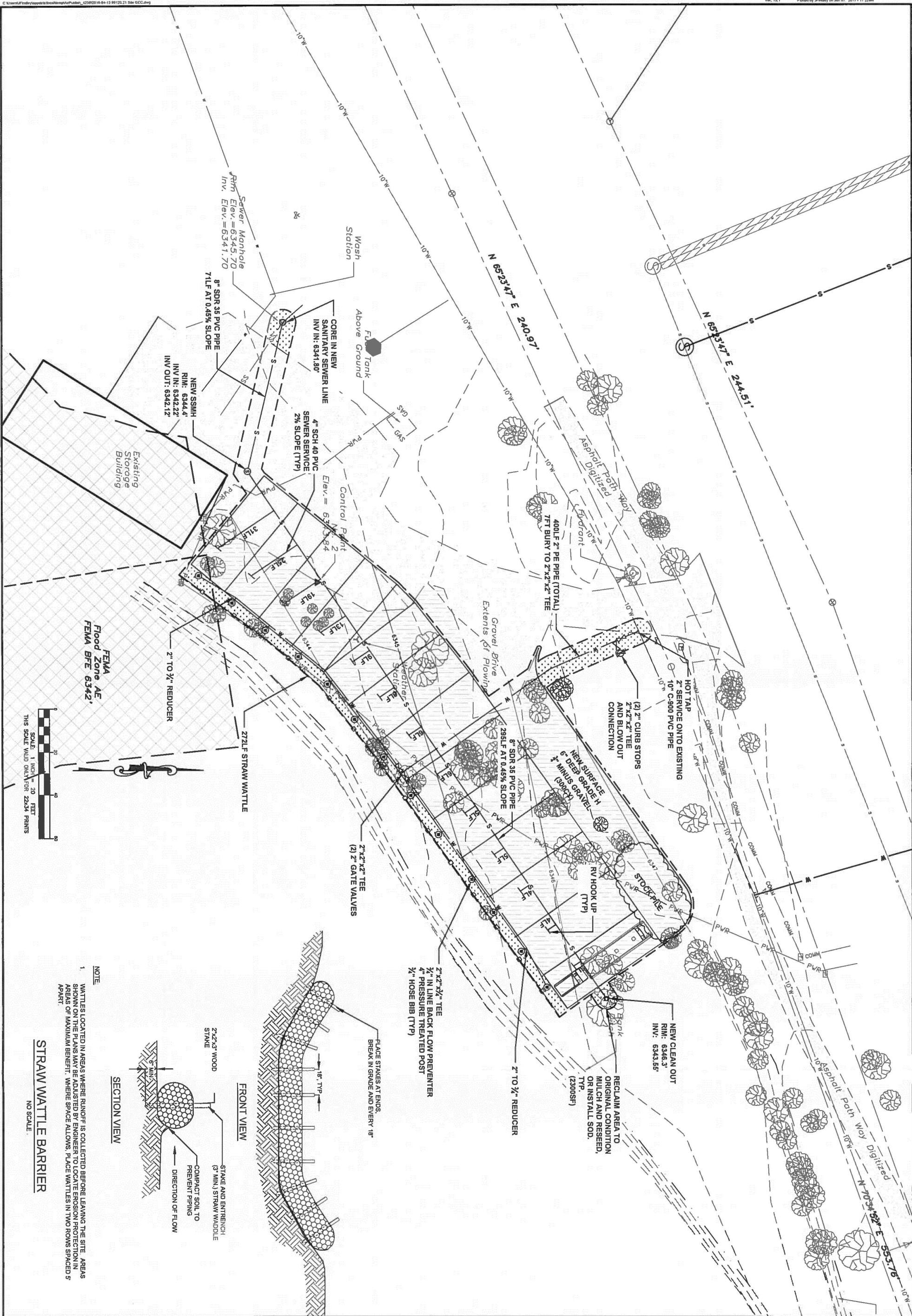
5



The Following Are:

Includes: `Topic_Person (H1199901012021 - Trailer Path\UEFP\Project\Topic_Person.csv)`  
Includes: `G31-eng-UT (H1199901012021 - Trailer Path\UEFP\Project\G31-eng-UT.csv)`  
Includes: `Overview_H1 (KACADQAC GIS Data\1ststn County\Overview_H1-2017\Overview_H1.csv)`  
Includes: `Overview_H2 (KACADQAC GIS Data\1ststn County\Overview_H2-2017\Overview_H2.csv)`  
Includes: `Water_A1 (KACADQAC GIS Data\1ststn County\Water-2007-15\Water_A1.csv)`  
Includes: `Essement_H1 (KACADQAC GIS Data\1ststn County\Essement_H1-2017\Essement_H1.csv)`  
Includes: `PLS (KACADQAC GIS Data\1ststn County\PLS_Versus Data\2011-105-11PLS.csv)`

Ver. 15.1      Plotted by JFinley on Jun 07, 2017 - 11:22am



### NOTE

1 WATTLES LOCATED IN AREAS WHERE RUNOFF IS COLLECTED BEFORE LEAVING THE SITE. AREAS SHOWN ON THE PLANS MAY BE ADJUSTED BY ENGINEER TO LOCATE EROSION PROTECTION IN AREAS OF MAXIMUM BENEFIT. WHERE SPACE ALLOWS, PLACE WATTLES IN TWO ROWS SPACED 5' APART.

## STRAW WATTLE BARRIER

NO SCALE

SHEET TITLE:  
SITE PLAN  
GRADING AND EROSION CONTROL  
STATEMENT LEVEL

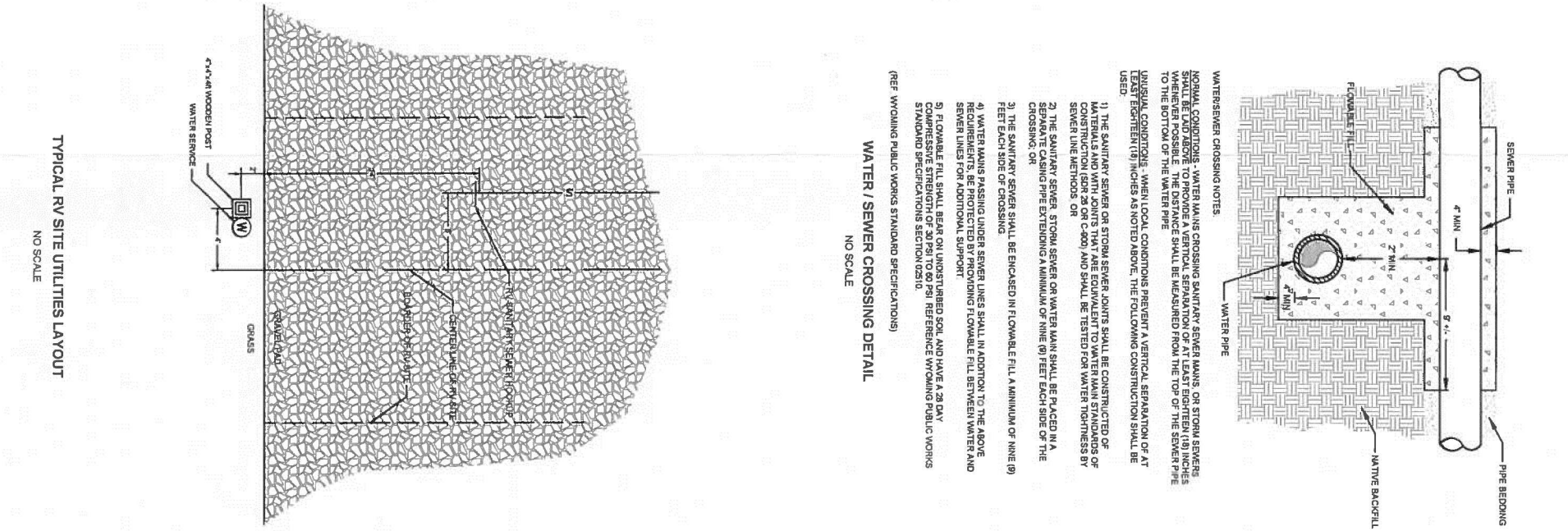
|                 |            |
|-----------------|------------|
| DRAFTED BY:     | GP         |
| REVIEWED BY:    | TK         |
| PLAN VERSION    | DATE       |
| DEQ APP         | 2018-03-11 |
| GEC STATEMENT   | 2018-04-13 |
| GEC RESUBMITTAL | 2017-06-07 |

PROJECT NUMBER  
99120.21

SHEET 010

PROJECT TITLE:  
JACKSON HOLE GOLF AND TENNIS  
LONG TERM RV SITES  
5000 NORTH SPRING GULCH RD  
TETON COUNTY, WYOMING



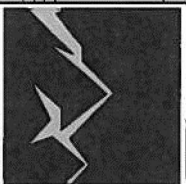


|                                                                                                                                                                     |                                                                                |                                                                                             |                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| <p>PROJECT TITLE:<br/> <b>JACKSON HOLE GOLF AND TENNIS<br/>         LONG TERM RV SITES<br/>         5000 SPRING GULCH RD<br/>         TETON COUNTY, WYOMING</b></p> | <p>DATE: 01/11/2017<br/>         TIME: 10:00 AM<br/>         BY: JORGENSEN</p> | <p>www.jorgensenassociates.com<br/>         JACOBSON, WYOMING<br/>         307.733.9150</p> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|









SHEET  
C1.2







## **Planning Commission - Staff Report**

**Subject:** PUD2018-0001: Amendment to Jackson Hole Golf and Tennis Master Plan

**Agent:** Y2 Consultants

**Applicant /Property Owner:** Jackson Hole Golf and Tennis Resort, LLC

**Presenter:** Roby Hurley

---

### **REQUESTED ACTION**

Jackson Hole Golf and Tennis is requesting to amend the Resort Master Plan by submitting the following application:

- Amend the Jackson Hole Golf and Tennis Master Plan (Master Plan) pursuant to Sections 8.7.3 and 4.3.1.D. of the Teton County Land Development Regulations, Planned Unit Development (PUD) (PUD2018-0001)

The application states that the applicant proposes to amend the Master Plan, based on the following changes:

- I. To further define the physical area and use standards associated with the Golf Maintenance/Employee Housing site identified within the previously approved PUD for JHGTC, the subject property of this application.
- II. To add cellular, wireless telephone utilities to the list of utility services in the Golf Maintenance/Employee Housing site.
- III. To establish a 15 foot setback from a river channel in the Golf Maintenance/Employee Housing site.

The application includes the 2 sets of findings associated with a PUD application (Section 8.7.3 and 4.3.1.D), a PUD Site Plan Map and a Master Site Plan.

### **Definitions and Abbreviations:**

**Jackson Hole Golf and Tennis Resort (JHGT)** – The applicant

**Golf Maintenance and Employee Housing Area (GMEH)** - The area subject to the amendment

### **BACKGROUND/DESCRIPTION**

#### **PROJECT DESCRIPTION**

JHGT is requesting an amendment to its current 2002 Resort Master Plan to further define the physical area and use standards associated with the Golf Maintenance/Employee Housing site identified within the previously approved PUD for JHGT. No other changes are proposed for the Master Plan amendment and no physical development is proposed. Specifically, JHGT requests the following amendments to the Master Plan:

- Replace the current artist's rendering of the GMEH area with a site plan map of the 6.3 acre area to be identified in the Master Plan as *Golf Maintenance/Employee Housing Site Plan*
- Revise Section 4 Housing Requirements section to broaden the types of housing strategies to accommodate workforce housing in the GMEH site
- Revise the Use Program/ Dimensional Limitation Plan table to include Cellular wireless services to the list of uses and identify dimensional limitations in the GMEH site



## *Planning Commission - Staff Report*

- Revise the Use Program/ Dimensional Limitation Plan table to include a 15 foot setback from a river channel in the Golf Maintenance/Employee Housing site

### *EXISTING CONDITIONS AND RESORT HISTORY*

The subject property, owned by Vail Resorts, Jackson Hole Golf and Tennis Club Inc., is part of a Planned Resort located on Spring Gulch Road containing residential and recreational uses. The Golf Maintenance/Employee Housing Area (GMEH), identified in the Master Plan, is located on Lot 49 on the east side of Spring Gulch Rd. The site contains previously approved employee housing and maintenance structures. Today, the GMEH grounds consist of the Golf Maintenance Building, Equipment Yard, Manager's Residence, Employee Housing Dormitory, a Maintenance Out-Building, Potable Water Well Building, Trash/Recycling Enclosure, FAA Monitoring Tower, LVE Overhead Powerline Infrastructure, multiple potable water well heads and two-track roads for interior circulation between all aforementioned structures. In addition to the existing structures, the previously approved JHGT Resort Master Site Plan Overview depicts and shows allowances for a 3,000 s.f. Administrative Building and an additional 8,000 s.f. Maintenance Building to be located within the GMEH site.

In December 1997, the Grand Teton Lodge Company, was granted approval for a text amendment, initiating the Master Plan process, subject to the regulations at the time. PUD1998-0001 was approved establishing a Planned Unit Development for Planned Resort. JHGT became a new resort district through a zoning map amendment, September 2002 as AMD2002-0003. The Proposed Site Plan Overview of the amended Master Plan revealed a location for future employee housing identified as Golf Maintenance/Employee Housing. JHGT received permit number DEV2003-0014, for the development of permanent employee housing located within the identified GMEH. On February 2, 2010, JHGT received Final Plat approval for affordable housing units to be located on the east side of Spring Gulch Rd. As part of the review process prior to Final Plat approval for the affordable units, an Environmental Analysis (EVA2008-0007) was approved.

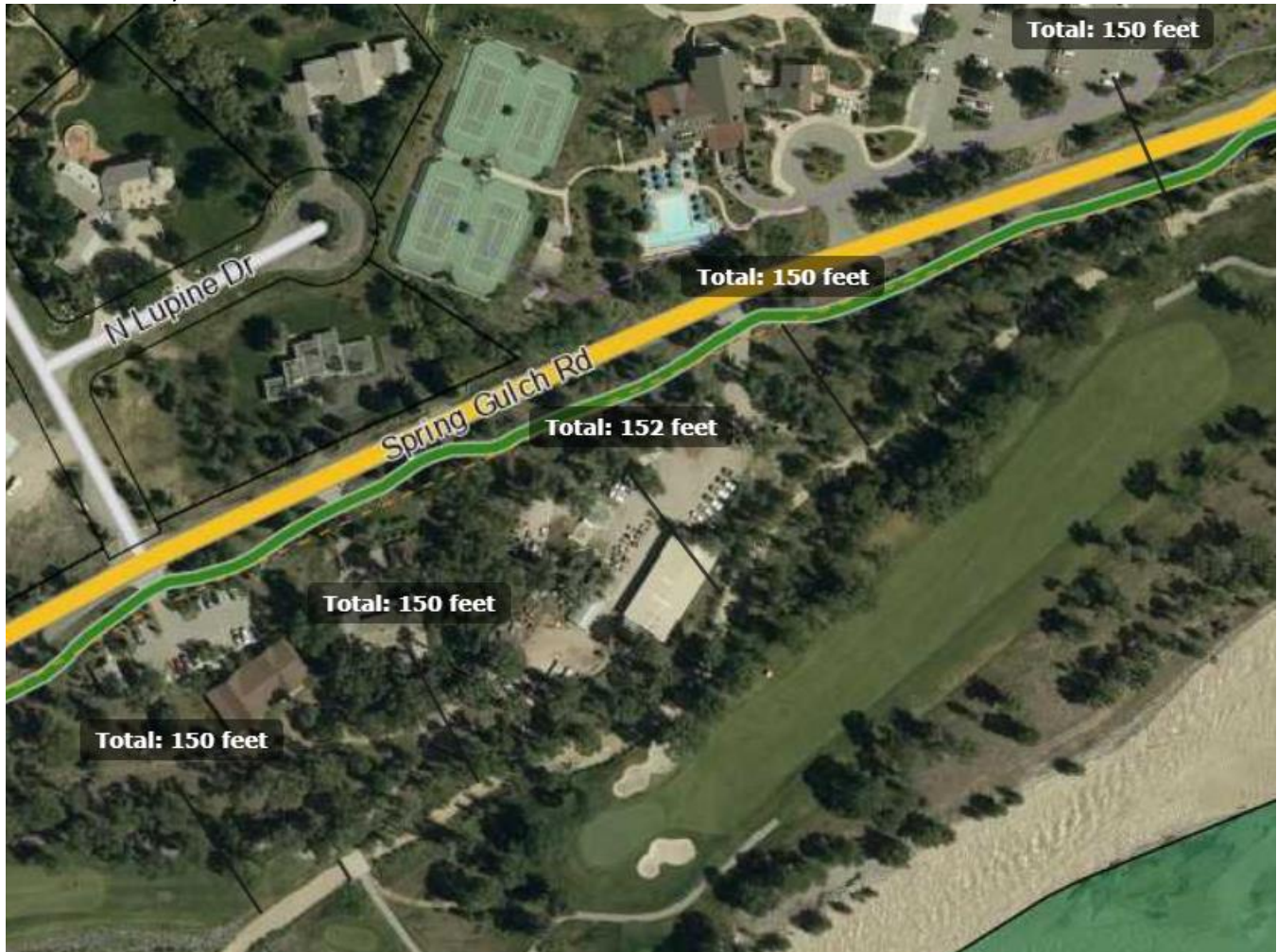
An Environmental Analysis (EVA2017-0033) was completed in March 2018 focusing on the Golf Maintenance/Employee Housing site and its immediate vicinity and focused on permanent employee housing units. EVA2017-0033 was an update of the proceeding EVA2016-0022 that focused on the same area, but as a seasonal housing use. EVA2016-0022 contains existing natural resource conditions at length including, but not limited to: Soils, Surface Hydrology, Wetlands, Vegetative Cover-types, Wildlife, and Endangered Species. EVA2017-0033 included an update of the habitat inventory and a development impact analysis. The environmental analysis included review of a remnant river channel formerly considered a ditch that is discussed below and in the Key Issues section of this staff report.

The current uses on the 6.3 acre site are golf course maintenance and employee housing, and the site contains related structures for both uses. Additional site development includes gravel parking and staging areas, wash stations, fuel tanks and a public pathway. The site represents developed woodlands with numerous overstory cottonwood trees. The subject property contains three separate accesses from Spring Gulch Road. To the rear or east of the site is a remnant river channel. All existing uses and physical development are considered conforming with the exception of physical development encroachment into the 150 foot river setback. When the GMEH site was developed it was considered conforming because the river channel was identified as a ditch, only requiring a 15 foot setback. Historically, all development along the channel was setback only 15 feet including the workforce housing northeast of the GMEH area. The recent Environmental Analysis determined that the ditch is a side channel of the Gros Ventre River, and as a result, most development in the GMEH area is non-conforming as



**Planning Commission - Staff Report**

illustrated in the map below. The PUD amendment application proposes an alternative setback to address this non-conformity.



**LOCATION**

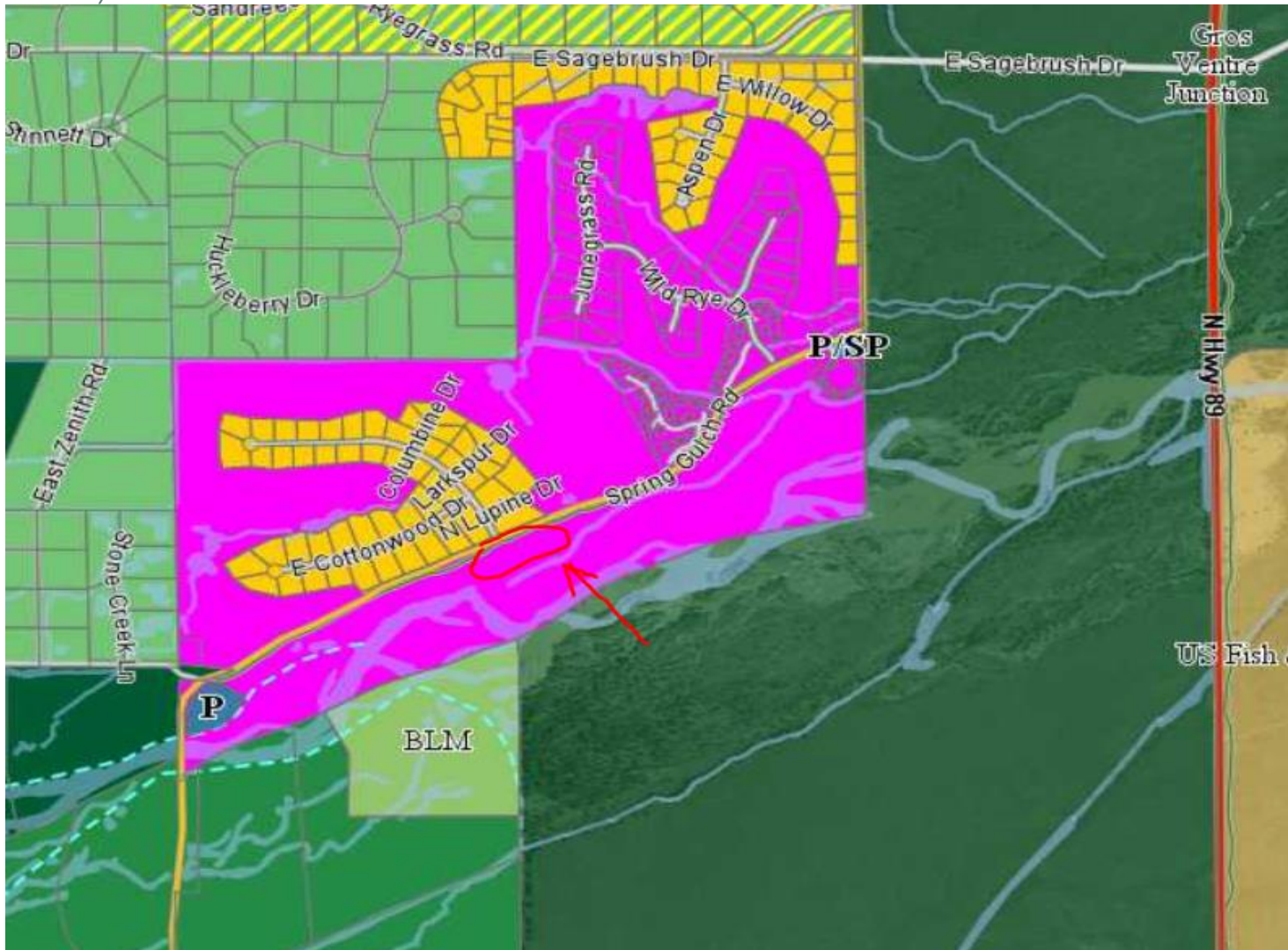
The subject property is located at 5000 N. Spring Gulch Rd, generally located on the east side of Spring Gulch Road, approximately 1 mile south of the East Sage Brush Drive intersection.

**Legal Description:** SEC. 34, TWP. 42N, RNG. 116W  
**PIDN:** 22-42-16-27-4-15-001  
**Site Size:** 6.3 acres  
**Character District:** 9: County Valley  
**Subarea:** 9.1 Jackson Hole Golf and Tennis  
**Zone:** Planned Resort (PR)  
**Overlay:** Natural Resources Overlay (NRO)



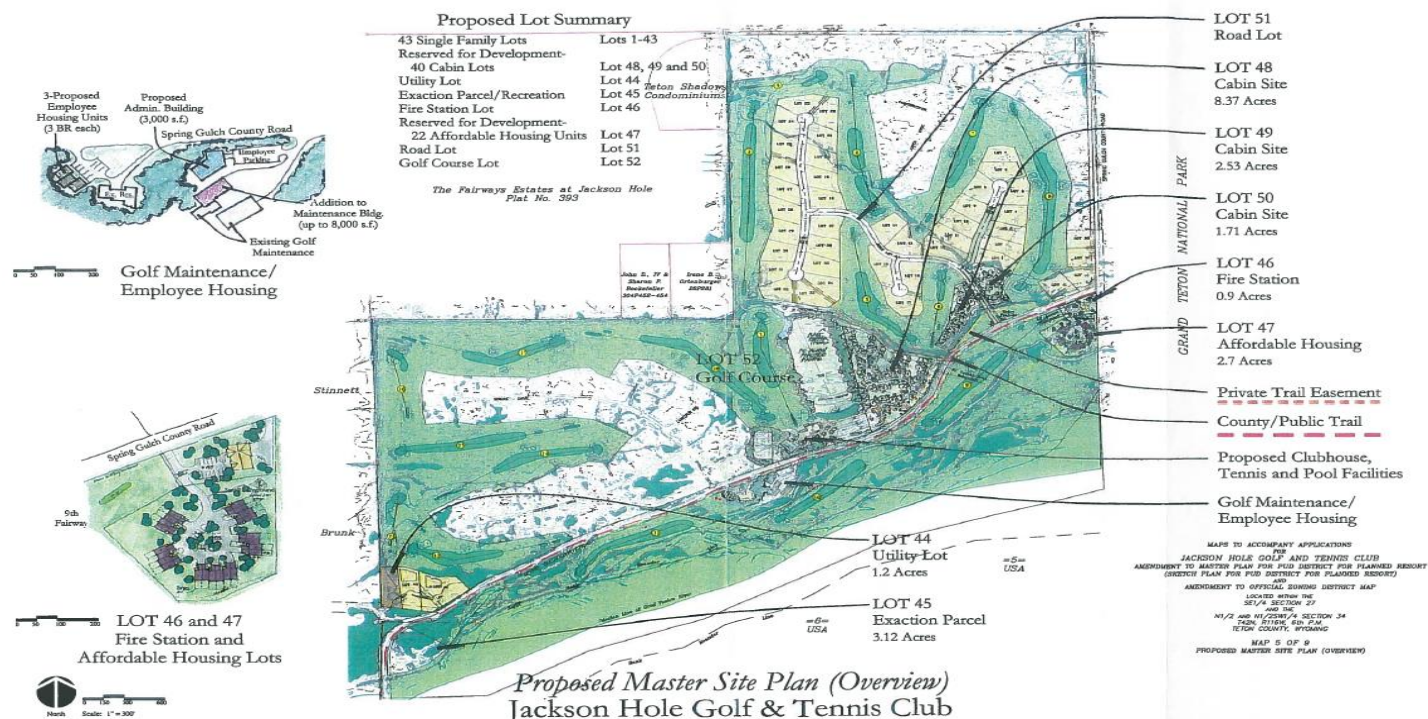
**Planning Commission - Staff Report**

**ZONING/VICINITY MAP**





## CURRENT MASTER PLAN MAP



**LEGEND**

- POWER LINES
- EXISTING ROAD/UTILITY LINE
- WATER/SEWER LINE
- EXISTING BUILDING
- TETON COUNTY PROPERTY
- ASPHALT DRIVEWAY
- RAIL SPONGE HAZARD ZONE
- TRANSFORMER
- YELLOW/GREEN BROWN HAZARD
- ROADWAY
- MANHOLE COVER
- CLEARCUT
- WATER VALVE
- WATER WELL AND VALVE

**VICINITY MAP** Scale 1" = 1000'

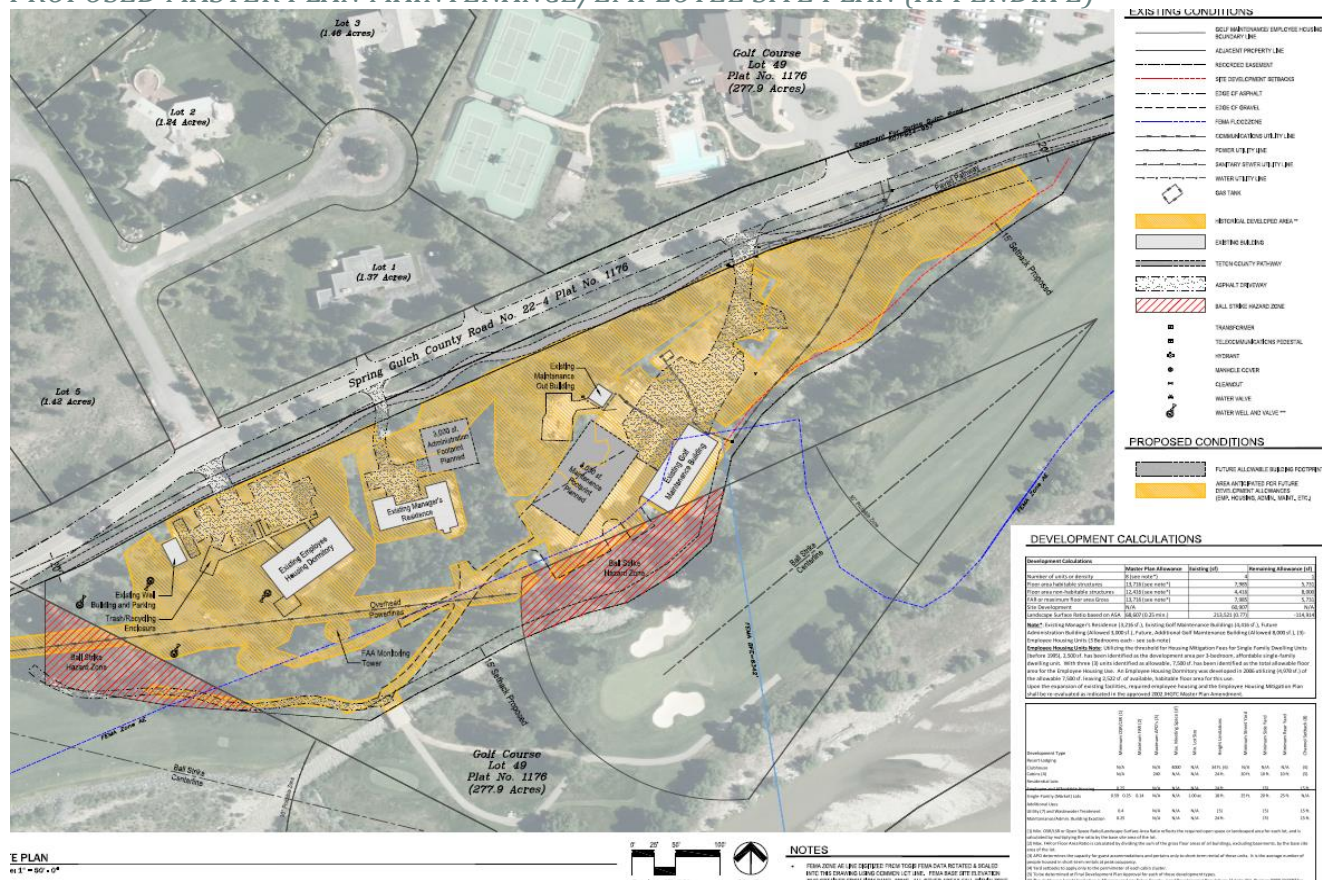
5975 N. Spring Gulch Rd., Teton County, Wyoming  
Section 34, T.42 N., R. 118 W.

**PLAN**  
1" = 50' - 0"



## Planning Commission - Staff Report

PROPOSED MASTER PLAN MAINTENANCE/EMPLOYEE SITE PLAN (APPENDIX E)



 pilson land works llc  
plwllc.com

Jackson, WY 307.733.5429  
Isaiah Falls, ID 208.529.5429  
Odessa, ID 208.354.5429

**Jackson Hole Golf & Tennis**  
**Master Plan Maintenance/Employee Area**  
5875 N. Spring Gulch Rd.  
Teton County, Wyoming  
Lot 49, The Resort at Jackson Hole Golf & Tennis Club, 2nd Filing

**Client**  
Val Resorts  
Attn: Guy Evans  
P.O. Box 250  
Moran, WY  
83013  
PLW Proj. #15282

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**Date issued**

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11.01.18

### Revisions

Sheet Title  
PUD - Amendment  
Golf Maintenance/  
Employee Housing  
Site Plan

## STAFF ANALYSIS

**PUD2018-0001 Planned Unit Development to amend a master plan**

The application to amend the Master Plan contains four (4) sections proposed to be modified. The stated purpose of the application is to further define the physical area and use standards associated with the Golf Maintenance/Employee Housing site identified within the previously approved PUD for JHGTC, the subject property of this application. Staff has identified Key Issues in this section of the report.

The first amendment is to replace the current artist's rendering of the GMEH area with a site plan map of the 6.3 acre area to be identified in the Master Plan as *Golf Maintenance/Employee Housing Site Plan*. As depicted above, the Current Master Plan Map or artist's rendering includes the entire Resort with a small enlargement of the GMEH area and does not closely depict or define the GMEH area. The proposed GMEH area identifies a specific 6.3 acre area and includes existing and planned structures, disturbed areas, infrastructure, access points, golf ball strike hazard zones and utilities. This application proposes to create a physical boundary shaped by Spring Gulch Road's easement to the north, golf course playable zones to the west and southwest and the remnant river channel to the south and southeast. The Site Plan also identifies the proposed 15 foot channel setback discussed below. In addition the Site Plan was used to demonstrate the Natural Resources Overlay in the 2017

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Environmental Analysis (EVA2017-0033) submitted with this application. The Site Plan represents an improvement over the current Master Plan artist's rendering as it includes greater specificity.

The second amendment is to revise the Use Program/Dimensional Limitation Plan table to include Cellular wireless services to the list of uses and identify dimensional limitations. The application contains the following statement: *The applicant proposes to add cellular, wireless telephone utilities to this list of utility services as this technology was not anticipated previously in 2002. Over time, this technology was found to be necessary and infrastructure now exists in the clubhouse structure. Any modification or addition to this utility service would also need to be designed and permitted with Teton County in accordance with the LDRs. This proposed service is listed in the updated Use Program/Dimensional Limitation Plan table in the General Information Section of this document and is proposed to replace the 2002 PUD Master Plan's Dimensional Limitation Plan table as described in the following section.*

| Development Type                     | Minimum OSR/LSR (1) |      | Maximum FAR (2) | Maximum APO's (3) | Max. Meeting Space (sq | Min. Lot Size | Height Limitations | Minimum Street Yard | Minimum Side Yard | Minimum Rear Yard | Channel Setback (8) |
|--------------------------------------|---------------------|------|-----------------|-------------------|------------------------|---------------|--------------------|---------------------|-------------------|-------------------|---------------------|
| <b>Resort Lodging</b>                |                     |      |                 |                   |                        |               |                    |                     |                   |                   |                     |
| Clubhouse                            | N/A                 |      |                 | N/A               | 4000                   | N/A           | 34 ft. (6)         | N/A                 | N/A               | N/A               | (5)                 |
| Cabins (4)                           | N/A                 |      |                 | 240               | N/A                    | N/A           | 24 ft.             | 20 ft.              | 10 ft.            | 10 ft.            | (5)                 |
| <b>Residential Lots</b>              |                     |      |                 |                   |                        |               |                    |                     |                   |                   |                     |
| Employee and Affordable Housing      | 0.25                |      |                 | N/A               | N/A                    | N/A           | 24 ft.             |                     | (5)               |                   | 15 ft.              |
| Single-Family (Market) Lots          | 0.59                | 0.25 | 0.14            | N/A               | N/A                    | 1.00 ac       | 18 ft.             | 25 ft.              | 20 ft.            | 25 ft.            | N/A                 |
| <b>Additional Uses</b>               |                     |      |                 |                   |                        |               |                    |                     |                   |                   |                     |
| Utility (7) and Wastewater Treatment | 0.4                 |      |                 | N/A               | N/A                    | N/A           | (5)                |                     | (5)               |                   | 15 ft.              |
| Maintenance/Admin. Building Exaction | 0.25                |      |                 | N/A               | N/A                    | N/A           | 24 ft.             |                     | (5)               |                   | 15 ft.              |

(5) To be determined at physical development permit level for each of these development types.

(7) Utility services includes, but are not limited to: Potable water, Sanitary sewer, Electrical connections, Cellular-wireless services.

(8) The Nigger Irrigation Channel flows along the southern boundary of the Golf Maintenance/Employee Housing Site. In accordance with prior approvals under the PUD Resort Master Plan the presumption has been that this watercourse carry a 15 foot setback from the top of bank as shown on the PUD Amendment - Golf Maintenance/Employee Housing Site Plan (Appendix E). Setbacks identified in this table follow prior County approvals and proposes that continued adherence to this 15 foot setback for uses identified here be acknowledged as well. Construction disturbances shall not encroach in this buffer.

The changes to the Master Plan's Dimensional Limitation Plan table will establish a clear allowance for cellular services uses. The Master Plan amendment adopts Teton County Wireless Communication Facilities LDRs by reference.

The third amendment proposes to revise the Use Program/Dimensional Limitation Plan table to include a 15 foot setback from a river channel in the Golf Maintenance/Employee Housing site. A Gros Ventre River channel originates at an upstream diversion point on the Gros Ventre River north of Highway 89 and flows seasonally (May through October) through the rear or eastern side of the site. The named channel is managed like a ditch. It has

## *Planning Commission - Staff Report*

numerous diversions and in channel control structures but its fluvial geomorphology resembles that of a stream or side channel. The recent EA (EVA2017-0033) and previous EAs and the associated physical development reviews considered the Channel a ditch. This includes the Golf and Tennis Affordable Housing Condominium project (S/D2009-0015). In past assessments and plans for the GMEH Area by Biota (1995, 2002, 2008), Pioneer Environmental Services (2011), Jorgensen Associates P.C. (2016), and Pierson Land Works, LLC (2016) the Channel was considered to be an irrigation ditch, rather than a side channel of the Gros Ventre River. During the most recent Plan Review Committee review for EVA2017-0033, Teton Conservation District identified the waterbody as a river side channel. This identification was confirmed by the State Engineers Office. The 2016 Wetland determination by Biota Research and Consulting identified a wetland fringe in the channel as “clearly irrigation induced”. The previous maintenance and employee housing applications located improvements in compliance with the 15 foot ditch setback. If the channel is considered a river channel, then the setback is 150 feet making the existing improvements non-compliant.

The fourth amendment proposes to revise Section 4 Housing Requirements section to broaden the types of housing strategies to accommodate workforce housing. Townhouse style housing units are deleted from the proposed plan and replaced with apartments, dormitories, modular units, duplexes & triplexes and accommodations for recreational or similar vehicles. All units would be available for long term rental except recreational vehicles which would be available for seasonal employees for shorter duration. JHGT had previously met all affordable and employee mitigation requirements and provides additional housing in various off site locations for employees. The proposed amendment provides housing on the site of employment promoting walking to work and reducing vehicle miles traveled.

The Planning Director notes that the current Master Plan contains strikeouts and additions from the 2002 approval. A condition is recommended to require a clean final updated Master Plan be provided and approved by the Planning Director and the Teton County Attorney’s Office, as part of this master plan amendment which would be referenced in a recorded document or affidavit of the Planning Director.

### *RECOMMENDED REVIEW FORMAT*

Staff recommends the following format for the Planning Commission’s review of the proposed amendment. This format has been successfully used to review previous amendments to the Land Development Regulations (LDRs) and Master Plans that include many different components and will assist to efficiently review this application.

1. *Staff Presentation.* Staff will not go through each of the amendment sections, but will highlight the general categories of the amendments and discuss the key issues identified below.
2. *Applicant Presentation.* The applicant will have an opportunity to identify the rationale and need for the amendments.
3. *Public Comment.* As with all public hearings, the Chair will invite public comment on the proposal. Once public comment is closed, Staff or the applicant will answer any additional questions that arise during public comment.
4. *Identify the Amendments to Discuss.* In the Key Issues section below, Staff has described one issue for the Planning Commission to discuss. Beyond the issue, Staff recommends Planning Commissioners each identify the issues they would like to discuss, consenting to any issue or amendment not discussed as part of the Planning Commissioner’s approval.



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5. *Straw Poll Discussion Items.* Staff recommends the Planning Commission then discuss each of the amendments identified and take a straw poll whether to include, include with modifications, or remove the amendment from the approval motion.
6. *Motion.* Once all of the discussion items have been straw polled, staff recommends the Planning Commission make a motion to approve the application subject to the straw polls.

### **Standards applying to all planned resorts, LDR Section 4.3.1.F of the LDRs.**

1. **Consistency with Comprehensive Plan-** See 8.7.3.D.1. Findings below
2. **Compliance with LDRs-** The amendment proposes changes to uses and setbacks in the GMEH area. Where the Resort Master Plan is silent, the standards of the current zone most similar to the Planned Resort shall apply.
3. **Statement of Purpose-** No Change
4. **Master Site Plan-** A master site plan specific to the GMEH area is proposed. The application proposes to replace the current artist's rendering of the GMEH area with a site plan map of the 6.3 acre area to be identified in the Master Plan as *Golf Maintenance/Employee Housing Site Plan*.
5. **Dimensional Limitation Plan-** The Dimensional Limitation Plan proposes to define *Utility* to include cellular wireless services, provide a channel setback specific to the GMEH area and related dimensional notes.
6. **Housing Element-** A table specific to GMEH is proposed that includes a development program and development calculations. A text amendment is proposed in Section 4 *Housing Requirements* of the Master Plan. Townhouse style housing units are deleted from the proposed plan and replaced with apartments, dormitories, modular units, duplexes & triplexes and accommodations for recreational or similar vehicles.
7. **Design Element- Section 4 Design Guidelines-** No Change
  - **Section 4.B.1. Landscaping-** No change to existing language that requires the GMEH area to be screened from Spring Gulch Road at a minimum of 60% of the outside building surface area within a period of 5 years.
8. **Transportation Element -** No Change
9. **Capital Improvements Element-** Cellular wireless communication facilities are proposed as a new use in the GMEH area. No other changes proposed to the Capital Improvements Element.
10. **Land Use Element-** No change
11. **Phasing Element-** No Change
12. **Community Services Element (Optional)-** No Change
13. **Character Element-** No Change

### **KEY ISSUE**

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**KEY ISSUE 1:** *Is the proposed 15 foot setback appropriate for this river channel?*

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Efforts by the applicant to change the channel determination to a ditch have been unsuccessful. The final Development Impact Analysis, dated September 2018, by LT Environmental, acknowledges the Channel designation and existing and proposed encroachment on the river setback of the Gros Ventre River. The analysis identifies variances or master plan amendments to provide relief from the river setback. As part of the Master





## **Planning Commission - Staff Report**

Plan amendment, the applicant has proposed to impose a 15 foot setback from the channel in the area of GMEH. Given the historic manipulation of the channel and its linear and steep sided configuration in the GMEH area, the channel appears to be a ditch. In past assessments and plans for the GMEH Area by Biota (1995, 2002, 2008), Pioneer Environmental Services (2011), Jorgensen Associates P.C. (2016), and Pierson Land Works, LLC (2016) the Channel was considered to be an irrigation ditch, rather than a side channel of the Gros Ventre River.

LDR Section 4.3.1.F.2 states, *the applicant for a Planned Resort master plan may propose, and the Board of County Commissioners may approve, alternative standards for development that are consistent with the purpose and intent of this Section. It is fully consistent with this Section that Planned Resorts may have dimensional, design, and other development standards different from those described in other sections of these LDRs due to the unique circumstances of, and community objectives for, resort development.*

In the absence of an amended master plan, variances would be required to develop or redevelop in the GMEH area. Although not proposed for amendment, the majority of the affordable housing units on Sandcherry Way, just upstream of the GMEH area, are within the 150 foot channel setback. The 150 foot setback encompasses the majority of the GMEH site. The LDRs allow a different standard for master plans and the channel has historically been considered a ditch, so the 15 foot setback may be a reasonable request. To protect the resource, Planning Staff recommends requirement of 15 foot buffer establishment as part of physical development permits impacting the 150' river channel setback. A condition has been provided to address this recommendation.

### **TOWN PLANNING COMMISSION AND TOWN COUNCIL REVIEW**

On December 5, 2018 the Town Planning Commission heard the applicant's proposal for the Master Plan amendment. The Town Planning Commission found that there would be \_\_\_ significant impacts to the Town. On December 17, 2018 the Town Council heard the applicant's proposal for the Master Plan amendment. The Town Council found that there would be \_\_\_ significant impacts to the Town.

### **STAKEHOLDER ANALYSIS**

#### **DEPARTMENTAL REVIEWS**

The application was sent to the following departments and agencies for review.

- County Engineer- No response
- Affordable Housing Department- No response
- Teton Conservation District- Comment Attached
- Fire/EMS Comment- Comment Attached
- Teton County Road and Levee- Comment Attached
- Pathways- Comment Attached
- County Surveyor- Comment Attached
- Wyoming State Engineers Office – Hydrographer- Comment Attached
- Wyoming Game and Fish- No response
- Flood Plain Administrator- No response
- Applicants response to PRC- Comment Attached



## *Planning Commission - Staff Report*

### *PUBLIC COMMENT*

The applicant advertised and held a community meeting May 8, 2017. Notice of hearings was distributed to all property owners within 800 feet of the Resort on October 12, 2018 and posted at the entrance to the Resort on \_\_\_\_\_, 2018. As of the publishing of this report 29 comments have been received and are attached.

### *LEGAL REVIEW*

Weisman

### *RECOMMENDATIONS*

#### *PLANNING DIRECTOR RECOMMENDATION*

The Planning Director recommends **approval** of **PUD2018-0001** to amend the Jackson Hole Golf and Tennis Master Plan Planned Unit Development in accord with Sections 8.7.3 of the Teton County Land Development Regulations, based upon the application dated July 11, 2018 and revised November 1, 2018, after being able to make all five (5) findings for approval under Section 8.7.3.D. including all nine (9) findings under Section 4.3.1.D., which have been satisfied and met with six (6) conditions of approval as follows:

1. All past and current approved conditions shall be incorporated in the associated sections of the Master Plan, or in an appendix to the Master Plan, with final hard and electronic copies provided to the Planning Department no later than forty-five (45) days after approval by the Board. Subject to approval by the Teton County Planning Director and the Teton County Attorney's Office, the final Master Plan and Appendix or Affidavit of the Planning Director which references the final Master Plan shall be recorded in the Office of the Teton County, Wyoming Clerk within ninety (90) days of Board approval.
2. Bear proof trash containers shall be installed and Jackson Hole Golf and Tennis shall provide education and information materials to its employees and other residents about wildlife feeding, proper storage of food, garbage, pet food and other bear attractants. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
3. Pets shall be leashed at all times. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
4. Mitigation plantings shall be located in the Gros Ventre River riparian zone no closer to the site than the southeast side of the remnant river channel, as depicted in figure 5 of the Development Impact Analysis, September 2018, produced by LT Environmental. Shrub mitigation plantings shall consist of shrub species preferred by ungulates and not berry producing shrub species.
5. At or prior to submittal of any Grading and Erosion Control Permit(s), a Final Mitigation Plan shall be submitted, subject to review and approval by the Planning Director. The Final Mitigation Plan shall provide actual impact and mitigation amounts with specific locations. Pursuant to the LDRs, the Final Mitigation Plan shall include (but may not be limited to) species specific plantings, a monitoring plan and remedial measures to ensure mitigation project success. In addition, prior to issuance of any Grading and Erosion Control Permits, a cost estimate and surety for mitigation implementation is required.
6. For all future physical development permits impacting the 150' river channel setback, native vegetation establishment shall be required for the 15 foot setback. Establishment shall consider existing native vegetation and channel maintenance.

Pursuant to Section 8.7.3.D. of the LDRs, in deciding to adopt, deny or amend a planned unit development, the Board of County Commissioners shall consider the following five (5) findings for approval:

## **Planning Commission - Staff Report**

### 1. *The extent to which the PUD enhances the implementation of the desired future character for the land of the proposal:*

**Can Be Made as conditioned.** While the location of the GMEH area is very close to a transition area between River Bottom and County Valley, the proposed amendment does not impact iconic vistas, agriculture or open spaces associated with County Valley. This is accomplished through clustering and location in a designated maintenance and employee housing area. This Character District describes providing and preserving workforce housing which this application demonstrates by proposing housing for employees of JHGT. Creating workforce housing on site will reduce employee commuter trips, potentially reducing wildlife vehicle collisions on Spring Gulch Rd. and Highway 89, the 2 main scenic arterial roads in the District.

#### Subarea 9.1: Jackson Hole Golf and Tennis



*Conservation  
Form*

This CONSERVATION Subarea in the elbow between the Snake and Gros Ventre Rivers is characterized by medium to low density resort development and housing historically occupied by the workforce. The existing development is visually buffered from North Highway 89 by Grand Teton National Park, but is very important for wildlife movement between the two rivers. The future character of this subarea should be more natural than it is today while respecting existing property rights. Redevelopment projects should be encouraged to restore natural landforms and vegetation and should be designed to increase wildlife permeability if incentives to reduce density are not

successful. New development should implement wildlife friendly design best practices if non-development conservation cannot be accomplished. The workforce housing character of the areas of older development should be preserved to the extent possible. The Jackson Hole Golf and Tennis Planned Resort should not expand in footprint or entitlements, but provision of locally oriented services within the existing allowed floor area would benefit the residents of the area and is encouraged. An additional amenity to the subarea could be START service as part of a route from Town to the airport.

#### Character District 9: Policy Objectives

**1.1.c: *Design for wildlife permeability.*** The proposal is for allowing different types of employee housing, cellular towers and a reduced river setback in a 6.3 acre previously disturbed area of the Resort. The site utilizes existing developed areas and clusters the maintenance, housing and cell tower near existing structures to minimize wildlife impacts. The September 29, 2003 Staff report for the original employee housing application (DEV2003-0014), stated that according to the EA done at that time, *“the area has been disturbed by previous development activity and is, therefore, suitable for development due to its degraded state. For this reason, the County agreed to allow development of employee housing in a limited area.”* An Environmental Analysis (EVA2017-0033) was completed in March 2018 focusing on the Golf Maintenance/Employee Housing site and its immediate vicinity and focused on permanent employee housing units. EVA2017-0033 was proceeded by EVA2016-0022 that focused on the same area but for a seasonal housing use. The EA states that the NRO boundary is inaccurate due to 67% of the NRO containing existing development and poor quality habitat. Wyoming Game and Fish Department (WGF) provided a review of the EA dated April 19, 2017 stating, *“Therefore, we expect development of 0.17 acres of mesic cottonwood habitat adjacent to an existing disturbed area to have very minimal impacts on moose.”*

**1.3.a: *Maintain natural skylines.*** This policy is not applicable.



## **Planning Commission - Staff Report**

1.3.b: Maintain expansive hillside and foreground vistas. The subject property is not within the Scenic Resource Overlay (SRO) however the JHGT Master Plan requires a visual resources analysis. The Master Plan Amendment proposes uses in a small, compact area of the resort to minimize disturbance of any open space. Additionally the proposed housing will be required to screen physical development with vegetation to preserve views from Spring Gulch Rd.

1.3.c: Maintain natural landforms. The proposal is for uses in mostly previously disturbed areas with no significant change of grade proposed to the level landform.

1.4.b: Conserve agricultural lands and agriculture. This policy is not applicable because there is no existing agriculture use on the site.

1.4.c: Encourage rural development to include quality open space. This policy is not applicable because the amendment does not represent rural development as the site is part of a resort and is partially developed and clustered in an existing maintenance and housing area.

3.1.b: Direct development toward suitable Complete Neighborhood subareas. The proposed project is for seasonal employee housing with no permanent structures and therefore does not represent typical development.

3.1.c: Maintain rural character outside of Complete Neighborhoods. The proposed amendment will not impact rural character because it represents only workforce housing and cellular communications concentrated in an existing resort.

5.3.b: Preserve existing workforce housing stock. This amendment enhances workforce housing stock by providing additional housing options at the location of employment.

7.2.d: Complete key Transportation Network Projects to improve connectivity. While the proposed amendment does not include a transportation project, having workforce housing at the location of employment should reduce vehicle trips and potentially reduce wildlife vehicle collisions.

7.3.b: Reduce wildlife and natural and scenic resource transportation impacts. The proposed project represents an opportunity to reduce transportation impacts and wildlife vehicle collisions by providing housing at the place of employment.

### 2. The findings for the applicable PUD option found in Article 4:

**Can Be Made.** Pursuant to Section 4.3.1.D., a Planned Resort Master Plan shall be approved only if all of the following findings are made:

1. **Consistency with the Comprehensive Plan.** *The Planned Resort Master Plan is consistent with the goals and objectives of the Jackson/Teton County Comprehensive Plan.*  
**Complies as conditioned.** See the discussion Findings for Approval of a PUD Amendment, above.
2. **Consistency with Purpose and Intent.** *The Planned Resort Master Plan is substantially consistent with the purpose and intent of this Section, as set forth in 4.3.1.A;*
  1. *Encourage recreational activities that rely on indigenous natural attributes of the area, contribute to the community's character and economy and have a long-standing, beneficial role in the community; and*

## **Planning Commission - Staff Report**

**Not applicable.** The purpose of the proposed amendment does not impact the recreational activities associated with the existing resort.

2. *Provide flexibility for planning and developing recreational resort facilities in a creative, efficient and coordinated manner in order to provide quality visitor experiences; and*

**Not applicable.** The proposed amendment does not propose changes to the recreational resort facilities.

3. *Create a process in which Teton County and the Town of Jackson collaborate with landowners in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the Resort area; and*

**Complies.** The proposed amendment process includes collaboration with neighbors via a neighborhood meeting and neighbor notices sent to all property owners within 800 ft. In addition, there is collaboration with the Town of Jackson. As required, this amendment will be taken before the Town Planning Commission on December 5, 2018 and the Town Council on December 17, 2018 for review.

4. *Permit resort development that contributes to expanding the winter and shoulder economic seasons; and*

**Not applicable.** Jackson Hole Golf and Tennis is primarily a summer resort.

5. *Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community in order to alleviate traffic-related impacts; and*

**Complies.** The proposed amendment provides housing on the site of employment, promoting walking to work and reducing vehicle miles.

6. *Ensure resort plans are consistent with the Comprehensive Plan, and therefore, are beneficial to the community; and*

**Complies.** As described in the Relationship to Character District section above, the current amendment proposal is consistent with the Comprehensive Plan goals for Character District 9, Jackson Hole Golf and Tennis Resort.

7. *Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area; and*

**Not applicable.** The previously approved Master Plan identifies and locates the Golf Maintenance/Employee Housing Site with capacity for expansions.

8. *Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural, western community character; and*

**Not applicable.** The proposed amendment has no impact on social diversity or rural western character.

9. *Produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and well-being.*

**Complies.** The proposed amendments contribute toward protecting the attributes of the community by supporting housing near employment, providing workforce housing, allowing for a diversity of housing types, providing clarity in the Master Plan and consistency with the LDRs.

3. **Affordable and Employee Housing.** *The Planned Resort master plan ensures a supply of affordable and employee housing that is in accordance with the requirements for housing created by development within the Planned Resort.*

**Complies.** The Resort has previously provided required employee and affordable housing. The proposed amendment voluntarily proposes additional seasonal employee housing.

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**4. Design Guidelines.** *The Planned Resort master plan contains design guidelines that:*

- a. Establish standards for buildings, spaces, signs, and lighting within the Planned Resort;*
- b. Promote the design concepts set forth in F.7.; and*
- c. Establish a method for consistent implementation of the guidelines.*

**Not applicable.** The amendment does not propose a change to the design guidelines outlined in the existing Master Plan.

**5. Transportation Element.** *The Planned Resort master plan contains a traffic impact analysis and transportation demand management plan that:*

- a. Promote multimodal forms of transportation that are consistent with the transportation goals of the Jackson/Teton County Comprehensive Plan;*
- b. Manage the generation of resort related traffic to avoid undermining community character and endangering the public health, safety, and welfare; and*
- c. Identify an equitable cost sharing plan for transportation facilities and services.*

**Not applicable.** The existing Master Plan Transportation Element is not proposed to be amended.

**6. Capital Improvements Plan.** *The Planned Resort Master Plan contains a capital improvements plan that ensures infrastructure and essential services will be provided in an efficient and timely manner to accommodate projected resort demands.*

**Complies.** An existing cellular antenna located in the club house is considered obsolete as it only covers one carrier, so the applicant proposes to allow cellular utilities in the GMEH area. The proposed cellular, wireless telephone utility system additions and modifications do not exceed the capacities outlined in the Master Plan. The Master Plan amendment adopts Teton County Wireless Communication Facilities LDRs by reference. No other amendments to the Master Plan are proposed in regard to Capital Improvements.

**7. Land Use Element.** *The Planned Resort Master Plan promotes land uses that support and maintain the character of the Resort as specified in Sec. 4.3.2 – Sec. 4.3.7.*

**Complies.** The only land use changes proposed are allowing varied employee housing in the Master Plan designated Employee Housing and Golf Maintenance Area, which is consistent with the Master Plan.

**8. Phasing Plan.** *The Planned Resort master plan contains a phasing plan that ensures:*

- a. Development of the Resort, its amenities, and public facilities necessary to serve the Resort, occur in logical sequence; and*
- b. An adequate monitoring program is established for determining accomplishment of proposed remedies and mitigation measures for projected impacts on the community.*

**Complies.** The current Master Plan contains a phasing plan that progressed through 2006. The employee housing element allowed for additional housing that was not completed. No changes are proposed to the phasing plan.

**8. Character Element.** *The Planned Resort master plan ensures the Resort's development will be in keeping with the community's character and the planned character for the vicinity of the Resort.*

**Complies as conditioned.** The plan is consistent with the desired future character of Character District as established in the Comprehensive Plan and discussed in more detail above. The proposed amendments, as recommended for approval by staff, and conditions are also consistent with the established character for the resort.





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### 3. *The applicable findings for the amendment of an existing PUD or special project found in 8.2.13.D:*

**Complies.** The findings of 8.2.13.D. invoke the Article 4 findings for the applicable PUD option, which are made under item #2 of this section: *The findings for the applicable PUD option found in Article 4, immediately above.*

### 4. *The findings of Sec. 8.7.1, LDR Text Amendment*

**Not applicable.** There is no LDR text amendment associated with the proposed amendments to the Master Plan.

### 5. *The findings of Sec. 8.7.2, Zoning Map Amendment*

**Not applicable.** There is no zoning map amendment associated with the proposed amendments to the Master Plan.

## **ATTACHMENTS**

- Departmental Reviews
- EA Review Letter, May 3, 2018
- Public Comment
- Amended Application dated August 6, 2018 can be found on line at:  
<http://developmentrecords.tetonwyo.org/Planning/StatusReference?referenceNumber=PUD2018-0001>.

## **SUGGESTED MOTION**

I move to recommend **approval of PUD2018-0001**, to the Board of County Commissioners, to amend the Jackson Hole Golf and Tennis Master Plan Planned Unit Development in accord with Sections 8.7.3, of the Teton County Land Development Regulations, based upon the application dated July 11, 2018 and revised November 1, 2018, after having fully considered the five (5) findings for approval under Section 8.7.3.D. which have been satisfied and met with six (6) conditions of approval as follows:

1. All approved amendments and conditions shall be incorporated in the associated sections of the Master Plan, or in an appendix to the Master Plan, with final hard and electronic copies provided to the Planning Department no later than forty-five (45) days after approval by the Board. Subject to approval by the Teton County Planning Director and the Teton County Attorney's Office, the final Master Plan and Appendix or Affidavit of the Planning Director which references the final Master Plan shall be recorded in the Office of the Teton County, Wyoming Clerk within ninety (90) days of Board approval.
2. Bear proof trash containers shall be installed and Jackson Hole Golf and Tennis shall provide education and information materials to its employees and other residents about wildlife feeding, proper storage of food, garbage, pet food and other bear attractants. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
3. Pets shall be leashed at all times. Jackson Hole Golf and Tennis shall implement this condition as part of employee regulations.
4. Mitigation plantings shall be located in the Gros Ventre River riparian zone no closer to the site than the southeast side of the remnant river channel, as depicted in Figure 5 of the Development Impact Analysis, September 2018, produced by LT Environmental. Shrub mitigation plantings shall consist of shrub species preferred by ungulates and not berry producing shrub species.
5. At or prior to submittal of any Grading and Erosion Control Permit(s), a Final Mitigation Plan shall be submitted, subject to review and approval by the Planning Director. The Final Mitigation Plan shall



## *Planning Commission - Staff Report*

provide actual impact and mitigation amounts with specific locations. Pursuant to the LDRs, the Final Mitigation Plan shall include (but may not be limited to) species specific plantings, a monitoring plan and remedial measures to ensure mitigation project success. In addition, prior to issuance of any Grading and Erosion Control Permits, a cost estimate and surety for mitigation implementation is required.

6. For all future physical development permits impacting the 150' river channel setback, native vegetation establishment shall be required for the 15 foot setback. Establishment shall consider existing native vegetation and channel maintenance.

### ATTACHMENTS

#### Departmental Reviews

Wed 8/29/2018 4:26 PM

Hi Roby, no issues for Road & Levee that I'm seeing. Thanks for the chance to review.

Dave

Dave Gustafson [dgustafson@tetoncountywy.gov](mailto:dgustafson@tetoncountywy.gov)

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Wed 8/29/2018 3:14 PM

I had no comments on this one.

Brian

Brian Schilling Pathways Coordinator Town of Jackson/Teton County

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Sorry Roby, out of town for a bit. No comment on application, does not appear to have a cadastral component at this time.

Mike **Mike Quinn, PLS**

Survey Manager

**NELSON ENGINEERING**

Tue 8/21/2018 12:01 PM

Roby,

I'm still striking out. I'm assuming the new plan just implements RV spaces, single wides, or something along those lines....as long as Teton County acknowledges the WY SEO reference to the "North Channel of the Gros Ventre River" (Also referenced as the "Nigger Channel of the Gros Ventre River", the "N Channel of the Gros Ventre River", a "Channel of the Gros Ventre River", and the "Gros Ventre River"), we have no further comment. However, if there are impending changes that impact water rights or the delivery of irrigation water I'd still like to see the

**Planning Commission - Staff Report**

new Jackson Hole Golf and Tennis Employee Housing Master Plan Amendment and have the opportunity to comment.

Thanks for your time!

Hayes      Hayes Buxton, Wyoming State Engineers Office – Hydrographer

---



**MEMO  
FIRE REVIEW**

TO:            Roby Hurley, Principal Planner

FROM:        Kathy Clay, Fire Marshal

DATE:        August 8, 2018

SUBJECT:    PUD2018-0001  
                JH Golf & Tennis Master Plan  
                PUD2-018-0001

This office has received the request for review of the JH Golf & Tennis Club Master Plan Amendment for Golf Maintenance/Employee Housing Site.

The most current edition of the International Fire Code (IFC), the International Wildland Urban Interface Code, and the 2017 edition of the National Electric Code (NEC) shall be used for building design and construction.

Notes from review include: updated version of all ICC codes (including IWUIC) shall be followed, dependent upon permitting date. A fire hydrant shall be placed within 500 feet of structures.

Teton County Fire Resolution and Subdivision rules shall be followed.

No further comment at this time.

Kathy Clay, Fire Marshal

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December 10, 2018, [New Business #](#): 2

***Planning Commission - Staff Report***



## Planning Commission - Staff Report



**Teton  
Conservation  
District  
Est. 1946**

August 31, 2018

Roby Hurley, Principal Planner  
Teton County Planning Department  
P.O. Box 1727  
200 South Willow Street  
Jackson, WY 83001

Dear Roby,

Thank you for the opportunity to comment on the "Planned Unit Development Application for the Amendment to the Jackson Hole Golf and Tennis Club Planned Unit Development of the Planned Resort Master Plan" provided to the Teton Conservation District (TCD) on August 7, 2018. The subject property is located at North Spring Gulch Road. Generally, Teton Conservation District (TCD) staff comments focus on potential deficiencies regarding the evaluation of natural resources relative to the Teton County Land Development Regulations, and they also speak to voluntary best management practices. TCD staff is generally familiar with the site and proximate areas, and did not conduct a site visit as part of this review.

Based upon the information provided to TCD, the Master Plan amendment provides for the planning for construction of a maintenance building and an administrative building. In addition, it confirms the applicant's understanding of the site conditions as expressed in the Environmental Analysis (EVA2017-0033) and development proposal provided to TCD more than one year ago. In that regard, TCD refers you to the letter that TCD provided on August 2, 2017.

There were also two apparent conditions in the amendment that were notable; 1) the loss of Cottonwood Forest cover type would be mitigated on a 2:1 tree planting basis for each tree removed versus replacement of the Cottonwood Forest plant community as a cover type at a 2:1 ratio in acres and 2) plantings for screening, etc. would emphasize both native and ornamental plants versus all native species plantings recommended as a best management practice.

Sincerely,

Tom Segerstrom  
Executive Director

*Conserving our natural resources – air, land, water, vegetation, and wildlife*

|                        |                           |
|------------------------|---------------------------|
| 420 W. Pearl Ave.      | 307/733-2110 P            |
| P.O. Box 1070          | 307/733-8179 F            |
| Jackson, Wyoming 83001 | tom@tetonconservation.org |

## Planning Commission - Staff Report



Roby Hurley  
Principal Planner  
Teton County Planning Department  
PO Box 1727  
Jackson, WY 83001  
[rhurley@tetoncountywyo.gov](mailto:rhurley@tetoncountywyo.gov)  
(307)-733-3959

### **RE: JHGTC PUD Amendment - Response to Plan Review Comment**

September 17, 2018

Roby,

This letter is in response to Plan Review Comments received on (08/31/18) from the Teton Conservation District, Jackson Hole Fire/EMS and the State Engineer's Office for Jackson Hole Golf & Tennis's (JHGTC) application for a Planned Unit Development (PUD) Amendment to the JHGTC Master Plan. Responses for each entity are as follows:

#### Teton Conservation District (TCD):

TCD comment received on 08/31/18 directed the applicant to review previous comment that was provided by TCD on 08/02/17 for applications submitted for a Master Plan Amendment (PUD2017-0004) and Development Plan (DEV2017-0007) for JHGTC's Resort Employee Housing Site's location definition, Housing Archetype definitions and a proposed physical development for seasonal employee RV-Parking pads. Since this comment period, the Development Plan (DEV2017-0007) for the physical development of RV-Parking pads has been removed from consideration.

TCD comment from 08/02/17 mostly pertained to "numerous substantive errors" existing in the Environmental Analysis (EA) report (EVA2016-0022) that was performed by a third-party, County-hired Consultant, LT Environmental, Inc. JHGTC diligently worked with the County to best locate the Employee Housing Site development area, among other resort administrative/maintenance program uses, within the existing Resort Master Plan's pre-designated Golf Maintenance/ Employee Housing Site throughout the County's EA process. After receiving these comments on 08/31/18, the applicant continued to work with the County and LT Environmental to best identify appropriate locations for the future planning of programmatic building sites. The locations shown within this recent application reflect the results of that further study.

Other comment from the 08/02/17 TCD letter highlighted the proximity of the identified Employee Housing Site to a surface body of water that should maintain a "fifteen (15') foot development setback from the surface water." It was identified that disturbance within this setback would be "a threat to natural resources, but could also





## Planning Commission - Staff Report

exacerbate erosion and flood risk." JHGTC is proposing the identified fifteen (15') foot buffer as a building setback for any future development outlined in this application. Furthermore, erosion control measures (including, but not limited to, silt fencing and/or straw wattles) will be proposed to define this limit of disturbance as part of any physical development permit.

Lastly, TCD's 2017 comment letter recommended that use restrictions pertaining to pets and refuse control, as well as, physical development best management practices for non-fruiting plant species be modeled after proximate developments (i.e. Sand Cherry). JHGTC is open to adding similar restrictions for acceptable plant-types, pets and refuse control to this Master Plan Amendment application for the protection of wildlife use in this riparian corridor to promote the reduction of human-wildlife conflict.

### Jackson Hole Fire/EMS:

Comment from Jackson Hole Fire/EMS specifically outlined that the most current editions of the International Fire Code (IFC), the International Wildland Urban Interface Code (IWUIC) and the National Electric Code (NEC) be used for design and construction. The applicant will utilize these most recent codes at the physical development permit level. It was also stated that a fire hydrant be located within 500 feet of proposed structures. An existing hydrant is located at the northern entrance of the Golf Maintenance/ Employee Housing Site approximately 150 - 300 feet from all future, proposed building sites. Furthermore, the Teton County Fire Resolution and Subdivision rules will be followed at the physical development permit level and during future construction.

### State Engineer's Office:

The State Engineer's comment regards the proper referencing of a Channel of the Gros Ventre River that exists along the rear boundary of the Golf Maintenance/Employee Housing Site. The existing channel referenced is of an irrigation-ditch-like nature and was confused as an irrigation ditch during the EA process. Setbacks for this channel were established during the JHGTC Resort Master Plan approval process in 2002 when renderings depicting the Golf Maintenance/Employee Housing Site were provided and were reaffirmed when site plans associated with the Sand Cherry Development permit applications were approved by Teton County in 2009. The EA Report has since been updated to reflect the proper referencing of this channel. The applicant proposes to maintain the fifteen-foot setback from this channel as it was previously approved for the Sand Cherry Development in 2009 and as suggested by the Teton Conservation District in their 08/02/17 letter. Lastly, the State Engineer's Office requested that they review any proposed development that impacts water rights or the delivery of irrigation water. This application proposes neither.

If there are any further questions or comments, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Infanger".

Robert Infanger, PLA  
Project Manager  
robert@y2consultants.com



## **Planning Commission - Staff Report**

### **Review Letter, May 3, 2018**

May 3, 2018

Mr. Guy Evans  
Jackson Hole Golf and Tennis, Inc.  
5000 North Spring Gulch Road  
Jackson, WY 83001  
*Via email: [gevans@gtlc.com](mailto:gevans@gtlc.com)*

### **RE: Planning Director Environmental Analysis Update Recommendation for Jackson Hole Golf and Tennis Environmental Analysis (EVA2017-0033) PIDN 22-42-16-27-4-15-001**

Dear Mr. Evans,

Planning Staff has reviewed the Environmental Analysis Update (EA) dated March 2018 that was prepared by LT Environmental, Inc. (LTE), the County hired consultant, who conducted the EA on the Jackson Hole Golf and Tennis site. The EA submittal was deemed sufficient on March 20, 2018.

The Jackson Hole Golf and Tennis Club is a Planned Resort containing residential and recreational uses. Jackson Hole Golf and Tennis is proposing six small dwelling units to accommodate seasonal employee housing and long term rental housing on an approximately 6.3 acre site that is designated for Golf Maintenance and Employee Housing in the Master Plan. This EA updates a previous EA (EVA2016-0022) that reviewed the impacts of proposed recreational vehicle pads to accommodate seasonal employee housing. EVA2016-0022 received the Planning Directors recommendation May 15, 2017.

As part of this EA, LTE conducted an update to the Habitat Inventory and a development impact analysis. Planning Staff determined that due to the limited locations for alternatives, constraints of the Master Plan Employee Housing area, and existing disturbed areas that an alternatives analysis would not be required.

A review of an EA is neither an approval of an EA, nor an approval of a physical development plan. It is a requirement of the Teton County Land Development Regulations (LDRs), which must precede a physical development application. The purpose of this EA review and recommendation is to analyze the findings made by the county hired EA consultant, LTE, guided by the Jackson/Teton County Comprehensive Plan, and consistent with the LDRs, Section 8.2.2., Div. 5.1., and Div. 5.2.

This property is zoned Planned Resort (PR) and is partially within the mapped area of the Natural Resources Overlay (NRO). The 6.3 acre site consists of a mix of developed landcover, and native upland vegetation. The developed landcover contains golf course maintenance, employee housing structures, gravel parking, staging areas, wash stations, fuel tanks, trash and recycling containers, and a public pathway. In addition the site contains both above and underground infrastructure including irrigation plumbing. The vegetation coverytype is mesic deciduous forest.

## *Planning Commission - Staff Report*

The eastern area of the site contains a man-made irrigation ditch. The EA did not identify any protected wetlands.

In reference to the Jackson/Teton County Comprehensive Plan, the Jackson Hole Golf and Tennis site is located in the County Valley Character District 9 and in Sub Area 9.1, Jackson Hole Golf and Tennis. Comprehensive Plan district map features are illustrative of the character of an area and do not imply desired regulatory boundaries or specific locations for certain attributes. Because this proposal is for workforce housing, it complies with the preserving workforce housing vision of the Subarea. The site is not located in the Scenic Resources Overlay, however the proposed seasonal workforce housing will not affect the visual buffer from North Highway 89 due to distance from the State highway. While the natural character will be temporarily impacted during construction, the applicant is proposing vegetated screening to offset visual impacts in the long term. The proposed location of the housing reduces impacts by partially utilizing existing disturbed areas and clustering around existing infrastructure and development. Additional workforce housing on site will reduce employee commuter trips, potentially reducing wildlife vehicle collisions.

**Waterbodies and Wetlands:** LTE previously conducted desktop and site visit evaluation for wetlands and reviewed a wetland determination conducted by Biota Research and Consulting. LTE found no documented changes to mapped hydrological features, relative to the January 2017 Habitat Inventory and determined that no further field assessments were needed.

A Gros Ventre River channel originates at an upstream diversion point on the Gros Ventre River and flows seasonally (May through October) through the rear or eastern side of the site. While the named channel is managed like a ditch with numerous diversions and in channel control structures its fluvial geomorphology resembles that of a stream or side channel. This EA and previous EAs and the associated physical development reviews considered the Channel a ditch. This includes the Golf and Tennis Affordable Housing Condominium project (S/D2009-0015). During the most recent Plan Review Committee review, Teton Conservation District identified the waterbody as a river side channel. This identification was confirmed by the State Engineers Office. The 2016 Wetland determination by Biota Research and Consulting identified a wetland fringe in the channel as "clearly irrigation induced". The proposed and previous employee housing application located improvements in compliance with the 15 foot ditch setback. If the channel is considered a river channel, then the setback is 150 feet making the proposed improvements non-compliant. Prior to application for physical development, a final determination of the required setback will be necessary. Planning Staff has proposed a condition to address this issue.

**Vegetative Cover Types:** Vegetation analysis was previously conducted using a combination of GIS Vegetation layer, and fieldwork. The predominant vegetation covertype is upland forest consisting primarily of cottonwoods, willows, grasses, and sedges. Medium Narrowleaf Cottonwood and Mature Narrowleaf Cottonwood make up 2.1 acres (33%) of the project area. Developed land comprises approximately 4.2 acre (66%) of the project area. LTE found no documented changes to mapped habitats protected by the NRO relative to the January 2017 Habitat Inventory and determined that no further field assessments were needed.

**Wildlife:** The site was previously evaluated for NRO protected species, migratory birds, amphibians, bears and Special Status Species. The site only represented suitable habitat for six species; elk, mule deer, moose, bald eagle, gray wolf and grizzly bear. Gray wolf and grizzly bear were eliminated from further evaluation due to those species requiring large areas of undisturbed habitat and minimal human presence. The EA further evaluated eagle, elk, moose and mule deer. Wyoming Game and Fish Department (WGF) provided review, stating that there are no significant changes in wildlife in the area and the original comments from review correspondence dated April 19, 2017 and August 2, 2017 are still relevant. Conditions are recommended to address WGF concerns.

No repeatedly used bald eagle perch or roost trees were identified on or near the site. The project area is not located within WGF designated crucial elk habitat or migration corridors, although it is in a WGF designated noncrucial seasonal (spring-summer-fall) elk habitat. No evidence of elk presence was observed within the project area. The project area is located within the eastern bounds of a WGF designated moose crucial winter/yearlong

## Planning Commission - Staff Report

range as mapped by the NRO. Forage opportunities, cover, and unhindered movement corridors are more limited within the disturbed area in and surrounding the project area. The Golf Maintenance and Housing Area is largely disturbed and provides only marginal winter habitat for moose. The project area is not located within WGF designated mule deer crucial habitat or a designated migration corridor.

The Jackson Hole Golf and Tennis site falls within Bear Conflict Priority Area 1. WGF recommends that bear resistant containers are provided and that employees receive education about proper storage of food, garbage, pet food and other bear attractants.

Wyoming Game and Fish Department provided a review statement dated April 19, 2017 that is attached to this memo. WGF review states, *"Moose utilize the Gros Ventre River corridor extensively in the winter, but likely avoid the 6.3-acre JHGTC maintenance area due to human activity. The site of the proposed development provides very little forage in the form of native shrubs for wintering moose and lacks dense understory of hiding/security cover. Therefore, wintering moose are more likely to use habitats closer to the main river corridor. Therefore, we expect development of 0.17 acres of mesic cottonwood habitat adjacent to an existing disturbed area to have very minimal impacts on moose."*

In reference to Mule Deer, WGF recognizes the area as year round habitat, likely due to backyard feeding and residential landscaping. They recommend that seasonal employees who reside on site are prohibited from wildlife feeding and that pets are required to be leashed at all times.

LTE found no documented changes to mapped habitat for special status species, or habitats protected by the NRO relative to the original and updated Habitat Inventory and determined that no further field assessments were needed.

On a site visit March 27, 2018, Planning Staff located one recent set of moose tracks. The tracks led to immature cottonwood and shrub species along the ditch banks, where browsing was evident. No development is proposed in the ditch setback.

**Natural Resources Overlay (NRO):** LTE had previously provided a review of the location of the NRO on site. The partial location in the NRO is due to the area being designated crucial moose winter/yearlong range, as discussed above. LTE also conducted an analysis of the accuracy of the NRO mapping. The EA states that the NRO boundary is inaccurate due to 67% of the NRO containing existing development and poor quality habitat. The NRO analysis continues with a comparison of patch habitat versus core habitat. The site represents small patch area relative to moose home range and the patch is fragmented by residential and recreational uses. The NRO analysis concludes, *"In this case, the fragment of habitat in which the Golf Maintenance /Employee Housing Area lies is, itself, fragmented, providing patches of suitable vegetation for moose rather than suitable habitat."*

**Impacting the NRO:** Regardless of the determination that the NRO boundary is inaccurate, the NRO map is a regulatory requirement and as such Sec. 5.2.1 Natural Resources Overlay Standards are applicable. Impacts to higher ordinal value vegetation within the NRO shall be mitigated at 2:1.

**Impact Analysis:** LTE conducted an Impact Analysis as part of the EA update based on a proposed site design provided by the applicant. The proposal is for six (6) small houses to accommodate seasonal employee housing from April through October and long term rental housing during the remaining months at the Golf Maintenance/Employee Housing Site as identified on the Jackson Hole Golf and Tennis Club Master Plan. Each of the six employee houses will be approximately 20-feet wide and 35-feet long. Patio decks will be constructed for each housing space. Between each house will be a paved surface, approximately 15-feet wide, intended for parking two personal vehicles. The development site is approximately 0.74 acres and is nearly identical to the previous RV

## *Planning Commission - Staff Report*

pad development envelope. All necessary utilities exist on or adjacent to the site. The compact footprint of the proposed development has been designed to minimize disturbance and loss of open space.

Updated impacts are described below:

- **Wetland and Waterbody Impacts:** No impacts to wetlands or waterbodies are proposed. All proposed development meets the 15 foot ditch setback but does not meet the 150 foot river setback. Planning Staff has proposed a condition to address this issue.
- **Vegetation Impacts:** A small area of the site is located outside of the NRO. Approximately half of the proposed development is located in previously disturbed areas. Approximately 0.3 acres will produce long term impacts to existing mesic deciduous forest. Upland vegetation covertypes protected by the NRO are proposed for removal and as such 2:1 mitigation is required. Fifty Narrowleaf cottonwood trees and 23 native mesic shrubs are proposed for removal. Sheet number M-1, Mitigation Plan proposes numerous mitigation sites located east and northeast of the dwelling units suitable for mitigation. The mitigation sites are generally located in openings in or adjacent to existing habitat. Staff has a concern that some of the infill mitigation sites are located closer to the road than was recommended in the WGF review. The recommendation by WGF was that the mitigation be located closer to the Gros Ventre River and no closer to the site than the southeast side of the RV pads, now small houses.
- **Wildlife Impacts:** As stated above the proposed development is located in the eastern bounds of crucial moose winter/ yearlong range. The area surrounding the site along the river is consistent with winter foraging habitat because it provides thermal and escape cover, as well as a year-round contiguous movement corridor for moose.

Forage opportunities, cover, and unhindered movement corridors for moose, elk, and mule deer are abundant to the south and east of the development area but these features are more limited within the disturbed area in and immediately surrounding the development area. It was also determined that potential suitable habitat for neotropical migratory birds and amphibians may be present.

The EA update determined that construction and operation actions would likely result in low to moderate impacts to moose, elk, and mule deer, neotropical migratory birds, and amphibians, since the ground disturbing impact is small compared to the available habitat in the surrounding environment. Short-term impacts would include avoidance of the area during construction and displacement of individuals to adjacent habitats, while long-term impacts would be minimal following final reclamation. Replacement of the mature cottonwood with immature higher ordinal species located closer to the river will help offset the long term impacts.

Avoidance and minimization of impacts has been accomplished by locating, to the extent practicable on previously disturbed surfaces and clustering in and adjacent to existing infrastructure. 59% of the permanent impacts will occur on existing developed areas and 41% on undeveloped areas. The EA concludes that the proposed development is not likely to significantly impact essential habitat within the NRO area.

- **Project Vicinity Impacts:** In evaluating the half-mile vicinity zone the EA states that the proposed development would have little to no significant adverse effects to surface and groundwater features or protected species and habitats.

**Master Plan:** The Resort Master Plan classifies potential development areas into 3 categories:

1. **Areas "Unsuitable" for Development-** Protected natural resources and their respective protective setbacks as identified in the Comprehensive Plan.



## *Planning Commission - Staff Report*

2. **Areas "Less Suitable" for Development-** These areas do not encompass protected natural resource or their setbacks but, relative to remaining areas on the subject property, are more important to sensitive wildlife species.
3. **Areas "Most Suitable" for Development-** These areas would cause the least adverse impact to habitats of sensitive wildlife species or other protected natural resources.

LTE conducted an analysis of suitability as defined in the Master Plan and determined that the site contains 4.2 acres that are "less suitable" for development, and 2.1 acres that are "most suitable for development. Zero acres were designated "unsuitable."

**Planning Staff Review and Recommendation of the EA:** It is Planning's Staff's determination pursuant to Section 8.2.2.F.6. that the applicant has demonstrated an effort to reduce impacts by utilizing previously disturbed areas, to the extent practicable.

Consideration of the Jackson/Teton County Comprehensive Plan is required and should be viewed through the applicable Policy Objectives and subarea. These objectives include preserving workforce housing stock, reducing wildlife transportation impacts, incorporating wildlife friendly design and increasing wildlife permeability. The proposed project represents an opportunity to improve workforce housing stock and reduce transportation impacts and wildlife vehicle collisions by providing housing at the place of employment. The proposed housing reduces impacts by partially utilizing existing site development and clustering around existing infrastructure and development. Clustering the housing in and adjacent to existing development will help achieve a wildlife friendly design and maintain permeability.

In correspondence dated April 19, 2017, the Wyoming Game & Fish stated, "*we expect that development of 0.17 acres of mesic cottonwood habitat adjacent to an existing disturbed area to have very minimal impacts on moose.*" WGF provided recommendations on locating mitigation plantings away from Spring Gulch Rd., using non bear attracting shrub species and providing education to the seasonal residents. Planning Staff has provided a condition to address these concerns, which will be applied to physical development permits.

The EA update contains a conceptual mitigation or habitat improvement plan that includes 2:1 mitigation for impacts to native vegetation as required in the LDRs. Planning staff agrees with the EA findings that the larger site lends itself to onsite mitigation.

**Planning Director's Recommendation:** An EA review and recommendation is not an approval of an EA or a physical development plan. It is merely a component required for a pending application for physical development.

Pursuant to Section 8.2.2.F.7. of the LDRs, the Planning Director makes the following recommendation based upon the analyses and data set forth in the Environmental Analysis, upon the Jackson/Teton County Comprehensive Plan, and the Teton County Land Development Regulations, Section 8.2.2., Div. 5.1., and Div. 5.2. The Planning Director recommends the applicant's impact analysis site design with the following recommended conditions for consideration, should the applicant proceed with submittal of an application for physical development:

1. Bear proof trash containers shall be installed and Jackson Hole Golf and Tennis shall provide education and information materials to its employees and other residents about wildlife feeding, proper storage of food, garbage, pet food and other bear attractants.
2. Pets shall be leashed at all times.





## *Planning Commission - Staff Report*

3. Mitigation plantings shall be required to be moved closer to the Gros Ventre River, but no closer to the site than the southeast side of the Nigger Channel. Shrub mitigation plantings shall consist of shrub species preferred by ungulates and not berry producing shrub species.
4. At or prior to submittal of any Grading and Erosion Control Permit(s), a Final Mitigation Plan shall be submitted, subject to review and approval by the Planning Director. The Final Mitigation Plan shall provide actual impact and mitigation amounts with specific locations. Pursuant to the LDRs, the Final Mitigation Plan shall include (but may not be limited to) species specific plantings, a monitoring plan and remedial measures to ensure mitigation project success. In addition, prior to issuance of any Grading and Erosion Control Permits, a cost estimate and surety for mitigation implementation is required.
5. Should the applicant proceed with plans for physical development, a final determination of the required setback will be necessary. If Nigger Channel is determined to be a river channel, approval for relief from the river setback shall be required prior to physical development approval.

Should you have any questions or concerns, please contact Roby Hurley at (307) 733-3959 or via email at [rhurley@tetoncountywy.gov](mailto:rhurley@tetoncountywy.gov).

Sincerely,

Tyler Sinclair  
Planning Director

cc: Lindsay Sanders, LT Environmental, LLC  
Robert Infanger, Y2 Consultants

Enclosures: WGF Correspondence

**WYOMING GAME AND FISH DEPARTMENT** 5400 Bishop Blvd. Cheyenne, WY 82006 Phone: (307) 777-4600  
Fax: (307) 777-4699 [wgfd.wyo.gov](http://wgfd.wyo.gov) **GOVERNOR** MATTHEW H. MEAD **DIRECTOR** SCOTT TALBOTT **COMMISSIONERS** KEITH CULVER – President MARK  
ANSELM – Vice President GAY LYNN BYRD PATRICK CRANK PETER J. DUBE DAVID RAELE MIKE SCHMID

August 2, 2017  
Roby Hurley, Principal Planner  
Teton County Planning and Development  
200 South Willow Street  
Jackson, WY 83001

Dear Mr. Hurley,

Thank you for the opportunity to comment on the Development Plan (DEV2017-0007) and Master Plan Amendment (PUD2017-0004) for the Jackson Hole Golf and Tennis Club (JHGTC) Seasonal Workforce Housing Development. The JHGTC proposes to develop approximately 0.33 acres of land for seasonal employee housing (RV pads). This area is partially within Teton County's Natural Resource Overlay (NRO). The Jackson Region staff of the Wyoming Game and Fish Department (WGFD) have reviewed the current proposal for development of RV pads and offer the following comments for your consideration:

The WGFD provided comments on the Environmental Analysis (EA) for this project on April 19, 2017. We appreciate that these comments were included as recommended conditions for consideration in a letter provided by the Teton County Planning Director to the applicant on May 15, 2017 regarding Environmental

## *Planning Commission - Staff Report*

Analysis Recommendations. The recommended conditions outlined in the letter at are specific to wildlife are as follows:

1. Bear proof trash containers shall be installed and Jackson Hole Golf and Tennis shall provide education and information materials to its seasonal employees about wildlife feeding, proper storage of food, garbage, pet food, and other bear attractants.
2. Pets shall be leashed at all times.
3. Mitigation plantings shall be required closer to the Gros Ventre River and no closer to the site than the southeast side of the RV pads. Shrub mitigation plantings shall consist of shrub species preferred by ungulates and not berry producing shrub species.
4. Construction shall be limited to the temporal restrictions recommended by WGF for occupancy: April 16 – November 14.

We fully support these recommended conditions. When reviewing the Development Plan (DEV2017-0007), we saw commitments to some of these conditions, but not all. We appreciate that the applicant will provide bear proof trash containers to seasonal residents (Condition 1), but we did not see a commitment to provide education to season residents about proper storage of food, garbage, pet food, and other bear attractants (Condition 1). We feel that this is especially important given that seasonal residents may not have familiarity or experience living in areas frequented by bears, such as the Gros Ventre River corridor.

We did not see a commitment to Condition 2, that pets shall be leashed at all times. This is especially important because this area is frequented by mule deer in the summer and there is potential for pets to chase and harass deer. In addition, large carnivores such as black bears, mountain lions, gray wolves, and grizzly bears use the Gros Ventre River as a travel corridor and therefore could come into conflict with unleashed pets.

We appreciate the revised habitat mitigation plan (page 83 in DEV2017-0007) that will locate shrub mitigation plantings closer to the Gros Ventre River and away from Spring Gulch Road, which will reduce the potential for wildlife-vehicle collisions.

Finally, we did not see reference to Condition 4, that construction shall be limited to the temporal restrictions recommended by WGF for occupancy: April 16 – November 14. We feel this is important since the project area is partially within and adjacent to moose crucial winter range.

Thank you for the opportunity to review and comment on the Development Plan and Master Plan Amendment. If you have questions, please contact me or Doug McWhirter, Jackson/Pinedale Wildlife Management Coordinator, at 307-733-2321.

Sincerely,  
Alyson Courtemanch  
North Jackson Wildlife Biologist



***Planning Commission - Staff Report***

**Public Comment**

cover page

total 15 pages

To: Roby Hurley  
Teton County Planning Commission

(307) 733-4451

Re: Nov. 13, 2018  
Agenda

Item #5

Golf & Tennis  
application

11/11/18

To: Roby Hurley - Chief Planner  
Teton County Planning Commission  
fax # (307) 733-4451

Fr: S&B Irrevocable Trust - Susan  
Frankewich Trustee  
6275 Aspen Drive, Jackson, WY 83001  
phone 733-5733 ("Homeowner")

\* Re: November 13, 2018 Planning Comm,  
Agenda Item #5 re Jackson Hole,  
Golf + Tennis application for  
amendment re employee housing (Applicant)

Dear Mr. Hurley,

This comment to Applicant is being submitted by Homeowner within the affected area as noticed by Teton County. In summary, the Homeowner submits the Applicant's application is irrationally vague, non-specific, lacking in detail, lacking in compliance with existing CC+R's and deed restrictions of the Jackson Hole Golf + Tennis community, violative of the Teton County Land Development Regulations ('LDR'), constitutes a safety risk, devaluation of property, nuisance, non-conforming transient (not affordable housing) proposal.

The salient facts, background and basis for The Homeowner's summary is as follows:

### A. Applicant

The Applicant is Jackson Hole Golf & Tennis an entity owned by Vail Resorts, Inc. In 2018, Vail Resorts enjoyed net income in excess of \$370 million. Its five year trend of income and revenue has skyrocketed. See attached Vail Resort public reports. This is not a small mom and pop local business trying to make ends meet and attract a few employees.

### B. Golf & Tennis Community CC+R's

The entire Golf & Tennis community is subject to master, 1st Filing, 2nd Filing and 3rd Filing CC+R's - all of which are deeded property owner restrictions which strictly prohibit campers, RV's, parked cars, ATV's, golf carts, motorcycles, scooters and oversized vehicles parking outside. There is no exception. \* The CC+R's require any amendment be approved by 2/3 vote of all homeowners. \* There has been no attempt by Applicant to amend The CC+R's to obtain homeowner approval for its proposed application intentions.



### C. Current Housing Approval

In 2002, Applicant received approval to construct employee housing (3 bedroom, 2 bath) townhouses on Spring Gulch Road. A number of units were built and utilized as employee housing. There has been no evidence to suggest why more of the same type of housing could not be built (if it is really needed — there is no independent calculation of affordable employee housing need). The 2002 approval allows more of the same type of housing.

The Applicant (from what can be gleaned from the vague application lacking in any sketch, plan or detail) is seeking to build a seasonal campground hundreds of yards away and near the landscape building. This is not adjacent to the current employee housing (with the entire 10th hole in between). The landscape building and area do not appear to be in compliance with screening requirements to screen from Spring Gulch view the junkyard/recycling center appearance directly across the street from the Clubhouse. Keeping in mind this

area is on a curve on the road so <sup>4</sup> would create more danger of traffic in and out if a campground of unknown quantity is allowed.

#### D. Meetings / Proposals / Lack of Transpare

Approximately 2 years ago There was a proposal to have Applicant build camper/ RV pad with water and power adjacent to The landscape building. Homeowners were told it would be about 15-20 pads and only high-end RV/camper (with kitchen and bathroom facilities) would be allowed for seasonal employees to park June 1 - Sept. 30. The Application submitted to Teton County didn't quite look that way.

Last year, communications were floated that Applicant had changed its mind and wanted to do tiny houses adjacent to The landscape building. Talk was that Vail was looking for "investors" who would rent the pad space from Vail, be responsible to build the tiny house, rent to employees in the summer and be free to rent to anyone the rest of the year.

Now Applicant has submitted the pending July 2018 application. A review of the application.

make it clear that if you gave Applicant a 2' x 2' whiteboard and said "what do you want" no coherent, rational plan, site sketch or firm development exists. This flies in the face of due process for Homeowners to be noticed and have a fair opportunity to be heard. Deficiencies and inconsistencies in the application included a multitude of issues which hide the ball and provide no basis for approval.

### E. Applicant's Application

The application seeks to amend/strike language from the 2002 approval for employee housing by deleting the townhouse/dormitory requirement. There is no detail or specificity of what is to be built or developed for alleged employee "housing". P. 18 section 2(b) admits the application is for "seasonal employees" housing - not full-time employees and without a showing of 1) need, or 2) why the existing approved housing could not be expanded, and 3) appears to want RV approval.

Section 1, p. 12 emphasizes there will be no "structures" built. Yet, Section 3 on p. 13 states there would be a blending of "structures" to minimize the mass of development, with

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no detail of structures, mass or development. The application references RV's with no specifics of size, quality or amenities. Any development would require electrical, water, sanitary sewer, spaces/pads etc all with density or other details. There is a proposal to remove existing trees in a 2:1 ratio with no explanation. There is no firm (ie 60%) landscaping ratio, parking facilities or setbacks from Spring Gulch to screen this transient campground.

There is certainly no explanation why the existing Gros Ventre campground 2 miles away can not be used as it has been for decades by Grand Teton Park employees and other town employees. Using the Culter Bay employee campground as an example by Applicant is a good example of how deplorable things will get.

## F, Teton County Land Development Regulations (LDR)

The LDR purpose and intent defined in Div. 1.3 is to "promote the health, safety and general welfare of the present and future inhabitants of the community" (not transient seasonal workers).

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Div. 1.3(c)(1) "quality of life" is to 'ensure a variety of workforce housing opportunities exist so that at least 65% of those employed locally also live locally.' Div. 1.3(c)(4) requires 'timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner'. Div. 1.3.4(a) is to ensure standards are consistently applied to similar applications and circumstances. Div. 1.3.4(b) is to ensure landowners, the public and decision-makers know the amount, location and type of growth to expect'. The complete lack of specificity and transparency of The Applicant renders meaningless the intent and purpose of LOR

with respect to The deed restricted filed CCX LOR Div. 1.6.6 provides The LOR is not intended to supersede, annul or interfere with any "covenant, deed restriction or other private agreement." The Applicant is clearly trying an impermissible end-run around its legally mandated restrictions, especially the failure to obtain (as a precondition to The application)  $\frac{2}{3}$  approval/amendment by homeowners.

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~~The~~ The application should be declared void and premature based on the failure to comply with The deed restricted CC+R's of The Golf and Tennis community. The LOR recognizes it cannot supersede The CC+R requirement.

Under Div. 1.9, The Applicant is clearly seeking a non-conforming deviation for The property based on the 2002 approval, seeking to strike The real "housing" requirement, lack of evidence of any need, lack of evidence why it cannot comply with The 2002 approval and expand housing on The existing area. There is no exemption, exception or justification for non-compliance, rather than the "el cheapo" desire for deviation from The existing employee housing.

The LOR set for affordable workforce housing standards in Div. 6.3 which provides The purpose is to provide work force housing proportionate to The need. The legislative mandate is defined to establish a "local workforce", not transient, seasonal migration. The goal is to have 65% of The employed locally, live locally. The burden is on The Applicant to comply with The LOR.



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Div. 6.3.3. authorizes The Director to require an independent calculation to determine if affordable housing is needed, its timing and location.

There is no showing or evidence anywhere in The Application as to need, location where proposed, to satisfy The Application burden.

Further, Div. 6.3.4. specifically defines what constitutes "affordable workforce housing" and there is no reference to RV's, campers, tiny houses or as Applicant desires. Applicant has made no showing or evidence why it can't (not won't) comply with approved 2002 plan for employee housing. There is no basis in the LDR to approve a campground on a seasonal basis for seasonal employees.

The Applicant's attempt to gain approval of an unknown, future something we're not going to tell you is a misguided attempt to ~~scam~~ scam the Homeowners and County. The intentional lack of specificity, flag waving of "employee housing" with no showing of need and failure to comply with the spirit and requirements of LDR warrants denial.

## G. Homeowner Concerns

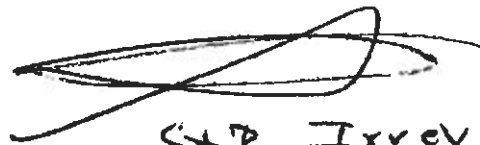
There have been no cogent, honest answers to many questions re The Applicant's intentions. Questions regarding employee work hour requirements, restrictions, housing income/other property ownership, guests, rentals, security at employee housing have all gone unanswered. Questions of employee criminal background checks, drug testing have been ignored. When the campground issue arose, there were questions re types of RV/campers, abandoned RV's, removal at season's end, insurance/surety for safety/security were all raised with responses by Applicant like yeah-yeah we're looking at it, we'll deal with it in the future, we're not sure etc. The elephant question in the room as to why Applicant won't comply with the 2002 approval and build more similar employee housing, if needed is consistently ignored.

Approval of the Application would promote an eyesore, nuisance, unreasonably interfere with property rights, safety, traffic and devalue homeowner's property (at a time when the past 2 assessors routinely/annually raise taxes 30-60% on

Golf & Tennis homeowners

Homeowner requests The Planning Commission to reject The Application for lack of specificity, need, violations of The CC & R's, safety concerns and failure of The Applicant to uphold its burden of proof for The amendment/application.

Sincerely,



S+B Irrevocable Trust  
by Susan Frankel Trustee

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## Vail Resorts Reports Fiscal 2017 Fourth Quarter and Full Year Results and Provides Fiscal 2018 Outlook

BROOMFIELD, Colo., Sept. 28, 2017 /PRNewswire/ — Vail Resorts, Inc. (NYSE: MTN) today reported results for its fourth quarter and fiscal year ended July 31, 2017 and provided its outlook for the fiscal year ending July 31, 2018.

### Highlights

- Net income attributable to Vail Resorts, Inc. was \$210.6 million for fiscal 2017, an increase of 40.6% compared to fiscal 2016. Included in net income for fiscal 2017, on a pre-tax basis, are charges for an increase in the Canyons contingent consideration of \$16.3 million and a future contribution to Town of Vail parking of \$4.3 million, as well as a foreign currency gain of \$15.3 million on the intercompany loan to Whistler Blackcomb Holdings Inc. ("Whistler Blackcomb").
- Resort Reported EBITDA was \$593.4 million for fiscal 2017, an increase of 31.1% compared to fiscal 2016. Fiscal 2017 Resort Reported EBITDA includes the operations of Whistler Blackcomb and Stowe Mountain Resort ("Stowe") prospectively from their respective acquisition closing dates and \$10.8 million of acquisition and integration related expenses.
- Season pass sales through September 24, 2017 for the upcoming 2017/2018 North American ski season increased approximately 17% in units and 23% in sales dollars as compared to the period in the prior year through September 25, 2016, including Whistler Blackcomb and Stowe pass sales in both periods, adjusted to eliminate the impact of foreign currency by applying current period exchange rates to the prior period.
- The Company issued its fiscal 2018 guidance range and expects Resort Reported EBITDA to be between \$652 million and \$682 million, including an estimated \$2.6 million of integration related expenses.

Commenting on the Company's fiscal 2017 results, Rob Katz, Chief Executive Officer, said, "We achieved another year of record-breaking results with strong growth across our business. We are very pleased to complete the year with Resort Reported EBITDA of \$593.4 million, which included \$10.8 million of acquisition and integration related expenses. Our results were driven by our world-class network, the acquisition of Whistler

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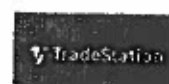
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## Vail Resorts Inc.

NYSE: MTN

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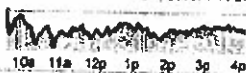
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Previous close  
**\$ 265.37**  
-2.03 -0.76%

Day low  
**\$263.48**

Day high  
**\$267.16**

52 week low  
**\$200.68**

52 week high  
**\$302.76**

### Annual Financials for Vail Resorts Inc.

View Ratios

Fiscal year is August-July. All values USD millions.

|                                     | 2014    | 2015    | 2016    | 2017    | 2018    | 5-year trend |
|-------------------------------------|---------|---------|---------|---------|---------|--------------|
| Sales/Revenue                       | 1.25B   | 1.4B    | 1.6B    | 1.91B   | 2.01B   |              |
| Cost of Goods Sold (COGS) incl. D&A | 1.12B   | 1.2B    | 1.31B   | 1.5B    | 1.35B   |              |
| COGS excluding D&A                  | 984.37M | 1.05B   | 1.15B   | 1.32B   | 1.14B   |              |
| Depreciation & Amortization Expense | 140.6M  | 149.12M | 161.49M | 189.18M | 204.48M |              |
| Depreciation                        | 136.6M  | 144.02M | 156.79M | 180.86M | 199.16M |              |
| Amortization of Intangibles         | 4M      | 5.1M    | 4.7M    | 8.3M    | 5.3M    |              |
| Gross Income                        | 129.67M | 203.57M | 287.3M  | 402.72M | 662.87M |              |

|                               | 2014    | 2015    | 2016      | 2017    | 2018     | 5-year trend |
|-------------------------------|---------|---------|-----------|---------|----------|--------------|
| SG&A Expense                  | -       | -       | -         | -       | 251.81M  |              |
| Research & Development        | -       | -       | -         | -       | -        |              |
| Other SG&A                    | -       | -       | -         | -       | 251.81M  |              |
| Other Operating Expense       | -       | -       | -         | -       | -        |              |
| Unusual Expense               | 22.03M  | 2.16M   | 4.2M      | 23.8M   | (1.85M)  |              |
| EBIT after Unusual Expense    | 107.64M | 201.41M | 283.1M    | 378.92M | 412.92M  |              |
| Non Operating Income/Expense  | (1.21M) | (1.81M) | (123,000) | 15.62M  | (13.07M) |              |
| Non-Operating Interest Income | 375,000 | 246,000 | 723,000   | 6.11M   | 1.94M    |              |
| Equity in Affiliates (Pretax) | 1.26M   | 822,000 | 1.28M     | 1.88M   | 1.52M    |              |
| Interest Expense              | 64M     | 51.24M  | 42.37M    | 54.09M  | 63.23M   |              |
| Gross Interest Expense        | 64M     | 51.24M  | 42.37M    | 54.09M  | 63.23M   |              |



|                                         | 2014      | 2015      | 2016      | 2017    | 2018     | 5-year trend |
|-----------------------------------------|-----------|-----------|-----------|---------|----------|--------------|
| Interest Capitalized                    | -         | -         | -         | -       | -        | -            |
| Pretax Income                           | 44.07M    | 149.33M   | 242.82M   | 348.45M | 340.09M  |              |
| Income Tax                              | 15.87M    | 34.72M    | 93.17M    | 118.73M | (61.14M) |              |
| Income Tax - Current Domestic           | 9.65M     | 18.17M    | 81.11M    | 63.98M  | (33.8M)  |              |
| Income Tax - Current Foreign            | -         | 3.58M     | 4.43M     | 18.31M  | 18.44M   |              |
| Income Tax - Deferred Domestic          | 6.22M     | 13.16M    | 8.65M     | 32.67M  | (42.98M) |              |
| Income Tax - Deferred Foreign           | -         | (189,000) | (1.03M)   | 3.77M   | (2.79M)  |              |
| Income Tax Credits                      | -         | -         | -         | -       | -        |              |
| Equity in Affiliates                    | -         | -         | -         | -       | -        |              |
| Other After Tax Income (Expense)        | -         | -         | -         | -       | -        |              |
| Consolidated Net Income                 | 28.21M    | 114.61M   | 149.45M   | 231.72M | 401.23M  |              |
| Minority Interest Expense               | (272,000) | (144,000) | (300,000) | 21.17M  | 21.33M   |              |
| Net Income                              | 28.48M    | 114.75M   | 149.75M   | 210.55M | 379.9M   |              |
| Extraordinary & Discontinued Operations | -         | -         | -         | -       | -        |              |
| Extra Items & Gain/Loss Sale Of Assets  | -         | -         | -         | -       | -        |              |
| Cumulative Effect - Accounting Chg      | -         | -         | -         | -       | -        |              |
| Discontinued Operations                 | -         | -         | -         | -       | -        |              |
| Net Income After Extraordinary          | 28.48M    | 114.75M   | 149.75M   | 210.55M | 379.9M   |              |
| Preferred Dividends                     | -         | -         | -         | -       | -        |              |
| Net Income Available to Common          | 28.48M    | 114.75M   | 149.75M   | 210.55M | 379.9M   |              |
| EPS (Basic)                             | 0.79      | 3.18      | 4.13      | 5.36    | 9.40     |              |
| Basic Shares Outstanding                | 36.13M    | 36.34M    | 36.28M    | 39.25M  | 40.4M    |              |
| EPS (Diluted)                           | 0.77      | 3.07      | 4.01      | 5.22    | 9.13     |              |
| Diluted Shares Outstanding              | 37.06M    | 37.41M    | 37.31M    | 40.37M  | 41.62M   |              |
| EBITDA                                  | 270.27M   | 352.69M   | 448.78M   | 591.88M | 615.53M  |              |

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## RECOMMENDED





## *Planning Commission - Staff Report*

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We're concerned that what is planned is of a temporary transient nature (trailers, mobile homes, etc.) vs. permanent facilities such as the existing facilities/structures and employee housing. We don't want a trailer park !! We are also concerned and want to insure that any development minimizes the impact on the wild life that frequent the area along the river. Thank you.

Paul and Susan Divjak

6785 N. Foxtail

Jackson, Wy. 83001

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Does employee housing opportunities mean pads and hookups for trailers and 5th wheels? Or houses? What do they plan to build?

Thanks for your time, Donna Clark

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Teton County Planning and Development Principal Planner, Roby Hurley and team:

In response to the Teton County Planning and Development letter date October 12, 2018, I voice the following objections, observations and concerns:

- 1.) Land in consideration is a Wildlife corridor for migrating moose, elk and buffalo as well as deer. This area has already been compromised by extensive additional building sites, limiting the ability for these animals to survive in their natural habitat. This also limits the quality of life for those of us who purchased property here because of the natural migration of animals.
- 2.) Utilities have already been over taxed and stretched to inconvenience. Vail Resorts have yet to address water pressure issues at and around 750 East Sagebrush Dr. Three years ago water pressure was tested and Gros Ventre Utilities AKA Vail Resorts admitted water pressure percentages were below acceptable levels. This is especially true summer season when occupancy is to full occupancy, and sprinklers are on residential areas as well as golf course. At times, water trickles out of water interior faucets. How will this additional living spaces impact an already existing problem?
- 3.) Septic coincides with the water problems that already exist. Original plans for Jackson Hole Golf and Tennis Resort included bathrooms near or in the Pro Shop as well as the Tennis Court area. That was how the original Master Plan was approved. As it now stands, there are only one upper and lower bathroom (one stall for female and male on each level) for Tennis, Golf, Bar, Restaurant, Pool and Fitness room as well as the Clear Span Event Tent outside the parking area, which houses 100 plus wedding/event guests almost 3-4 nights a week. During the summer Vail resorts owns and uses their own disposal outdoor toilets, which are parked in the parking lot. All of these facts appear to be stretching the limits of what safe health practices should be.
- 4.) Traffic on Spring Gulch Road has increased steadily and is already constant, often too fast for speed limits and on a very narrow and weaken road. With the newly reconstructed Cattleman's Bridge, the deterrent of the Round-A-Bout on Hwy 89, quick route to and from airport, as well as a quick road avoiding downtown via the village, traffic has doubled. How will the increase of constant traffic flow and maintenance needs on Spring Creek Gulch Road, be addressed?
- 5.) Who will be responsible for overseeing the constant maintenance and of the 'natural fencing' of which Vail Resorts propose? This proposed compound is near the road and visible to heavy traffic traveling past as well as

## *Planning Commission - Staff Report*

Jackson Hole Golf And Tennis Estates property owners and members to Jackson Hole Golf and Tennis Resort. How will this proposal improve membership and property values of tax paying citizens? What guarantee is there Vail Resorts will house employees for years to come? or become another short term rental area for Vail Resorts to make further income at the member and property owners sake?

6.) What guarantee will be established so Vail Resorts doesn't alter the Planning status in the near future or put financial maintenance burdens on the surrounding property owners? Case in point: Vail Resorts took over Jackson Hole Golf and Tennis and they soon decided the responsibility of Jackson Hole Golf and Tennis Estates was not in their best interests, thus, leaving property owners to dissolve into numerous HOA entities. This also left the question, and still the query continues, who is responsible for maintenance and ownership of Sagebrush Dr. ? Jackson Hole Golf and Tennis was and is, responsible for water flow into and maintaining the "upper holding pond" off of hole 3 and 4. This is in dispute today with Vail Resorts saying it's not their's to financially be responsible for. Discussion of responsibility is continuous with Vail Resorts and with each concern, Vail Resorts have proven themselves to be narcissistic.

Please note, I, Deb Penk, have owned and resided at 750 East Sagebrush Drive for over 18 years. A majority of this time I've been a paying member of Jackson Hole Golf and Tennis Resort, initialing my membership prior to Vail Resorts ownership. My experience with Vail Resorts has shown this corporation to demand profit at all costs. Approving this amend to Jackson Hole Golf and Tennis Master Plan can only benefit Vail Resorts, without any consideration to the members, neighbors or wildlife.

Sincerely,

deb Penk 750 East Sagebrush Dr. Jackson, WY 83001

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We are opposed to the amending of the 2002 Master Plan to allow trailers . If JHGT wants housing for employees, the plan calls for townhomes or cabins. Trailers, as I am sure you are aware of , are not acceptable in most neighborhoods nor should they be EVEN considered in a neighborhood such as JHGT.

JHGT had employee housing that worked for many years in the style of an apartment on the southeast corner of Spring Gulch. Wasn't it their choice to demolish this specific employee housing? Sorry.

Susan and Fred Kingwill

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Dear Planning Commissioners:

My wife and I are residents of Jackson Hole Golf & Tennis #2 and reside on Cottonwood Dr., across the street from the proposed employee housing. Generally we don't have a problem with the golf course adding additional employee housing, but it should be done in a desirable way for the neighborhood. To us that means several things:

1. It is our belief that the current employee housing is for golf course employees only. We think that should be the case with the proposed housing also. That way the golf course is not going to get into the landlord business which they are not expert in. I am a real estate broker and know that renters can be difficult to evict if they are causing problems for them and the neighborhood. At least, if they are employees and can be dismissed the golf course can more easily have the problem tenant vacate.

2. We believe that whatever type of housing is chosen, that it be properly screened from the road. Apparently this has been required in the past and JHG&T has done the minimum and not maintained the screening. This is evident with their maintenance building. One can see that trees were planted, but they are all dead now. The

## *Planning Commission - Staff Report*

golf course knows how to grow stuff; that's a vital part of what a golf course does. This screening was obviously neglected and is an insult to those who required it. Our strong suggestion is that any new housing, *along with the maintenance building* be screened from Spring Gulch Road with a landscape mound planted with evergreen trees and properly irrigated and maintained. Our understanding is that one can have a landscape mound less than 5' high and not violate any other requirements. We would suggest 4' 11" since it will settle in time. The mound should be populated with evergreen trees to maintain the screen during winter. We also understand that there is a rule to replace cottonwoods, in this case, with more cottonwoods. But the required number of cottonwoods can be placed closer to the levee where the county wants it, then use an adequate number of evergreens on the landscape mound to screen from SGR.

3. Adequate parking should be provided for the maximum number of occupants.
4. No dogs should be allowed due to the fact that these will be employees who will be gone from the premises during the day and to prevent problems with the wildlife which is very close by.

Thank you for your consideration,

Ann and Joe Wenger 255 E. Cottonwood Dr. Jackson, WY 83001

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Dear Planning Commissioners,

I am writing to express my concern about the application Vail/JHG&T has submitted to amend the 2002 Master Plan and to allow for the possibility of a future employee trailer park in the NRO in a currently forested area and not within the existing maintenance yard footprint, adjacent to a seasonal channel (ditch) of the Gros Ventre River. This area includes critical moose habitat, cavity nesting birds and raptor nests. It is also in the wildlife migration corridor.

In 2002, as part of the TC approved Vail Master Plan EA, the WY G&F Dept. recommended that no further development occur west of the Snack Shop. Despite this, the new application is proposing new development in the area that was to be left undeveloped.

Teton County's 2018 new wildlife habitat map shows this same area, as an area to specifically avoid for any new development due to its important habitat for wildlife.

The application seems to suggest that for 5 months of the year the seasonal trailer park would be occupied by JHG&T employee, but that at other times of the year the trailer spaces could potentially be rented to others. Similarly for the option of tiny houses that could be proposed for the same area, these would be utilized by JHGT employees during 5 months. The rest of the year they could be long term rented. Vail/JHG&T has considered having private buyers purchase the units and then work out a lease back option for 5 months and long term rent them for 7 months. In 2016, when a similar proposal for a trailer park was first heard by this Planning Commission, you placed a condition of occupancy for mid- April to late October. Occupancy of any kind would not be allowed from early November to mid April, due to wildlife habitat and migration. Another condition that nearby residents suggested needed to be added, was a prohibition on dogs, similar to what the Affordable Neighborhood has.

The application discusses the seasonal housing that the Grand Teton Lodge Company provides its employees within Grand National Park. This housing sits on National Park Service lands in designated employee housing areas, not in public areas, and is heavily regulated by the National Park Service through the contract Vail Resorts has with the NPS. It is an irrelevant comparison to justify employee housing at JHG&T. It's an apples and oranges comparison. Housing seasonal employees in a national park under federal contract regulations is very different than housing seasonal employees in a Planned Unit Development/Resort amidst multiple private neighborhoods.



## *Planning Commission - Staff Report*

The other golf resorts with residences in Teton County do not use trailers across from their main clubhouses to house seasonal employees. The other golf resorts are not located immediately adjacent to Grand Teton National Park lands and within the Gros Ventre River wildlife migration corridor.

At meetings over the last two years with changing proposals from JHG&T, Vail/JHG&T regarding JHG&T seasonal housing, Grand Teton Lodge Company executives have repeatedly publicly stated their unwillingness to expend capital funds to construct employee housing despite the fact this was previously envisioned in the 2002 Master Plan. They want to place the burden on the seasonal employees to arrive with their own trailer as a housing unit.

Yet Vail has a very healthy financial picture and has invested major capital in employee housing at its other resorts throughout the US and in Canada. So too have other large employers here in Teton County.

Residents who purchased homes or constructed homes in the neighborhoods adjacent to JHG&T expected that a residential resort (PUD) of this caliber, with an approved Master Plan, would continue to remain a residential area with high standards as spelled out in the 2002 Master Plan. Residents overwhelmingly oppose a seasonal trailer park being permitted as a future housing option.

It is also curious that some neighbors were told that an area that had generally been identified in the 2002 MP as a potential place to expand with a few town home style housing units, could not be used. Yet it is now being considered as a location for Verizon to construct a 75 foot mono pine tower, surrounded by a fence adjacent to the current employee dorms. Of course Vail/JHG&T will benefit financially by construction and leasing fees that Verizon will be paying for years to come.

Thank you for your careful review of this application and your attention to the concerns of many of us who live year round in proximity to JHG&T.

Joan Anzelmo 270 E Cottonwood Drive Jackson, WY 83001

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Dear Commissioners:

I am writing in support of the proposed amendment to the JHG&T Master plan. I live close to the effected area and believe that JHG&T has developed a thoughtful plan that will not disturb my neighborhood or the enjoyment of my property.

Sincerely,

Dick Stout

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Dear Roby Hurley:

My wife and I strongly agree with Jackson Hole Golf & Tennis amending their Master Plan to have the flexibility for employee housing opportunities. We own the Gun Barrel Steak & Game House and we are fully aware of the need to provide housing opportunities to employees. This is critical to any business in order to succeed in the valley. All communities need to have services and amenities. But because of the nature of costs and availability in the valley it is extremely difficult for employees to secure housing. It is great to see that Jackson Hole Golf & Tennis is trying to help with this critical issue not just adding more strain into an already difficult situation. We should encourage companies like Jackson Hole Golf & Tennis instead of making it so difficult to do and putting roadblocks up.

Sincerely,

Mark & Karen Walker 6455 North Spring Gulch Road

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Dear planning commission,



## *Planning Commission - Staff Report*

Unfortunately I am unable to attend your scheduled meeting on Nov. 13 as I am currently not in Jackson. I live within 800 feet of the proposed trailer park to provide temporary housing for JHG&T employees. I vehemently oppose amending the 2002 master plan. If Vail Resorts/JHG&T needs more housing, they should provide it as allowed in the 2002 Master Plan, not with a trailer park that destroys a critical wildlife area.

Thank you so much,

Nanci Halper 375 E. Cottonwood Dr Jackson, WY 83001

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Commissioners: As long time property owners in JH, although not year round, we have watched the requests of Vail to change the area.

We absolutely support the need for affordable housing, but do not believe that it should be RV parking.

Restrictions should remain that require JHGT, and the area north of town, to build small houses for workers... Not RV pads.

Patrice Stowe 6255 N Spring Gulch Road

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Dear planning commission,

Unfortunately I am unable to attend your scheduled meeting on Nov. 13. I am out of Jackson for the moment. I live within 800 feet of the proposed trailer park that would provide temporary housing for JHG&T employees. I oppose changes to the 2002 master plan that would permit the trailer pads. The proposed location of this trailer park is in critical wildlife habitat and in addition would be an unsightly addition to the landscape. If Vail Resorts/JHG&T needs more housing, they should provide it as allowed in the 2002 Master Plan, not with a trailer park that destroys a critical wildlife area.

Thank you so much for your consideration of this mtater.

Sincerely,

Robert M. Halper

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Commissioners-

Because I am unable to attend the upcoming hearing on this matter, I am writing this email to express my strong opposition to the Vail/Jackson Hole Golf and Tennis proposed amendments to the original 2002 Master Plan for our community.

I fully support the original 2002 Master Plan with its locations and designs for future seasonal employee housing. I am emphatically opposed to any changes to it, especially the construction of RV and/or Trailer Parks.

Please take my comments for the record.

Thank you.

Charles F Hutson 6160 Prickly Pear Lane Jackson, WY 83001

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Dear Planning Committee,

As a home owner on the golf course we will be directly effected by these changes and development.

One observation that I have is where do these JHG&T employees currently reside. It would be interesting to actually do a "consensus" of the employees to actually find out if Vail "needs" to build temporary employee housing. I understand and appreciate the employee housing problem in JH, but does JHG&T really need temporary housing, and then rent it out during the winter season when they have a minimal need for employees. If asked, how many of



## *Planning Commission - Staff Report*

these employees own or would buy a trailer to live in for 5-6 months. The winters would destroy these units. It makes no sense.

If Vail is allowed to provide "housing" for their employees, they can certainly afford esthetic cabins that blend into the environment. Not trailer pads. These employees will set outside at night with their fire pits and friends. Urinating around the area in lieu of going into their trailers. There will be risks from fires, even if they are not allowed.

The development associated with JHG&T is arguably one of the nicest developments in all of Jackson. Vail would never consider doing a project like this in Vail or Teton Village.

We need to be conscientious with respect to any changes in the Master Plan, and preserve this precious area. It's all we have.

Thanks for the listening ear.

Larry Catt

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Dear Teton County Planning Commission Members,

I am writing to inform you of my support of the 2002 Vail /JHG&T Master Plan and strong opposition to the proposed amendment to this plan, specifically, the proposal to construct any kind of seasonal employee trailer / RV Park at JHG&T.

When my wife and I purchased our lot and subsequently built our home at JHG&T we were positively influenced by the protections and high standards set by the 2002 Master Plan and certainly expected Vail / JHG&T to stand by this plan in the future.

In addition to the disappointment / betrayal that we feel from the recent decision by this large corporation ( Vail ), to alter the 2002 Master Plan that we were all presented with, including the building in the county's NRO zone ( opposed by WY G&F ) we are most dismayed by the plans for a Trailer / RV Park rather than more upscale employee housing such as Vail has provided at several of their other properties.

Thank you for your consideration of these issues.

Sincerely,

Marten W Quadland  
6125 Prickly Pear Lane  
Jackson, WY 83001

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Dear Planning Committee members,

As a homeowner at JHG&T, I am writing in opposition to the Vail/JHG&T proposal to amend the 2002 Master Plan. Specifically, I am in opposition to ANY type of seasonal employee trailer park.

I am not in opposition to employee housing as outlined in the 2002 Plan. But the current proposed amendment adds trailers in the county's Natural Resources Overlay (NRO) zone, in a mostly treed area where development was opposed by Wyoming Game and Fish.

When I purchased property at JHG&T over 10 years ago, I expected the high standards of the 2002 Master Plan to be maintained. I did not expect a trailer park as part of the package!

Thank you for taking my comments into consideration.

Paula Szytko  
6125 Prickly Pear Ln



## Planning Commission - Staff Report

Jackson, WY 83001

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> As a homeowner at JHG&T I have invested in my property specifically because the neighborhood was subject to a Master Plan that was acceptable and protected the value of and beauty surrounding my home. The idea of having a trailer park for temporary residents is abhorrent.

>

> By allowing the amendment to this master plan, the Teton County Planning Commission will be setting a precedent in allowing any rich and powerful company to re arrange their Master Plans. A host of lawsuits will no doubt be a deterrent to people who want to invest in a home here in JH.

>

> We have backbone on other issues affecting wildlife, why not this one? Vail has plenty of money to address this issue according to their 2002 Masterplan. Their trailer park idea is based in greed, not the welfare and protection of wildlife or preservation of beauty in our neighborhood.

>

> Please do not allow Vail/JHG&T to besmirch the integrity of the Teton County Planning Commission by accepting their greed-based amendment.

>

> Thank you,

> Susan Oelsen

> 325 E Spruce Drive

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Council members,

This email is to inform you that my wife Donna and I, full time residents at 6000 Aspen Dr, strongly object to the Vail/JHG&T proposal to amend the 2002 Master Plan. Residents paid considerable prices for homes here and did so based upon and in reliance upon the 2002 Master Plan which Vail agreed to. There is no compelling reason upon which Vail should be allowed to break that agreement nor for the town to breach its trust with the residents by allowing such a change.

We strong urge you to deny Vail's request for amendment.

William T. Sella

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Dear Planning Commissioners:>

> I am writing to express my strong opposition to the proposed master plan amendment proposed by the Vail Corporation/Jackson Hole Golf and Tennis Club (JHG&T). The amendment would permit the construction of a recreational vehicle park directly across from the JHG&T clubhouse on Spring Gulch Road.>

> My opposition is based upon the following observations:>

> 1. The existing 2002 master plan permits the building of additional employee housing already on an adjacent piece of land no more than 200 yards West of the proposed new site. The neighborhood has previously expressed support for construction of a multi-family facility in this area e.g. we support more affordable housing! Why would the Commission entertain an amendment to the master plan when the existing plan addresses the need? Shouldn't there be a higher threshold for Commission consideration to avoid redundant and superfluous amendments to the master plan? I am sure the Commission would want to avoid the appearance, if not the reality, that the master plan has been reduced to a plan of political expediency?

> 2. Over 100 neighbors have consistently opposed the building of an RV campground across from the clubhouse since the Vail Corporation first envisioned it three years ago. Our letters and previous testimonies attest to that fact. It is fair to say that the neighborhood is completely unified in opposition. Vail Corporation, a company with revenues over \$40 billion a year, has said it cannot "afford" to build anything more substantial than the RV campground. Really? This is particularly insulting when various press clippings from the Company have touted

## *Planning Commission - Staff Report*

their \$40+ million commitment to affordable housing in every state other than Wyoming. They are apparently willing to spend money on housing in Canada even, but not here.>

> 3. Vail references their success with RV's on National Park land. That may be true. But this is not National Park land. It is a privately owned golf course community with no comparability to public lands. Can you imagine any other club in the Valley actively entertaining a campground within 50 feet of their clubhouse? Would Teton Pines or 3 Creek? More broadly, would any of the Commissioners support an RV Park in their backyard? >

> Vail Corporation has been a particularly poor steward of JHG&T. It has invested very little money in the enterprise over the last decade. Under their "leadership" what was once the crown jewel of the Valley, is now considered the lesser of the clubs in the area. It is no secret that most residents look forward to new ownership (as soon as possible), owners who will stop degrading the property and instead attempt to restore the impressive legacy of JHG&T.>

> To sum up, the residents in the area support the affordable housing provisions for JHG&T in the existing master plan and see no compelling reason to amend it. If the Commission supports the amendment, it will only serve to add to the perception that the unified views of families living in the immediate area are considered secondary when it comes to the wishes of one corporate entity, one which is not particularly committed to the property and is clearly inept at community relations.>

> Thank you for considering my observations. Your decision will not only dramatically affect our neighborhood but will clearly establish a precedent for other Jackson Hole communities in the future.

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Dear Members of the Teton Planning Commission,

My family chose to build our home North of town in the Golf and Tennis development, based on the beauty of the area, abundant wildlife, and the understanding that the area was a protected development under the 2002 Master Plan.

We did not envision any changes to a Master Plan in the future.

I'm sure many homeowners in the Golf and Tennis community have been surprised and disappointed to discover that changes to the Environmental safeguards that are a part of the Master Plan are being considered.

No property owner in Golf and Tennis envisioned a trailer park across from the Clubhouse.

It is interesting that Vail Corp waited until the last of the residential property they owned was sold-to pursue this type of employee "housing."

The proposed location for the employee trailer park is in an undisturbed treed area, adjacent to the County Pathway along Spring Gulch Road and in Teton County's designated NRO, a designation which is intended to provide additional protection for the critical Moose habitat and wildlife migration Corridor in this area.

PLEASE DO NOT allow the 2002 Master Plan to be amended. It is the obligation of Vail Corporation to honor the agreed upon housing that was envisioned In the 2002 Master Plan.

Thank you for your consideration,

Art Miller

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## *Planning Commission - Staff Report*

To Teton County Planning Staff,

I would hope that you will be supportive in Golf and Tennis' efforts to house their staff. While this is a huge commitment for any employer it is the right thing to do in these circumstances. Not only am I an employer in the county who provides housing I also am a member of Golf and Tennis. By being a member I have heard many times the struggles the employees have had trying to live and work here. Camping, couch surfing and driving from Idaho or Alpine are common "solutions" the employees have. I do not think this is how we as a community wish to solve or meet this challenge. I believe that The Lodge Company is doing the right thing to make employment in this community enjoyable and not a struggle. I think housing folks closer to work cuts down on traffic and frees up other rental stock for the employers who do not have the ability to house staff.

Please support Guy Evans and the Teton Lodge Company's application.

Stephen Price General Manager Spring Creek Ranch

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Planning Commission Members,

We are writing to strongly object to Vail/JHG&T's attempt to amend the original 2002 Master Plan in order to expand options for seasonal employee housing, including an RV park.

We purchased our JHG&T cabin and Homesites lot knowing exactly where the NRO zones had been established to protect important wildlife corridors. For more than a decade we have seen first-hand how these corridors have protected wildlife and the idea that an employee RV park right in the middle of an NRO zone seems nonsensical. The County has previously rejected any changes to the Master Plan and the 2002 Plan should continue to prevail without any change. To be sure, the proposed housing totally contradicts all CC&R's that are imposed on residents of JHG&T. The covenants are highly restrictive yet the proposed housing will break all design guidelines. In the end, Vail's blatant attempts to side-step established zoning is simply a bid to overcome its own lack of planning and foresight with regard to seasonal employees.

We are very proud to be homeowners in JHG&T and to be surrounded by others who feel strongly that our 2002 Master Plan should remain unchanged.

Sincerely, Mark and Ann Messana

5910 Coneflower & 6070 Junegrass Jackson Hole Golf & Tennis

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Dear Mr Hurley and Planning Staff,

Regarding the recent application by Grand Teton Lodge Company for an amendment to their Resort Master Plan for JH Golf and Tennis, specifically designed to give JHG&TC housing options by calling out a designated employee housing area with specific types of housing options that can be developed, we would like to share our complete support of this application. The goal of housing 65% of summer seasonal workforce on site at JHG&TC is exactly in line with the Jackson Hole Comprehensive Plan and the applicant should be supported in this initiative. Housing employees on private land to benefit a private business using private funding is the best case scenario. It's encouraging to see a Chamber member and prominent business entity taking this approach. We realize there may be local residents that have some concerns, but believe clustering employee housing around existing supporting infrastructure makes sense. We also anticipate GTLC will be thoughtful in their planning for the 6.3 acre parcel and know that the development planning phase will have room for input from all parties.

Thanks for your work on this matter,



## *Planning Commission - Staff Report*

Anna Olson, President/CEO

Jackson Hole Chamber of Commerce

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Mr. Hurley,

As a long-time member of the Jackson Hole Golf & Tennis Club, I support additional housing for employees of this wonderful recreational and social facility. All the better if the housing is located conveniently nearby the club.

However, it is important to respect the beautiful neighborhoods and homeowners that adjoin the club. As such, without significant vegetation or other obfuscation, Recreation Vehicle ("RV") parking and/or modular units are NOT appropriate for the area along Spring Gulch Road or within the routes that provide ingress and egress to/from the club.

Please do not allow the employee housing in this area to include regular or "season" Recreation Vehicle ("RV") parking, modular units or other high density inappropriate appearing structures.

Mike Herman

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We are property owners in JHG&T. We are opposed to Vail/JHG&T being able to amend the 2002 Master Plan. We support the 2002 Master Plan and the way that it identified locations and types of future employee housing. We oppose any type of seasonal employee trailer/camper park as the potential impact on wildlife and their migratory routes and effecting the aesthetic nature of the area. A viable option is to use the Gros Ventre campground (as was done by North Grille chef several years ago).

Regards, Bob & Mary Alice Fitton

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Dear Planning Commission,

We are writing to you to express our opposition to the recent proposal to amend the Vail and JHG&T 2002 Master Plan. While we fully support the 2002 Master Plan and the way it identified locations and types of future employee housing. We firmly oppose any type of seasonal employee trailer park.

We purchased our home in the Jackson Hole Golf & Tennis community because the 2002 Master Plan set a high standard for the area and our expectation is that these standard will be maintained.

We ask that you please review this proposal carefully to ensure this decision is mutually beneficial to the community as a whole.

Thank you for your consideration,

Tim & Judy Heffernan 5805 Lupine Dr.

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Dear Planning Commissioners:

I am concerned about the above proposed development and it's location in the Natural Resource Overlay (NRO). Any new development should occur within the already disturbed area between the existing housing and maintenance building, as described in the county approved master plan for Jackson Hole Golf and Tennis. The



## *Planning Commission - Staff Report*

proposed location would further erode the NRO, as well as the high value habitat as described and mapped in the focal species habitat effort that is pending before the county.

Treed habitat adjacent to the Gros Ventre River and associated riparian habitat is critically important for many species. As the moose population continues to decline, any impact on critical moose habitat and winter range is that much more unacceptable. This is also within an elk migration corridor.

I would also encourage the commissioners to view the site and see that the location between the existing housing and maintenance building is far more preferable from a biological standpoint that impacting the existing treed area within the NRO.

Thank you for the opportunity to comment.

Sincerely Mary Gibson Scott

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Dear Roby & Teton County Planning Staff:

Please accept this email as a letter of support for the Jackson Hole Golf & Tennis Club's efforts to meet the needs of their employee housing requirements.

Their approach is consistent with Teton County's housing initiative, housing 65% of their employees on site - and they have the space and the will to make it happen, without asking for financial support from County Gov or State (WCDA).

I understand their resort master plan amendment as been submitted in an effort to provide housing options on a 6.3 acre parcel currently owned by JHG&T. By granting their amendment, it will not limit your involvement regarding approval for their development plan - but it will create more flexibility/creative thinking to maximize the opportunity.

I currently sit on the Wyoming Community Development Authority Board (WCDA) - an instrumentality created by the State Legislature to help meet affordable housing (ownership and rental) needs. Flexibility is becoming key to solving some of these challenges, and Teton County ranks at the top of 'land challenged' communities.

I hope you can grant JHG&TC's request for the housing amendment to allow collaborative, creative solutions that meet their needs, the needs of their local residents (always central to planning decisions), and keep more of our local workforce in our Valley.

Thank you for your time,

Kari Cooper

PO Box 1483, Jackson, WY 83001

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Teton County Planning,

I do hope that the County is going to positively work with JHG&TC and concerned neighbors to move forward with this housing proposal. Use of an already disturbed area and simple mitigation efforts will bring workforce housing out of town and close to the work place. This will generally reduce traffic on the highway or Spring Gulch Road as well as open up housing opportunities for others in town. Seems to fit the needs of the community pretty well.

**Bob Hammond, P.E.**



**Planning Commission - Staff Report**

Resident Engineer  
WYDOT - Jackson, WY

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# TOWN OF JACKSON PLANNING COMMISSION AGENDA DOCUMENTATION

**PREPARATION DATE:** November 30, 2018

**MEETING DATE:** December 5, 2018

**SUBMITTING DEPARTMENT:** Planning

**DEPARTMENT DIRECTOR:** Tyler Sinclair

**PRESENTER:** Paul Anthony

**SUBJECT:** **ITEM P18-314:** Amendment to the text of the Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendments, to revise portions of Div. 2.2, Div. 6.1, Div. 7.6, and Div. 9.4 and other related sections to clarify and correct a variety of provisions in LDRs.

**APPLICANT:** Town of Jackson

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## REQUESTED ACTION

Amendment of various sections throughout the Land Development Regulations (LDRs), pursuant to Sec. 8.7.1, to address a variety of issues to clarify and correct provision within the LDRs.

## APPLICABLE REGULATIONS

Sec. 8.7.1. LDR Text Amendment

## BACKGROUND

With the recent adoption of the Districts 3 – 6 LDR update in July, 2018, a large number of new zone districts were adopted and many sections of the LDRs were changed. It is common in such large update efforts that certain new standards or provisions need to be clarified or fixed based on staff's experience in reviewing and applying the new standards to new projects. There are also cases where newly adopted standards are inadvertently inconsistent with existing standards in other parts of the LDRs that should be resolved.

## LOCATION

The amendments apply Town-wide.

## PROJECT DESCRIPTION

The provisions in this LDR cleanup are intended to be "quick fixes," meaning that they are intended to be simple and straight-forward changes to targeted areas of the LDRs. None of the proposed changes should involve policy-level considerations as they are more technical in nature.

The Town's direction through the annual Comprehensive Plan Work Program is to complete these clean-up amendments on a regular basis so that implementation of the LDRs remains consistent with the Comprehensive Plan and the LDRs are as clear as possible for the public. The goals of this amendment includes the following:

- To make the LDRs more internally consistent;
- To save staff and applicant time by increasing the efficiency and clarity of the LDRs;

- To address issues that reoccur and need to be addressed in a timely manner, rather than wait to address them as part of a larger LDR update effort.

## STAFF ANALYSIS

The issue and the related rationale for the proposed change is provided in the attached table.

## STAKEHOLDER ANALYSIS

To date no public comment has been received on this application.

## STAFF FINDINGS

Pursuant to Section 8.7.1.C of the Town of Jackson Land Development Regulations, the advisability of amending the text of these LDRs is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In deciding to adopt or deny a proposed LDR text amendment the Town Council shall consider factors including, but not limited to, the extent to which the proposed amendment:

### ***1. Is consistent with the purposes and organization of the LDRs;***

Complies. The purpose of the LDRs is to predictably implement the Comprehensive Plan. The proposed amendment clarifies and corrects portions of the LDRs in order to allow staff and the public to better understand the development standards and procedures and to increase the efficiency and fairness in the application of the LDRs.

### ***2. Improves the consistency of the LDRs with other provisions of the LDRs;***

Complies. The proposed amendment clarifies and corrects portions of the LDRs in order to resolve inconsistent text in different parts of the LDRs.

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

Complies. The proposed amendment clarifies and corrects portions of the LDRs in order to provide greater flexibility and more development options, in certain cases, for landowners.

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

Complies. The proposed amendment clarifies and corrects portions of the LDRs in order respond to the recent adoption of the Districts 3 – 6 LDR update.

### ***5. Improves implementation of the Comprehensive Plan; and***

Complies. The proposed amendment improves the implementation of the Comprehensive Plan by increasing the predictability and efficiency of the LDRs.

### ***6. Is consistent with other adopted Town Ordinances.***

Complies. The proposed amendment does not conflict with any other Town Ordinances.

## ATTACHMENTS

1. Application

## LEGAL REVIEW

Complete.

## RECOMMENDATION

The Planning Director recommends approval of P18-314.

## SUGGESTED MOTION

Based upon the findings pursuant to Section 8.7.1.C for an amendment to the text of the Land Development Regulations, as presented by the applicant and by the Commission for Item P18-314, the application: 1) Is consistent with the purposes and organization of the LDRs; 2) Improves the consistency of the LDRs with other provisions of the LDRs; 3) Provides flexibility for landowners within standards that clearly define desired character; 4) Is necessary to address changing conditions, public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Is consistent with other adopted Town Ordinances, I move to recommend **approval** to the Town Council of the requested text amendments subject to this staff report and the departmental reviews attached hereto.



# 2018 Town LDR Cleanup (P18-314)

Draft: December 7, 2018

| LDR Section                                                                                            | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                          | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
|--------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--|--------------------------------------------------------------------------|------------------------------|--------------------------------------------------------------|------------------------------|----------------------------------------------------------|------------------------------|------------|----|------------------|----|
| 1 2.2.1.C                                                                                              | Pedestrian Frontages: Clarify that the standards for Pedestrian Frontages apply only to <u>public</u> streets, not private roads. Because the town only has a few public roads (usually located in residential areas where Pedestrian Frontages don't apply anyway), this change should have limited impact but will avoid confusion in certain circumstances.                          | <p>"Pedestrian frontages are the spaces that occur on public or private property between the curb and the building, and are required along all primary and secondary <u>public</u> streets. Good pedestrian frontages are essential for fostering mixed-use, walkable, and pedestrian-oriented development."</p> <p><i>[NOTE: On private roads, the Planning Director and Town Engineer may require sidewalks on a case-by-case basis based on safety and other considerations]</i></p> |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| 2 2.2.2.B.1<br>2.2.3.B.1<br>2.2.4.B.1<br>2.2.5.B.1<br>2.2.6.B.1<br>2.2.7.B.1<br>2.2.8.B.1<br>2.2.9.B.1 | Site Development Setbacks: Add "sidewalks" to parking and driveways as exceptions to the site development setbacks. The purpose is to allow private sidewalks that access a front door or the back of a house to be within 5' or 1' of the side/rear property line (depending on zone), just like parking areas and driveways. This same change is needed in all the residential zones. | <p><b>(Table - Lot Standards)</b></p> <table><tr><th colspan="2">Site Development Setbacks [e.g., NL-1]</th></tr><tr><td colspan="2">All site development, excluding driveways, <u>sidewalks</u>, or parking</td></tr><tr><td>Primary/secondary street (min)</td><td>Same as primary building</td></tr><tr><td>Side interior/rear (min)</td><td>5'</td></tr></table>                                                                                                                    | Site Development Setbacks [e.g., NL-1] |  | All site development, excluding driveways, <u>sidewalks</u> , or parking |                              | Primary/secondary street (min)                               | Same as primary building     | Side interior/rear (min)                                 | 5'                           |            |    |                  |    |
| Site Development Setbacks [e.g., NL-1]                                                                 |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| All site development, excluding driveways, <u>sidewalks</u> , or parking                               |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Primary/secondary street (min)                                                                         | Same as primary building                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Side interior/rear (min)                                                                               | 5'                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| 3 2.2.2.B.3<br>2.2.3.B.3<br>2.2.4.B.3<br>2.2.5.B.3<br>2.2.6.B.3<br>2.2.7.B.3<br>2.2.8.B.3<br>2.2.9.B.3 | Height Maximum: Under "Primary Building Height" change the location of "(max)" to be consistent with the mixed-use zones, such as CR-3. This same change is needed in all the residential zones.                                                                                                                                                                                        | <p><b>(Table – Bulk and Mass Standards)</b></p> <table><tr><th colspan="2">Primary Building Height [e.g., NL-1]</th></tr><tr><td>Height <u>(max)</u>: roof pitch ≤ 3/12 <del>(max)</del></td><td>2 stories, not to exceed 26'</td></tr><tr><td>Height <u>(max)</u>: roof pitch 4/12, 5/12 <del>(max)</del></td><td>2 stories, not to exceed 28'</td></tr><tr><td>Height <u>(max)</u>: roof pitch ≥ 6/12 <del>(max)</del></td><td>2 stories, not to exceed 30'</td></tr></table>         | Primary Building Height [e.g., NL-1]   |  | Height <u>(max)</u> : roof pitch ≤ 3/12 <del>(max)</del>                 | 2 stories, not to exceed 26' | Height <u>(max)</u> : roof pitch 4/12, 5/12 <del>(max)</del> | 2 stories, not to exceed 28' | Height <u>(max)</u> : roof pitch ≥ 6/12 <del>(max)</del> | 2 stories, not to exceed 30' |            |    |                  |    |
| Primary Building Height [e.g., NL-1]                                                                   |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Height <u>(max)</u> : roof pitch ≤ 3/12 <del>(max)</del>                                               | 2 stories, not to exceed 26'                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Height <u>(max)</u> : roof pitch 4/12, 5/12 <del>(max)</del>                                           | 2 stories, not to exceed 28'                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Height <u>(max)</u> : roof pitch ≥ 6/12 <del>(max)</del>                                               | 2 stories, not to exceed 30'                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| 4 2.2.5.B.2                                                                                            | Parking Setbacks: The NL-4 zone is lacking the footnote under the "Parking Setbacks" table that says "* Excludes 20' max driveway allowed in primary/secondary street setback" that exists in all the other residential zones.                                                                                                                                                          | <p><b>(Table – Vehicle Access Standards)</b></p> <table><tr><th colspan="2">Parking Setbacks</th></tr><tr><td>Primary street* (min)</td><td>20'</td></tr><tr><td>Secondary street* (min)</td><td>10'</td></tr><tr><td>Side interior (min)</td><td>5'</td></tr><tr><td>Rear (min)</td><td>5'</td></tr><tr><td>Rear alley (min)</td><td>2'</td></tr></table> <p><u>* Excludes 20' max driveway allowed in primary/secondary street setback</u></p>                                        | Parking Setbacks                       |  | Primary street* (min)                                                    | 20'                          | Secondary street* (min)                                      | 10'                          | Side interior (min)                                      | 5'                           | Rear (min) | 5' | Rear alley (min) | 2' |
| Parking Setbacks                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Primary street* (min)                                                                                  | 20'                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Secondary street* (min)                                                                                | 10'                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Side interior (min)                                                                                    | 5'                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Rear (min)                                                                                             | 5'                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |
| Rear alley (min)                                                                                       | 2'                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |  |                                                                          |                              |                                                              |                              |                                                          |                              |            |    |                  |    |

| LDR Section                                                 | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|---------------|----------------------|----------------|--|--|--|-------------------------------------------------------------|----------|------------------------|------------|-----|-------------------------|-----------------------------------------------------|----------------|--|--|------------------------------------------------------------|-------------------------------------------------------------------|---------------|-----|-----------------------------------------------------|-------------|--|--------------------------------|-------------------------------------------------------------------------|
| 5 2.2.6.C.1                                                 | <p>The recently-adopted NL-5 (which replaced the old AR zone) eliminated ARUs and replaced them with “apartments” in an effort to provide greater simplicity and flexibility to develop a property. The intent was to allow a maximum of three units/property but without worrying about the size limitations of ARUs (i.e., the 800 sf limit) in the AR zone or needing to identify a “primary” unit. However, this change created a definitional problem for Detached Single-Family Units because these units are not permitted to be attached to an apartment or any other type of unit -- other than ARUs. This prevents NL-5 owners from building a common type of project that was allowed under the previous AR zone, which was a main house (“Detached Single-Family Unit”) with a basement unit or attached secondary unit. This problem also leads to the odd result that when a unit is attached to the intended primary single-family unit, it requires that we call the primary SF home an “apartment” instead of a “Detached Single-Family Unit”, which is not what many landowners intend or want to hear. This could also cause major confusion for the assessor/banks/real estate agents, etc. because they likely want to call the main unit a “single-family home”, not an apartment. So, to restore the same options previously allowed in the AR zone, while keeping the intended flexibility, staff is proposing to allow ARUs again in the NL-5 but not to include the 800 sf maximum size for ARUs. This means that when there are two or three units on a property, the landowner can determine which unit is the primary SF unit and which unit(s) are the ARUs or apartments, depending on the development configuration and development needs. Other related changes include updating Section E to include ARUs and to fix a mistake in the Use Table to clarify that “apartments” are exempt from affordable housing requirements.</p> | <p><b>(Table – NL-5 Allowed Uses)</b></p> <table><tr><th>Use</th><th>Permit</th><th>Density (max)</th><th>Individual Use (max)</th></tr><tr><td colspan="4">Temporary Uses</td></tr><tr><td><u>Accessory Residential Unit (Sec. 6.1.11) (E.1) (E.2)</u></td><td><u>B</u></td><td><u>2 units per lot</u></td><td><u>E.1</u></td></tr></table> <p>(USE TABLE CONTINUED)</p> <table><tr><th>Use</th><th>Parking (min) (Div.6.2)</th><th>Affordable Workforce Housing Units (min) (Div. 6.3)</th></tr><tr><td colspan="3">Temporary Uses</td></tr><tr><td><u>Accessory Residential Unit (Sec. 6.1.11) (E.1)(E.2)</u></td><td><u>1/DU if &lt; 2 bedrooms and &lt; 500 sf; otherwise, 1.5/DU</u></td><td><u>exempt</u></td></tr></table> <p>(PARTIAL USE TABLE FOR “APARTMENT” USE)</p> <table><tr><th>Use</th><th>Affordable Workforce Housing Units (min) (Div. 6.3)</th></tr><tr><td colspan="2">Residential</td></tr><tr><td>Apartment (Sec. 6.1.4.D) (E.2)</td><td><u>0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/2.76</u><br/><u>exempt</u></td></tr></table> <p><b>E. Additional Zone-specific Standards</b></p> <p>The following standards apply in addition to all other standards applicable in the NL-5 zone.</p> <p><b>1. Single-Family Detached <del>or Apartment</del>, or ARU.</b> No more than 3 units of any combination are permitted on the lot.</p> <p><b>2. Apartment and ARU Occupancy.</b> Occupancy of an apartment <u>or ARU</u> shall be restricted to persons employed within Teton County, in accordance with the Jackson/Teton County Housing Rules and Regulations or the occupants shall be members of the same family occupying the principal dwelling unit, such as parents or adult children, or intermittent, nonpaying guests</p> | Use                  | Permit | Density (max) | Individual Use (max) | Temporary Uses |  |  |  | <u>Accessory Residential Unit (Sec. 6.1.11) (E.1) (E.2)</u> | <u>B</u> | <u>2 units per lot</u> | <u>E.1</u> | Use | Parking (min) (Div.6.2) | Affordable Workforce Housing Units (min) (Div. 6.3) | Temporary Uses |  |  | <u>Accessory Residential Unit (Sec. 6.1.11) (E.1)(E.2)</u> | <u>1/DU if &lt; 2 bedrooms and &lt; 500 sf; otherwise, 1.5/DU</u> | <u>exempt</u> | Use | Affordable Workforce Housing Units (min) (Div. 6.3) | Residential |  | Apartment (Sec. 6.1.4.D) (E.2) | <u>0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/2.76</u><br><u>exempt</u> |
| Use                                                         | Permit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Density (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Individual Use (max) |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Temporary Uses                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| <u>Accessory Residential Unit (Sec. 6.1.11) (E.1) (E.2)</u> | <u>B</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <u>2 units per lot</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <u>E.1</u>           |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Use                                                         | Parking (min) (Div.6.2)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Affordable Workforce Housing Units (min) (Div. 6.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Temporary Uses                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| <u>Accessory Residential Unit (Sec. 6.1.11) (E.1)(E.2)</u>  | <u>1/DU if &lt; 2 bedrooms and &lt; 500 sf; otherwise, 1.5/DU</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>exempt</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Use                                                         | Affordable Workforce Housing Units (min) (Div. 6.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Residential                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |
| Apartment (Sec. 6.1.4.D) (E.2)                              | <u>0.000017(sf) + (Exp(-14.17 + 1.59*Ln(sf)))/2.76</u><br><u>exempt</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                      |        |               |                      |                |  |  |  |                                                             |          |                        |            |     |                         |                                                     |                |  |  |                                                            |                                                                   |               |     |                                                     |             |  |                                |                                                                         |

Town LDR Cleanup (P18-314)| 2

|                                                | LDR Section                          | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
|------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|---------------|-------------|-----|---------------------------------------|--------------------------------------|--------------------------------|--------------------------------------|----------------|------------------------|------------------------------------------------|---------------------------------|---------------------------|------------|------------|----|----------------------|-------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 6                                              | 2.2.7.B.3                            | FAR for Detached Townhouse. The FAR table for the NM-1 zone needs to add “Townhouse Detached” to clarify the FAR for this development option.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <table><tr><th colspan="3">Scale Of Development (Sec. 9.4.13)</th></tr><tr><td>FAR</td><td>&lt; 7,500 sf</td><td>≥ 7,500 sf</td></tr><tr><td>Single-Family detached</td><td>.40</td><td>.40</td></tr><tr><td>Single-Family attached</td><td>.40</td><td>n/a</td></tr><tr><td><u>Townhouse detached</u></td><td><u>n/a</u></td><td><u>.40</u></td></tr></table>                                                                                                                                                              | Scale Of Development (Sec. 9.4.13) |               |             | FAR | < 7,500 sf                            | ≥ 7,500 sf                           | Single-Family detached         | .40                                  | .40            | Single-Family attached | .40                                            | n/a                             | <u>Townhouse detached</u> | <u>n/a</u> | <u>.40</u> |    |                      |             |                                                                              |                                                                              |
| Scale Of Development (Sec. 9.4.13)             |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| FAR                                            | < 7,500 sf                           | ≥ 7,500 sf                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Single-Family detached                         | .40                                  | .40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Single-Family attached                         | .40                                  | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| <u>Townhouse detached</u>                      | <u>n/a</u>                           | <u>.40</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| 7                                              | 2.2.7.C.1                            | The Use Table for the NM-1 zone needs to be clarified so that the “Density (max)” column for the “Detached Single-Family Unit”, “Apartment”, and Accessory Residential Unit” uses all refer to “E.1” instead of the current density maximums. Section E.1 clarifies how many total units are allowed on properties that are smaller or greater than 7,500 sf in size.                                                                                                                                                                                                                                                                                                               | <p><b>(Table – Allowed Uses)</b></p> <p>(PARTIAL USE TABLE)</p> <table><tr><th>Use</th><th>Density (max)</th></tr><tr><td colspan="2">Residential</td></tr><tr><td>Detached Single-Family Unit (6.1.4.B)</td><td><u>2 units per lot</u><br/><u>E.1</u></td></tr><tr><td>Apartment (Sec. 6.1.4.D) (E.1)</td><td><u>2 units per lot</u><br/><u>E.1</u></td></tr><tr><td colspan="2">Accessory Uses</td></tr><tr><td>Accessory Residential Unit (Sec. 6.1.11) (E.2)</td><td><u>1 per unit</u><br/><u>E.1</u></td></tr></table> | Use                                | Density (max) | Residential |     | Detached Single-Family Unit (6.1.4.B) | <u>2 units per lot</u><br><u>E.1</u> | Apartment (Sec. 6.1.4.D) (E.1) | <u>2 units per lot</u><br><u>E.1</u> | Accessory Uses |                        | Accessory Residential Unit (Sec. 6.1.11) (E.2) | <u>1 per unit</u><br><u>E.1</u> |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Use                                            | Density (max)                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Residential                                    |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Detached Single-Family Unit (6.1.4.B)          | <u>2 units per lot</u><br><u>E.1</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Apartment (Sec. 6.1.4.D) (E.1)                 | <u>2 units per lot</u><br><u>E.1</u> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Accessory Uses                                 |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Accessory Residential Unit (Sec. 6.1.11) (E.2) | <u>1 per unit</u><br><u>E.1</u>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| 8                                              | 2.2.7.B.2<br>2.2.8.B.2<br>2.2.9.B.2  | Curb cut width: Current standard in NM-1, NM-2, and NH-1 allows only one 20’ curb cut per frontage. The problem is that when landowners choose to develop multiple lots as one site and so have one long frontage, it may not be functional to allow only one 20’ access for this long frontage (e.g., 200’ wide lot). To provide some relief while also limiting unreasonable curb cuts, staff proposes that the standard be changed to allow one 20’ curb cut per 100’ of frontage (i.e., would need 200’ frontage to get 2 curb cuts). This change will provide design flexibility for dense developments while still protecting sidewalks and the ROW from excessive curb cuts. | <table><tr><th colspan="4">Vehicle Access Standards</th></tr><tr><th></th><th>SFD/SFA Lot Width</th><th>SFD/SFA Lot Width</th><th>All other uses</th></tr><tr><th>Use</th><th>≤ 25’</th><th>&gt; 25’</th><th></th></tr><tr><td>””</td><td>””</td><td>””</td><td>””</td></tr><tr><td>Curb cut width (max)</td><td>Not Allowed</td><td>20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less</td><td>20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less</td></tr></table>    | Vehicle Access Standards           |               |             |     |                                       | SFD/SFA Lot Width                    | SFD/SFA Lot Width              | All other uses                       | Use            | ≤ 25’                  | > 25’                                          |                                 | ””                        | ””         | ””         | ”” | Curb cut width (max) | Not Allowed | 20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less | 20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less |
| Vehicle Access Standards                       |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
|                                                | SFD/SFA Lot Width                    | SFD/SFA Lot Width                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | All other uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Use                                            | ≤ 25’                                | > 25’                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| ””                                             | ””                                   | ””                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | ””                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |
| Curb cut width (max)                           | Not Allowed                          | 20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 20’ <u>per 100’ of lot frontage</u> or 40% of lot frontage whichever is less                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                    |               |             |     |                                       |                                      |                                |                                      |                |                        |                                                |                                 |                           |            |            |    |                      |             |                                                                              |                                                                              |



|                                        | LDR Section                             | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
|----------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------|---------------|----------------------|------------------------|-----------|-----------------------------|--|---------------------------------------|---------------|-----------------------------------|---------------------------------------|--------------------------------|------------|-----------------------------------|-----|-------------|-----|-----|-----|
| 9                                      | 2.2.7.C.1                               | Density of “Detached Single-Family” and “Apartment” in NM-1. The current use table for the NM-1 states that the maximum density for Detached Single-Family or Apartment use is ‘2 units per lot’. This is a bit misleading because this is only true in certain cases. Staff believes the better solution is to refer the detailed explanation in Sec. E.1. Section E.1 clarifies how many total units are allowed on properties that are smaller or greater than 7,500 sf in size. | <b>(Sec. 2.2.7.C.1 – Use Table)</b><br><br>(PARTIAL USE TABLE) <table><tr><th>Use</th><th>Permit</th><th>Density (max)</th><th>Individual Use (max)</th></tr><tr><td colspan="4">Residential</td></tr><tr><td>Detached Single-Family Unit (6.1.4.B)</td><td>B</td><td><del>2-units per lot</del><br/>E.1</td><td>8,000 sf habitable-excluding basement</td></tr><tr><td>Apartment (6.1.4.D) (E.1)</td><td>B</td><td><del>2-units per lot</del><br/>E.1</td><td></td></tr></table>            | Use                                    | Permit | Density (max) | Individual Use (max) | Residential            |           |                             |  | Detached Single-Family Unit (6.1.4.B) | B             | <del>2-units per lot</del><br>E.1 | 8,000 sf habitable-excluding basement | Apartment (6.1.4.D) (E.1)      | B          | <del>2-units per lot</del><br>E.1 |     |             |     |     |     |
| Use                                    | Permit                                  | Density (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Individual Use (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Residential                            |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Detached Single-Family Unit (6.1.4.B)  | B                                       | <del>2-units per lot</del><br>E.1                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 8,000 sf habitable-excluding basement                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Apartment (6.1.4.D) (E.1)              | B                                       | <del>2-units per lot</del><br>E.1                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| 10                                     | 2.2.7.D.1                               | Condominium/Townhouse plat in NM-1 Zone. The NM-1 zone does not currently include the subdivision option for a Condominium/Townhouse plat. This was an inadvertent omission so staff recommends that it be added into the zone to be consistent with the previous NC-2 zone.                                                                                                                                                                                                        | <table><tr><th colspan="3">1. Development Options and Subdivision</th></tr><tr><th>Option</th><th>Lot Size (min)</th><th>Standards</th></tr><tr><td colspan="3">Allowed Subdivision Options</td></tr><tr><td>Land Division</td><td>3,750 sf</td><td>(Sec. 7.2.3)</td></tr><tr><td><u>Condominium / Townhouse</u></td><td><u>n/a</u></td><td><u>(Sec. 7.2.4)</u></td></tr></table>                                                                                                            | 1. Development Options and Subdivision |        |               | Option               | Lot Size (min)         | Standards | Allowed Subdivision Options |  |                                       | Land Division | 3,750 sf                          | (Sec. 7.2.3)                          | <u>Condominium / Townhouse</u> | <u>n/a</u> | <u>(Sec. 7.2.4)</u>               |     |             |     |     |     |
| 1. Development Options and Subdivision |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Option                                 | Lot Size (min)                          | Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Allowed Subdivision Options            |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Land Division                          | 3,750 sf                                | (Sec. 7.2.3)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| <u>Condominium / Townhouse</u>         | <u>n/a</u>                              | <u>(Sec. 7.2.4)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| 11                                     | 2.2.8.B.10<br>2.2.9.B.10<br>2.2.13.B.10 | Development Permit Thresholds. The threshold to determine when permits are required should be based on “floor area” not “site area” to be consistent with all other zones. Otherwise, using “site area” can require small projects proposed on a large site to undergo lengthy processes, such as a Sketch Plan, when such processes are not necessary. This change applies to the NM-2, NH-1, and CR-3 zones.                                                                      | <b>(PARTIAL DEVELOPMENT OPTIONS AND SUBDIVISION TABLE)</b><br><br><b>10. Required Physical Development Permits</b> <table><tr><td>Physical Development</td><td>'''</td><td>'''</td><td>'''</td></tr><tr><td><u>Site Floor</u> area</td><td></td><td></td><td></td></tr><tr><td>≤ 15,000 sf</td><td>'''</td><td>'''</td><td>'''</td></tr><tr><td>15,001 – 30,000 sf</td><td>'''</td><td>'''</td><td>'''</td></tr><tr><td>&lt; 30,000 sf</td><td>'''</td><td>'''</td><td>'''</td></tr></table> | Physical Development                   | '''    | '''           | '''                  | <u>Site Floor</u> area |           |                             |  | ≤ 15,000 sf                           | '''           | '''                               | '''                                   | 15,001 – 30,000 sf             | '''        | '''                               | ''' | < 30,000 sf | ''' | ''' | ''' |
| Physical Development                   | '''                                     | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| <u>Site Floor</u> area                 |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| ≤ 15,000 sf                            | '''                                     | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| 15,001 – 30,000 sf                     | '''                                     | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| < 30,000 sf                            | '''                                     | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | '''                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| 12                                     | 2.2.8.C.1                               | In the NM-2 zone, we should make it clear that there is no limit on the number of “Detached Single-family” units that can be located on a property provided all FAR, LSR, setbacks, etc., are followed.                                                                                                                                                                                                                                                                             | <b>(Sec. 2.2.8.C.1 – Use Table)</b><br><br>(PARTIAL USE TABLE) <table><tr><th>Use</th><th>Permit</th><th>Density (max)</th><th>Individual Use (max)</th></tr><tr><td colspan="4">Residential</td></tr><tr><td>Detached Single-Family Unit (6.1.4.B)</td><td>B</td><td><del>1-unit per lot</del><br/>n/a</td><td>8,000 sf habitable-excluding basement</td></tr></table>                                                                                                                      | Use                                    | Permit | Density (max) | Individual Use (max) | Residential            |           |                             |  | Detached Single-Family Unit (6.1.4.B) | B             | <del>1-unit per lot</del><br>n/a  | 8,000 sf habitable-excluding basement |                                |            |                                   |     |             |     |     |     |
| Use                                    | Permit                                  | Density (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Individual Use (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Residential                            |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |
| Detached Single-Family Unit (6.1.4.B)  | B                                       | <del>1-unit per lot</del><br>n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8,000 sf habitable-excluding basement                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                        |        |               |                      |                        |           |                             |  |                                       |               |                                   |                                       |                                |            |                                   |     |             |     |     |     |

|                                                    | LDR Section                                                        | Issue and Staff Recommendation                                                                                                                                                                                                                                                   | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
|----------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--|-------------------|-----|----------------------------------------------------|----------------|----------------------------------------------|----------|------------------------|----------|--------------|---------|----------------------|------------------------------|--|
| 13                                                 | 2.2.9.E.1                                                          | Minimum Density: In the HNNH-1 zone, the existing language in Subsection E. regarding the minimum required density has caused confusion so staff is recommending changes to clarify how the calculation works and correct some of the numbers consistent with the clarification. | <p>1. Minimum Density. The minimum density for lots in the NH-1 is <del>based on requiring a minimum density of</del> 17.425 units per acre <u>(NOTE: this requirement is rounded down to the next whole number (e.g., 1.8 units = 1 unit). The following density ranges are provided for general guidance and are as follows:</u></p> <p>a. Lots <u>approximately</u> 5,125 000 sf or less: One Detached Single-Family Unit;</p> <p>b. Lots <u>approximately</u> 5,126 001 - 7,499 sf: Two units (either detached or attached);</p> <p>c. Lots 7,500 or larger: Three <u>or more</u> units (either detached or attached).</p> |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| 14                                                 | 2.2.10.B.5<br>2.2.11.B.5<br>2.2.12.B.5<br>2.2.13.B.5<br>2.2.14.B.5 | Maximum lumens per site: In the DC, CR-1, CR-2, CR-3, and OR zones, the LDRs mistakenly say “max lumens per site: 3” when there should be two separate lines, one saying “max lumens per sf of site development: 3”, and the other saying “max lumens per site”.                 | <table><tr><th colspan="2">5. Scenic Standards</th></tr><tr><td colspan="2">Exterior Lighting</td></tr><tr><td colspan="2">All lights over 600 lumens shall be fully shielded</td></tr><tr><td><u>Max lumens per sf of site development</u></td><td><u>3</u></td></tr><tr><td>Lumens per site (max.)</td><td><u>3</u></td></tr><tr><td>All fixtures</td><td>100,000</td></tr><tr><td>Unshielded fixtures</td><td>5,500</td></tr></table>                                                                                                                                                                                       | 5. Scenic Standards |  | Exterior Lighting |     | All lights over 600 lumens shall be fully shielded |                | <u>Max lumens per sf of site development</u> | <u>3</u> | Lumens per site (max.) | <u>3</u> | All fixtures | 100,000 | Unshielded fixtures  | 5,500                        |  |
| 5. Scenic Standards                                |                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Exterior Lighting                                  |                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| All lights over 600 lumens shall be fully shielded |                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| <u>Max lumens per sf of site development</u>       | <u>3</u>                                                           |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Lumens per site (max.)                             | <u>3</u>                                                           |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| All fixtures                                       | 100,000                                                            |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Unshielded fixtures                                | 5,500                                                              |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| 15                                                 | 2.2.10.C.1<br>2.2.11.C.1<br>2.2.12.C.1                             | Parking requirement for Developed Recreation: CR-3 (and CR-1 and CR-2) says 3.37 but Division 6.2 says 4.5.                                                                                                                                                                      | <table><tr><th colspan="3">Required Parking</th></tr><tr><td>Use</td><td>Parking Spaces</td><td>Queuing Spaces</td></tr><tr><td colspan="3">Amusement and Recreation Uses</td></tr><tr><td>""</td><td>""</td><td>""</td></tr><tr><td>Developed Recreation</td><td><u>4.5 3.37</u> per 1,000 sf</td><td></td></tr></table>                                                                                                                                                                                                                                                                                                      | Required Parking    |  |                   | Use | Parking Spaces                                     | Queuing Spaces | Amusement and Recreation Uses                |          |                        | ""       | ""           | ""      | Developed Recreation | <u>4.5 3.37</u> per 1,000 sf |  |
| Required Parking                                   |                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Use                                                | Parking Spaces                                                     | Queuing Spaces                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Amusement and Recreation Uses                      |                                                                    |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| ""                                                 | ""                                                                 | ""                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |
| Developed Recreation                               | <u>4.5 3.37</u> per 1,000 sf                                       |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                     |  |                   |     |                                                    |                |                                              |          |                        |          |              |         |                      |                              |  |

|                               | LDR Section             | Issue and Staff Recommendation                                                                                                                                                                                                                         | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
|-------------------------------|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------|---------------|----------------------|-----------------|-------------------------|---------------|-----------------------|-------------------|---|--------------|-----|---------------|-------------------------|-----------------------------------------------------|-----------------|--------------|-----------------|-------------------|-------------------------|-------------------------|-----------------------|-------------|--|-------------------------------|-----------------|-----------------|---------------|
| 16                            | 2.2.12.B.8              | Sign Standards. The summary of sign standards was omitted from the CR-3 zone so staff proposes to add them as shown to the right (which are the same as the sign standards from the CR-2). This would result in no changes to allowed signage.         | <p>NOTE: Add all text shown below to CR-3 as Heading 8 after current Heading 7. Natural Hazards to Avoid:</p> <table><tr><th colspan="2">Sign Type Standards</th></tr><tr><td colspan="2">Canopy sign</td></tr><tr><td>Clearance (min)</td><td>7'6" from average grade</td></tr><tr><td>Setback (min)</td><td>18" from back of curb</td></tr><tr><td colspan="2">Freestanding sign</td></tr><tr><td>Height (max)</td><td>6'</td></tr><tr><td>Setback (min)</td><td>5'</td></tr><tr><td colspan="2">Projecting sign</td></tr><tr><td>Height (max)</td><td>24' above grade</td></tr><tr><td>Clearance (min)</td><td>7'6" from average grade</td></tr><tr><td>Setback (min)</td><td>18" from back of curb</td></tr><tr><td colspan="2">Window sign</td></tr><tr><td>Window surface coverage (max)</td><td>25% up to 16 sf</td></tr><tr><td>Temporary signs</td><td>(Sec. 5.6.1.)</td></tr></table> | Sign Type Standards |        | Canopy sign   |                      | Clearance (min) | 7'6" from average grade | Setback (min) | 18" from back of curb | Freestanding sign |   | Height (max) | 6'  | Setback (min) | 5'                      | Projecting sign                                     |                 | Height (max) | 24' above grade | Clearance (min)   | 7'6" from average grade | Setback (min)           | 18" from back of curb | Window sign |  | Window surface coverage (max) | 25% up to 16 sf | Temporary signs | (Sec. 5.6.1.) |
| Sign Type Standards           |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Canopy sign                   |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Clearance (min)               | 7'6" from average grade |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Setback (min)                 | 18" from back of curb   |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Freestanding sign             |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Height (max)                  | 6'                      |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Setback (min)                 | 5'                      |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Projecting sign               |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Height (max)                  | 24' above grade         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Clearance (min)               | 7'6" from average grade |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Setback (min)                 | 18" from back of curb   |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Window sign                   |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Window surface coverage (max) | 25% up to 16 sf         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Temporary signs               | (Sec. 5.6.1.)           |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| 17                            | 2.2.12.C.1              | Nursery: The use "Nursery" is not allowed anywhere in the LDR Use Tables but is still defined as a use. This appears to be an oversight and so staff is recommending that the "Nursery" be allowed in the CR-3 zone as a Conditional Use Permit (CUP). | <p>Add the following line to the end of "Commercial Uses" section of use table:</p> <table><tr><th>Use</th><th>Permit</th><th>Density (max)</th><th>Individual Use (max)</th></tr><tr><td colspan="4">Commercial Uses</td></tr><tr><td>Nursery (6.1.6.H)</td><td>C</td><td>n/a</td><td>n/a</td></tr></table> <p>(USE TABLE CONTINUED)</p> <table><tr><th>Use</th><th>Parking (min) (Div.6.2)</th><th>Affordable Workforce Housing Units (min) (Div. 6.3)</th></tr><tr><td colspan="3">Commercial Uses</td></tr><tr><td>Nursery (6.1.6.H)</td><td>Independent calculation</td><td>Independent calculation</td></tr></table>                                                                                                                                                                                                                                                                      | Use                 | Permit | Density (max) | Individual Use (max) | Commercial Uses |                         |               |                       | Nursery (6.1.6.H) | C | n/a          | n/a | Use           | Parking (min) (Div.6.2) | Affordable Workforce Housing Units (min) (Div. 6.3) | Commercial Uses |              |                 | Nursery (6.1.6.H) | Independent calculation | Independent calculation |                       |             |  |                               |                 |                 |               |
| Use                           | Permit                  | Density (max)                                                                                                                                                                                                                                          | Individual Use (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Commercial Uses               |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Nursery (6.1.6.H)             | C                       | n/a                                                                                                                                                                                                                                                    | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Use                           | Parking (min) (Div.6.2) | Affordable Workforce Housing Units (min) (Div. 6.3)                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Commercial Uses               |                         |                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |
| Nursery (6.1.6.H)             | Independent calculation | Independent calculation                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |        |               |                      |                 |                         |               |                       |                   |   |              |     |               |                         |                                                     |                 |              |                 |                   |                         |                         |                       |             |  |                               |                 |                 |               |

|                                                                                | LDR Section                          | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                               | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
|--------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------|--------------------------------------------------------------------------------|----------------------|---------------------------------------------------|----------|----------------------------------------|-------|------------------------------------------|----------|-------------------------------------------------|------------------------------------|----------------------------|-------------------------|-----------------------------------------------------|------------------------------------|------------------------------------|----------|-----------------------------------------------|----------------------------------|-------------------------------------|--------------------------------------|---------------|--|
| 18                                                                             | 2.2.12.C.1                           | Drive-thru accessory use: The accessory use of “Drive-In Facility” was omitted from the CR-3 zone so staff recommends that it be added to the use table.                                                                                                                                                                                                                                                                                     | <div>Add ‘Drive-In Facility” To Accessory Uses in use table as follows:</div> <table><tr><th>Use</th><th>Permit</th><th>Density (max)</th><th>Individual Use (max)</th></tr><tr><td colspan="4">Commercial Uses</td></tr><tr><td><u>Drive-In Facility 6.1.11.H)</u></td><td><u>B</u></td><td><u>n/a</u></td><td><u>n/a</u></td></tr></table> <div>(USE TABLE CONTINUED)</div> <table><tr><th>Use</th><th>Parking (min) (Div.6.2)</th><th colspan="2">Affordable Workforce Housing Units (min) (Div. 6.3)</th></tr><tr><td colspan="4">Commercial Uses</td></tr><tr><td><u>Drive-In Facility (6.1.11.H)</u></td><td><u>3 que spaces per service lane</u></td><td colspan="2"><u>Exempt</u></td></tr></table>                     | Use              | Permit | Density (max)                                                                  | Individual Use (max) | Commercial Uses                                   |          |                                        |       | <u>Drive-In Facility 6.1.11.H)</u>       | <u>B</u> | <u>n/a</u>                                      | <u>n/a</u>                         | Use                        | Parking (min) (Div.6.2) | Affordable Workforce Housing Units (min) (Div. 6.3) |                                    | Commercial Uses                    |          |                                               |                                  | <u>Drive-In Facility (6.1.11.H)</u> | <u>3 que spaces per service lane</u> | <u>Exempt</u> |  |
| Use                                                                            | Permit                               | Density (max)                                                                                                                                                                                                                                                                                                                                                                                                                                | Individual Use (max)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Commercial Uses                                                                |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| <u>Drive-In Facility 6.1.11.H)</u>                                             | <u>B</u>                             | <u>n/a</u>                                                                                                                                                                                                                                                                                                                                                                                                                                   | <u>n/a</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Use                                                                            | Parking (min) (Div.6.2)              | Affordable Workforce Housing Units (min) (Div. 6.3)                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Commercial Uses                                                                |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| <u>Drive-In Facility (6.1.11.H)</u>                                            | <u>3 que spaces per service lane</u> | <u>Exempt</u>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| 19                                                                             | 2.2.13.E.4.a.iii<br>2.2.13.E.4.b.    | In the CR-3 zone, the two referenced sections mistakenly reference Div. 7.4 instead of the correct Div. 6.3 (Affordable Workforce Housing Standards).                                                                                                                                                                                                                                                                                        | <div>iii. It shall be exempt from the calculation of affordable housing required by Division <del>7.4</del> <u>6.3</u>, but shall not be used to meet the affordable housing requirement for the project.</div> <div>b. The project shall provide the affordable housing required by Div. <del>7.4</del> <u>6.3</u> on site.</div>                                                                                                                                                                                                                                                                                                                                                                                              |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| 20                                                                             | 2.2.14.B.1                           | Fence height in Office Residential (OR) zone: Clarify fence height so that it is the same in the OR as in other residential districts. This means a 4’ tall maximum fence in any type of street yard (e.g., both street sides of corner lot) and a 6’ max height for all other fences (interior side, rear).                                                                                                                                 | <table><tr><th colspan="2">Fencing</th></tr><tr><td>Height in any <u>primary or secondary</u> street <del>or side</del> yard (max)</td><td>4’</td></tr><tr><td>Height in <u>interior side</u> or rear yard (max)</td><td>6’</td></tr><tr><td>Setback from pedestrian frontage (min)</td><td>1’</td></tr><tr><td>Setback from side or rear lot line (min)</td><td>0’</td></tr></table>                                                                                                                                                                                                                                                                                                                                           | Fencing          |        | Height in any <u>primary or secondary</u> street <del>or side</del> yard (max) | 4’                   | Height in <u>interior side</u> or rear yard (max) | 6’       | Setback from pedestrian frontage (min) | 1’    | Setback from side or rear lot line (min) | 0’       |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Fencing                                                                        |                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Height in any <u>primary or secondary</u> street <del>or side</del> yard (max) | 4’                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Height in <u>interior side</u> or rear yard (max)                              | 6’                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Setback from pedestrian frontage (min)                                         | 1’                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Setback from side or rear lot line (min)                                       | 0’                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| 21                                                                             | 5.7.1.D.4                            | Thresholds for Grading Permits: This change was recommended by the Town Engineer. The purpose is to increase the threshold at which the more extensive (and expensive) Grading Permit is required compared the less involved Grading Statement (increased from 1,000 sf of ground disturbace to 3,000 sf of disturbance). This will reduce unnecessary studies for applicants, especially for single-family homes on regular-size Town lots. | <table><tr><th>GRADING PROPOSAL</th><th>EXEMPT</th><th>STATEMENT</th><th>PLAN LEVEL</th></tr><tr><td><u>Total Site</u> Proposed Impervious Surface</td><td>See LDRs</td><td>See LDRs</td><td>≥ 41%</td></tr><tr><td>Total Disturbance</td><td>See LDRs</td><td>≥ 600 SF and &lt; <del>1,000</del><u>3,000</u> SF</td><td>≥ <del>1,000</del><u>3,000</u> SF</td></tr><tr><td>Disturbance of Slopes ≤ 5%</td><td>&lt; 600 SF</td><td>≥ 600 SF and &lt; <del>1,000</del><u>3,000</u> SF</td><td>≥ <del>1,000</del><u>3,000</u> SF</td></tr><tr><td>Disturbance of Slopes &gt; 5% &amp; ≤ 15%</td><td>&lt; 400 SF</td><td>≥ 400 SF and &lt; <del>800</del><u>1,000</u> SF</td><td>≥ <del>800</del><u>1,000</u> SF</td></tr></table> | GRADING PROPOSAL | EXEMPT | STATEMENT                                                                      | PLAN LEVEL           | <u>Total Site</u> Proposed Impervious Surface     | See LDRs | See LDRs                               | ≥ 41% | Total Disturbance                        | See LDRs | ≥ 600 SF and < <del>1,000</del> <u>3,000</u> SF | ≥ <del>1,000</del> <u>3,000</u> SF | Disturbance of Slopes ≤ 5% | < 600 SF                | ≥ 600 SF and < <del>1,000</del> <u>3,000</u> SF     | ≥ <del>1,000</del> <u>3,000</u> SF | Disturbance of Slopes > 5% & ≤ 15% | < 400 SF | ≥ 400 SF and < <del>800</del> <u>1,000</u> SF | ≥ <del>800</del> <u>1,000</u> SF |                                     |                                      |               |  |
| GRADING PROPOSAL                                                               | EXEMPT                               | STATEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                    | PLAN LEVEL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| <u>Total Site</u> Proposed Impervious Surface                                  | See LDRs                             | See LDRs                                                                                                                                                                                                                                                                                                                                                                                                                                     | ≥ 41%                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Total Disturbance                                                              | See LDRs                             | ≥ 600 SF and < <del>1,000</del> <u>3,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                              | ≥ <del>1,000</del> <u>3,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Disturbance of Slopes ≤ 5%                                                     | < 600 SF                             | ≥ 600 SF and < <del>1,000</del> <u>3,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                              | ≥ <del>1,000</del> <u>3,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |
| Disturbance of Slopes > 5% & ≤ 15%                                             | < 400 SF                             | ≥ 400 SF and < <del>800</del> <u>1,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                                | ≥ <del>800</del> <u>1,000</u> SF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                  |        |                                                                                |                      |                                                   |          |                                        |       |                                          |          |                                                 |                                    |                            |                         |                                                     |                                    |                                    |          |                                               |                                  |                                     |                                      |               |  |

| LDR Section            |                             | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
|------------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------|-------------------------------|---------------------|-----------------------------|--------------|------|----|--------------------|--------------------------------|---------------------------|----|----|----|----|-------|----|--|-----|---------------------|-----------|--|------------|---------|--|--|-----|----|----|----|----|
|                        |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <i>Disturbance of Slopes &gt; 15%</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <i>N / A</i> | <i>≤ <del>400</del>800 SF</i> | <i>≥ <del>400</del>800 SF</i> |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
|                        |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>For Plan Level Grading proposals submitted as a grading permit or consolidated with a building permit, a preapplication meeting is required prior to application for a permit.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                              |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| 22                     | 5.7.1.D.5.a                 | Exemptions for landscaping activities: This change was recommended by the Town Engineer. The purpose is to clarify that minor landscaping activities are also exempt under the category of “agricultural” activities.                                                                                                                                                                                                                                                                                                                                                                                | <b>a. Agricultural Activities.</b> Earthmoving operations occurring on natural slopes that are less than 25%, which are commonly associated with agricultural use <u>(including gardening and landscaping that does not alter the grade or increase impervious areas)</u> , construction and maintenance of field access improvements, and construction and maintenance of irrigation systems.                                                                                                                                                                                                                                     |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| 23                     | 6.1.1.F                     | Summary Use Table: Heavy Retail/Service: Change Heavy Retail Service to CUP (Not B) in the summary use table to be consistent with the use table in the CR-3 zone.                                                                                                                                                                                                                                                                                                                                                                                                                                   | <div>(Table – Summary Use Table)</div> <table><tr><th>Use Category</th><th>Complete Neighborhood Zones</th></tr><tr><td>Specific Use</td><td>CR-3</td></tr><tr><td>“”</td><td>“”</td></tr><tr><td>Heavy Retail / Service</td><td><del>B</del><sup>C</sup></td></tr></table>                                                                                                                                                                                                                                                                                                                                                        |              |                               |                               | Use Category        | Complete Neighborhood Zones | Specific Use | CR-3 | “” | “”                 | Heavy Retail / Service         | <del>B</del> <sup>C</sup> |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| Use Category           | Complete Neighborhood Zones |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| Specific Use           | CR-3                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| “”                     | “”                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| Heavy Retail / Service | <del>B</del> <sup>C</sup>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| 24                     | 7.2.2.A.6.C                 | Responsibility to maintain infrastructure: This change was recommended by the Town Engineer. The purpose is to make the two-year warranty consistent with the financial assurance language in 8.2.11.E.                                                                                                                                                                                                                                                                                                                                                                                              | <b>c. Responsibility to Maintain.</b> Upon acceptance by the Town, all responsibility for the improvements shall be assumed by the Town, except that the developer shall be subject to a <del>one-two</del> year warranty on the construction of the improvements from the time of acceptance by the Town.                                                                                                                                                                                                                                                                                                                         |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| 25                     | 7.6.3.G.2<br>7.6.3.H.1      | Private Roads. The LDRs do not have road standards for new <u>private</u> roads (e.g., minimum paved width, easement needed), they only provide standards for new roads that are intended to be accepted by the public. However, because the Town’s general policy is to not accept new roads for public ownership/maintenance that do not meet Town ROW and design standards, staff has no guidance on what specifications should apply to these roads. Recognizing that most new private roads in the Town will be relatively short, low traffic roads that serve a residential subdivision with a | <div>(TABLE: 7.6.3.G.2 Right-of-Way Widths)</div> <div>Add the following line to the table:</div> <table><tr><th colspan="4">Right-of- Way Width</th></tr><tr><th></th><th>Design Speed (mph)</th><th>Capacity Average Daily Traffic</th><th>R.O.W.</th></tr><tr><td>“”</td><td>“”</td><td>“”</td><td>“”</td></tr><tr><td>Alley</td><td>15</td><td></td><td>25’</td></tr><tr><td><u>Private Road</u></td><td><u>15</u></td><td></td><td><u>30’</u></td></tr><tr><td>Pathway</td><td></td><td></td><td>20’</td></tr><tr><td>“”</td><td>“”</td><td>“”</td><td>“”</td></tr></table> <div>(TABLE: 7.6.3.H.1 Right-of-Way Widths)</div> |              |                               |                               | Right-of- Way Width |                             |              |      |    | Design Speed (mph) | Capacity Average Daily Traffic | R.O.W.                    | “” | “” | “” | “” | Alley | 15 |  | 25’ | <u>Private Road</u> | <u>15</u> |  | <u>30’</u> | Pathway |  |  | 20’ | “” | “” | “” | “” |
| Right-of- Way Width    |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
|                        | Design Speed (mph)          | Capacity Average Daily Traffic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | R.O.W.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| “”                     | “”                          | “”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | “”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| Alley                  | 15                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25’                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| <u>Private Road</u>    | <u>15</u>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>30’</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| Pathway                |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20’                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |
| “”                     | “”                          | “”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | “”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |              |                               |                               |                     |                             |              |      |    |                    |                                |                           |    |    |    |    |       |    |  |     |                     |           |  |            |         |  |  |     |    |    |    |    |

| LDR Section          |                  | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                           |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
|----------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--|--|--|--|--|------------------|--------------------|-------------------------|---------------------------|----|----|----|----|----|----------------|-----|----|----|----|---------------------|------------|-----------|-----------|-----------|------------|------------|-----|-----|-----|
|                      |                  | limited number of units (e.g., Daisy Bush), staff proposes general standards that new private roads must be a minimum of 20' wide and provide a minimum 30' ROW. The 20' width is adequate to allow 2-way traffic and fire access, and the 30' ROW is adequate to provide 5' of snow storage on both sides and basic utilities in most cases. We propose these as general minimum standards that may be increased by the Town Engineer if local circumstances demand higher standards, per existing Section 7.6.3.A that allows the Town Engineer and Town Council to approve alternative design for special situations.                                                       | <div>Add the following line to the table:</div> <table><tr><th colspan="5">Street Widths (feet)</th></tr><tr><th></th><th>Paved Travel way</th><th>Paved parking lane</th><th>Paved shoulder (no pkg)</th><th>Graded Shoulder (no curb)</th></tr><tr><td>""</td><td>""</td><td>""</td><td>""</td><td>""</td></tr><tr><td>Local Hillside</td><td>20'</td><td>9'</td><td>2'</td><td>2'</td></tr><tr><td><u>Private Road</u></td><td><u>20'</u></td><td><u>0'</u></td><td><u>0'</u></td><td><u>0'</u></td></tr><tr><td>Cul-de-sac</td><td>50' radius</td><td>n/a</td><td>n/a</td><td>n/a</td></tr></table> | Street Widths (feet)      |  |  |  |  |  | Paved Travel way | Paved parking lane | Paved shoulder (no pkg) | Graded Shoulder (no curb) | "" | "" | "" | "" | "" | Local Hillside | 20' | 9' | 2' | 2' | <u>Private Road</u> | <u>20'</u> | <u>0'</u> | <u>0'</u> | <u>0'</u> | Cul-de-sac | 50' radius | n/a | n/a | n/a |
| Street Widths (feet) |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                           |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
|                      | Paved Travel way | Paved parking lane                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Paved shoulder (no pkg)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Graded Shoulder (no curb) |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
| ""                   | ""               | ""                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | ""                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ""                        |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
| Local Hillside       | 20'              | 9'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 2'                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2'                        |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
| <u>Private Road</u>  | <u>20'</u>       | <u>0'</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <u>0'</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>0'</u>                 |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
| Cul-de-sac           | 50' radius       | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | n/a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | n/a                       |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |
| 26                   | 9.4.6.D.1        | LSR for properties with private roads. There are a few areas in Town, such as Snow King Estates, where properties include private or public road easements within the platted lots. These road easements can greatly skew the LSR calculation to either unfairly penalize (or benefit) some landowners and so staff proposes to add a statement that excludes the area of a road easement from the LSR calculation. This exception is similar to the relationship between "gross site area" and "base site area" in the LDRs where certain portions of properties (e.g., road easements) are deducted for the purposes of applying certain development standards, such as LSR. | <div>1. The landscape surface ratio (LSR) is calculated by dividing the landscape surface area by the base site area, or gross site area in Character Zones (Div. 2.2. &amp; Div. 3.2.). <u>However, for properties that include private or public road easements, the LSR calculation shall be based on the area of the property excluding the road easement and no hardscape within the road easement shall count against the required LSR.</u></div>                                                                                                                                                 |                           |  |  |  |  |  |                  |                    |                         |                           |    |    |    |    |    |                |     |    |    |    |                     |            |           |           |           |            |            |     |     |     |



|    | LDR Section | Issue and Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Proposed Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27 | 9.4.8.E.    | <p>Street Setback from private road easement. The LDRs assume all front setbacks are being measured from a public road ROW where the front property line ends at the ROW. However, with some private or public road easements, the front property line goes to the centerline of the road or easement. In such cases, the traditional 20' front setback measured from the edge of the easement will likely be too restrictive and create a larger actual setback than is necessary or desired, especially on hillsides with steep slopes where building close to the road is preferred. Thus, to recognize this special case, staff proposes an amendment to measure the required setback from a private/road easements from the edge of pavement, property line, or the edge of the access easement, whichever the Planning Director deems most beneficial in terms of balancing safety, utility placement, road character, and reasonable use of the property.</p> <p>In addition, staff proposes to clarify that the front setback cannot always be measured from the 'pedestrian frontage' as the LDRs currently require because many of the residential Character Zones (e.g., NL-1 to NL-5) don't require pedestrian frontages. In such cases, staff proposes to say that the street setback shall be measured from the front property line.</p> | <p><b>E. Street Setback</b></p> <p>1. Point of Measurement</p> <p>a. Character Zones. In a Character Zone (Div. 2.2. &amp; Div. 3.2.) a street setback shall be measured to the back of the pedestrian frontage, <u>with the following exceptions:-</u></p> <ul style="list-style-type: none"> <li>i. <u>Where no pedestrian frontage is required along a public ROW, the street setback shall be measured from the front property line.</u></li> <li>ii. <u>Where properties have no pedestrian frontage required and front a private or public road access easement, the street setback shall be measured from the edge of pavement, property line, or edge of the access easement, to be determined by the Planning Director based on consideration that include, but are not limited to, vehicular and pedestrian access, utility placement, street character, and reasonable use of the property.</u></li> </ul> |