



TOWN OF JACKSON PLANNING & BUILDING DEPARTMENT

TRANSMITTAL MEMO

Town of Jackson

- Public Works/Engineering
- Building
- Title Company
- Town Attorney
- Police

Joint Town/County

- Parks and Recreation
- Pathways
- Housing Department

Teton County

- Planning Division

- Engineer
- Surveyor- *Nelson*
- Assessor
- Clerk and Recorder
- Road and Levee

State of Wyoming

- Teton Conservation
- WYDOT
- TC School District #1
- Game and Fish
- DEQ

Federal Agencies

- Army Corp of Engineers

Utility Providers

- Qwest
- Lower Valley Energy
- Bresnan Communications

Special Districts

- START
- Jackson Hole Fire/EMS
- Irrigation Company

<p>Date: October 28, 2022</p> <hr/> <p>Item #: P22-263</p> <hr/> <p>Planner: Paul Anthony</p> <p>Phone: 733-0440 ext. 1303</p> <hr/> <p>Email: panthony@jacksonwy.gov</p> <hr/> <p>Owner: Old Growth, LLC PO Box 12801 Jackson, WY 83002</p> <p>Applicant: HH Land Strategies, LLC PO Box 1902 Wilson, WY 83014</p>	<p style="text-align: center;">REQUESTS:</p> <p>The applicant is submitting a request for a Zoning Compliance Verification for the property located at 81 S King St., legally known as LOT 9, BLK. 1, CACHE-1 PIDN 22-41-16-34-2-05-009</p> <p>For questions, please call Paul Anthony at 733-0440, x1303 or email to the address shown below. Thank you.</p>
<p>Please respond by: November 18, 2022 (with Comments)</p>	

RESPONSE: For Departments not using Trak-it, please send responses via email to: planning@jacksonwy.gov



PLANNING PERMIT APPLICATION
Planning & Building Department

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

For Office Use Only

Fees Paid _____ Date & Time Received _____
 Application #s _____
Please note: Applications received after 3 PM will be processed the next business day.

PROJECT.

Name/Description: Old Growth Subdivision
 Physical Address: 81 S King Street
 Lot, Subdivision: Lot 9, Blk 1, Cache Creek Addition to TOJ PIDN: 22-41-16-34-2-05-009

PROPERTY OWNER.

Name: Old Growth, LLC Phone: _____
 Mailing Address: PO Box 12801, Jackson, WY ZIP: 83002
 E-mail: _____

APPLICANT/AGENT.

Name: HH Land Strategies, LLC, Hal Hutchinson Phone: 307-699-0265
 Mailing Address: PO Box 1902, Wilson, WY ZIP: 83014
 E-mail: hal@hhlandstrategies.com

DESIGNATED PRIMARY CONTACT.

_____ Property Owner Applicant/Agent

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

- | | | |
|------------------------------------|---------------------------------------|--|
| Use Permit | Physical Development | Interpretations |
| _____ Basic Use | _____ Sketch Plan | _____ Formal Interpretation |
| _____ Conditional Use | _____ Development Plan | <input checked="" type="checkbox"/> Zoning Compliance Verification |
| _____ Special Use | _____ Design Review | Amendments to the LDRs |
| Relief from the LDRs | Subdivision/Development Option | _____ LDR Text Amendment |
| _____ Administrative Adjustment | _____ Subdivision Plat | _____ Map Amendment |
| _____ Variance | _____ Boundary Adjustment (replat) | Miscellaneous |
| _____ Beneficial Use Determination | _____ Boundary Adjustment (no plat) | _____ Other: _____ |
| _____ Appeal of an Admin. Decision | _____ Development Option Plan | _____ Environmental Analysis |

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

Pre-application Conference #: _____ Environmental Analysis #: _____
Original Permit #: _____ Date of Neighborhood Meeting: _____

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

Have you attached the following?

- Application Fee.** Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.
- Notarized Letter of Authorization.** A notarized letter of consent from the landowner is required if the applicant is not the owner, or if an agent is applying on behalf of the landowner. Please see the Letter of Authorization template at <http://www.townofjackson.com/DocumentCenter/View/845/LetterOfAuthorization-PDF>.
- Response to Submittal Requirements.** The submittal requirements can be found on the TOJ website for the specific application. If a pre-application conference is required, the submittal requirements will be provided to applicant at the conference. The submittal requirements are at www.townofjackson.com/200/Planning under the relevant application type.

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

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

John Holland
Signature of Property Owner or Authorized Applicant/Agent

10/27/22
Date

JOHN HOLLAND
Name Printed

MANAGING MEMBER
Title

OLD GROWTH LLC



First American Title Insurance Company

WARRANTY DEED

Hedgerow Investment Company, a Wyoming corporation, GRANTOR, of Teton County, Wyoming, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged, CONVEYS and WARRANTS to Old Growth, LLC, a Wyoming limited liability company, GRANTEE, whose address is P.O. Box 12801, Jackson, Wyoming 83002, the following described real estate, situate in the County of Teton, State of Wyoming, hereby waiving and releasing all rights under and by virtue of the homestead exemption laws of the State of Wyoming, to-wit:

Lot 9 of Block 1 of the Cache Creek Addition to the Town of Jackson, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on July 18, 1905 as Plat No. 102.

PIN #22-41-16-34-2-05-009.

Together with and including all improvements thereon and all appurtenances and hereditaments thereunto belonging. Subject to all covenants, conditions, restrictions, easements, reservations, and rights-of-way of record.

WITNESS my hand this 16 day of May, 2018.

GRANTOR: HEDGEROW INVESTMENT COMPANY
GRANTEE: OLD GROWTH LLC
Doc 0949271 Filed At 11:42 ON 05/24/18
Sherry L. Daigle Teton County Clerk fees: 12.00
By Mary Smith Deputy

Hedgerow Investment Company, a Wyoming corporation:

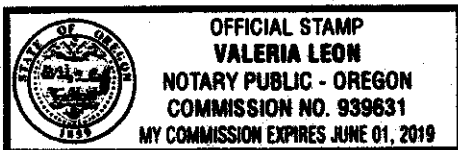
Bradley Hoch
Bradley Hoch, President

STATE OF Oregon)
COUNTY OF Multnomah)

Released	<input checked="" type="checkbox"/>
Indexed	<input checked="" type="checkbox"/>
Abstracted	<input checked="" type="checkbox"/>
Scanned	<input type="checkbox"/>

The foregoing instrument was acknowledged before me this 18 day of May, 2018 by Bradley Hock as President of Hedgerow Investment Company, a Wyoming corporation.

WITNESS my hand and official seal.



Valeria Leon
Notary Public
My Commission Expires: June 01, 2019

HH LAND STRATEGIES, LLC

PO BOX 1902, WILSON, WY 83014

307-699-0265 – HAL@HHLANDSTRATEGIES.COM

October 27, 2022

To: Town of Jackson Planning Department

From: Hal Hutchinson, HH Land Strategies, LLC

RE: Old Growth, LLC Property Subdivision Zoning Compliance Verification Request

On behalf of Old Growth, LLC, owner of the property located at 81 S King Street. Lot 9, Block 1 of the Cache Creek Addition to the Town of Jackson (PIDN 22-41-16-34-2-05-009) please accept this Zoning Compliance Verification request related to the subdivision of the above referenced property (the "Subject Property").

Background:

The Subject Property is a typical Town of Jackson lot measuring 50' in width and 150' in depth with an overall area of .17 acres (7,500 s.f.). Located at the northwest corner of East Pearl Avenue and South King Street, the property is zoned Downtown Core – 2 (DC-2) and within the Lodging Overlay. There are three primary structures on the property. These include the "Coe House" located at the southern portion of the lot, "Ellen Walker's Smart Shoppe" building located at the interior portion of the lot and the "Coe Blacksmith Shop" located at the northern portion of the property adjacent to the alley.

The Coe House has been designated to the Jackson Historic Register under Town of Jackson application P21-236. A Wyoming Cultural properties survey has been completed for the Ellen Walker Smart Shoppe building and determined it to be eligible for the National Register of Historic Places under Criteria A – associated with events that have made a significant contribution to the broad patterns of our history within the period of significance 1948-1960. A Teton County Historic Site Survey has been completed for the Coe Blacksmith Shop and found it to be a "contributing" structure and eligible to the National Register of Historic Places under, also under Criteria A within the period of significance 1930-1955.

Town of Jackson "Preservation of Historic Properties" regulations:

In February 2021, the Town of Jackson adopted certain regulations that seek to promote the preservation of historic properties that includes the establishment of the Jackson Historic Register and certain incentives for the preservation of historic properties. The Coe House has been designated to the Jackson Historic Register. The Ellen Walker Smart Shoppe building and the Coe Blacksmith shop has been determined to be eligible for the Jackson Historic Register. Properties containing structure listed on the Jackson Historic Register are eligible for certain zoning incentives for preserving historic structures eligible for and listed on the Jackson Historic Register.

These incentives include an exemption to zoning FAR limitations for floor area within a "Registered Historic Resource" (LDR Section 5.9.6.C.3). These incentives for historic preservation also include the elimination of the minimum lot size limit on a property with a structure listed on the Jackson Historic Register for the purpose of separating the historic property on an individual lot (LDR Section 5.9.6.C.4). In addition, incentives for historic preservation allow properties with a Registered Historic Resource may transfer or sell unused floor area to another eligible property (LDR Section 5.9.6.C.6). Town of Jackson preservation of historic properties regulations require historic preservation easements be placed on Registered Historic Resources to protect the

historic property in perpetuity in certain circumstances where incentives are being utilized (LDR Section 5.9.6.B).

Property Owners Plans for 81 S. King Street Lot 9, Block 1, Cache Creek Addition:

At significant time and expense, Old Growth, LLC has undertaken the restoration and preservation of the Coe House. The Ellen Walker Smart Shoppe and the Coe Blacksmith Shop buildings are eligible for the Jackson Historic Register. The owner would like to secure Jackson Historic Register listing for either the Ellen Walker Smart Shoppe or the Coe Blacksmith Shop. Upon securing this listing, the owner plans to subdivide the Subject property into three separate lots. One lot would contain the Coe House, a second lot would contain the Ellen Walker Smart Shoppe building and a third lot would contain the Coe Blacksmith Shop building.

Conceptually, the owner is considering subdividing the property into three separate lots. The first lot would contain the Coe House and would be approximately 4,100 s.f. in area. The second lot would contain the Ellen Walker Smart Shoppe building and the third lot would contain the Coe Blacksmith building. The area of the second and third lot is undetermined at this time, due to an opportunity to locate the lot line between the buildings on these two lots at varying locations. Under certain circumstances, all three prospective lots could contain each of the above-described historic structures and all three historic structures would be retained and preserved. It is our understanding that, under these circumstances, a subdivision of the property is generally permitted under the Town historic preservation regulations. The focus of this ZCV is to ask that you to provide guidance for the ability to undertake various separate options, described as "Option 1" and "Option 2" below. Should you find the assumption that these three lots containing three separate historic resources be contrary to our understanding of the LDRs, we ask that you please include that information within your response to this ZCV request.

Absent the three-lot subdivision described above, where the three lots contain three protected historic resources, the owner is conceptually considering two other subdivision options. Both options include creating a lot of approximately 4,100 s.f. that would contain the Coe House. The first option (Option 1) would create a second lot of approximately 1,300 s.f. that would contain the Ellen Walker Smart Shoppe building and create a third lot of approximately 2,100 s.f. that would contain the Coe Blacksmith Shop building. The second option (Option 2) would create a second lot of approximately 2,100 s.f. that would contain the Ellen Walker Smart Shoppe building and a third lot of approximately 1,300 s.f. that would contain the Coe Blacksmith Shop building. This variation in the second and third lot size between Option 1 and Option 2 is available to the owner due to the separation between the Ellen Walker Smart Shoppe building and the Coe Blacksmith Shop building. Please refer to the attached Exhibit A, Conceptual Subdivision Option 1 and Option 2.

Prior to finalizing and recording the proposed subdivision, the owner understands that a preservation easement will be required to be placed on the Coe House building. In addition, the owner will apply for and receive approval for listing either the Ellen Walker Smart Shop Building or the Coe Blacksmith Shop building and place a preservation easement on registered building.

Upon subdivision, the owner would own three individual lots, two of which would be subject to preservation easement, and would enjoy the property rights associated with individual, legally separate properties, including the ability to sell any of the properties individually subject to preservation easement in place at the time of subdivision. The lot not containing a Registered Historic Resource subject to a preservation easement would be able to be developed with new construction, utilizing the floor area available on that new lot pursuant to LDR dimensional limitations.

The owner, under the preservation of historic properties incentives would have the right, pursuant to LDR Section 5.9.6.C.6, to transfer unused floor area from either of the two properties containing a Registered Historic Resource subject to a preservation easement to another eligible property. This includes transfer of floor area to from lots within the prospective subdivision that contain a registered historic resource to the lot

within the prospective subdivision that does not contain a Registered Historic Resource. Under this incentive, it is our understanding that the Coe House building contains approximately 2,725 s.f., 610 s.f. of which is not a part of the registered historic resource. Considering this, 2,115 s.f. of the existing Coe House building (2,725 – 610) is exempt from the floor area calculations of the lot as it exists now or the lot that may be created under the prospective subdivisions. Based on the FAR limitation of 1.3 for a 4,100 s.f. lot, the available floor area on that lot is 5,330 s.f. Therefore, the floor area available for use, as transferred floor area or otherwise, on the prospective 4,100 s.f. lot is 4,720 s.f. (5,330 s.f. – 610 s.f. with 2,115 s.f. being exempt).

Under either Option 1 or Option 2 as described herein, the Coe House lot would be 4,100 s.f. in area. The remaining two lots would be 2,100 s.f. in area and 1,300 s.f. in area. (Under Option 1 and Option 2 these lot areas are interchangeable.) The 2,100 s.f. lot would have an available FAR of 2,730 s.f. and the 1,300 s.f. lot would have an available FAR of 1,690 s.f.

Zoning Compliance Verification Request:

Based on the above discussion. We respectfully request a Zoning Compliance Verification answering the following questions. Please respond to these questions with the understanding that two of the structures on the Subject Property will secure a formal listing on the Jackson Historic Register and an eligible preservation easement is placed on the properties containing the Registered Historic Resource.

- 1) Can you confirm that under current Town of Jackson LDRs, the Subject Property can be subdivided for the purpose of separating two separate Registered Historic Resources on two individual lots and that the third resulting lot not containing a Registered Historic Resource is exempt from minimum lot size requirements of the DC-2 zone district?*
- 2) Considering that the Side interior and Rear setbacks under DC-2 zoning are allowed to be either 0' or 5', can you confirm that lots lines established by a proposed subdivision can be located at either 0' or 5' from existing buildings, regardless of historic designation?*
- 3) Can you confirm that the lot created by the subdivision that does not contain a Registered Historic Resource is eligible to be developed/redeveloped subject to the standards and dimensional limitations of the DC-2 zone district and design review requirements?*
- 4) Considering that the Primary and Secondary Street setbacks under DC-2 zoning are permitted to range from between 0' and 5', can you confirm that any new construction on the lot within the proposed subdivision that does not contain a Registered Historic Resource can have a Primary or Secondary Street setback of between 0' and 5' subject to design review requirements? Specifically, can you confirm that a new building, proposed under the current TOJ LDRs can, subject to design review, that it can be located 0' from the street yard setback?*
- 5) Can you confirm that the floor area within the Registered Historic Resource does not count as floor area for the purpose of calculating maximum allowed floor area on the lots resulting from the proposed subdivision?*
- 6) Can you confirm that, on the prospective lot containing the Coe House, which is assumed to be 4,100 s.f. that the FAR under the current zone district permits a maximum of 5,330 s.f., that the 2,115 s.f. within the Registered Historic Resource on the lot is exempt from the 5,330 s.f. of floor area permitted on the lot, that 610 s.f. on the prospective lot does count toward the maximum FAR, and that the remaining 4,720 s.f. of floor area is permitted to be transferred to another eligible lot, including within any of the prospective other two lots within the conceptual three lots subdivision described herein?*

7) Transfer of available floor area and credit for floor area within a Registered Historic Resource notwithstanding, can you confirm that a prospective lot of 2,100 s.f. would have available FAR of 2,730 s.f. and a prospective lot of 1,300 s.f. would have an available FAR of 1,690?

8) Can you confirm that lots resulting from the proposed subdivision that contain a Registered Historic Resource and are subject to a preservation easement are eligible to transfer unused floor area to eligible 'Receiving' properties pursuant to LDR Section 5.9.6.C.6.b, and that eligible 'receiving' properties include the lot created by the subdivision that does not contain a Registered Historic Resource?

EXHIBIT A - OPTION 1

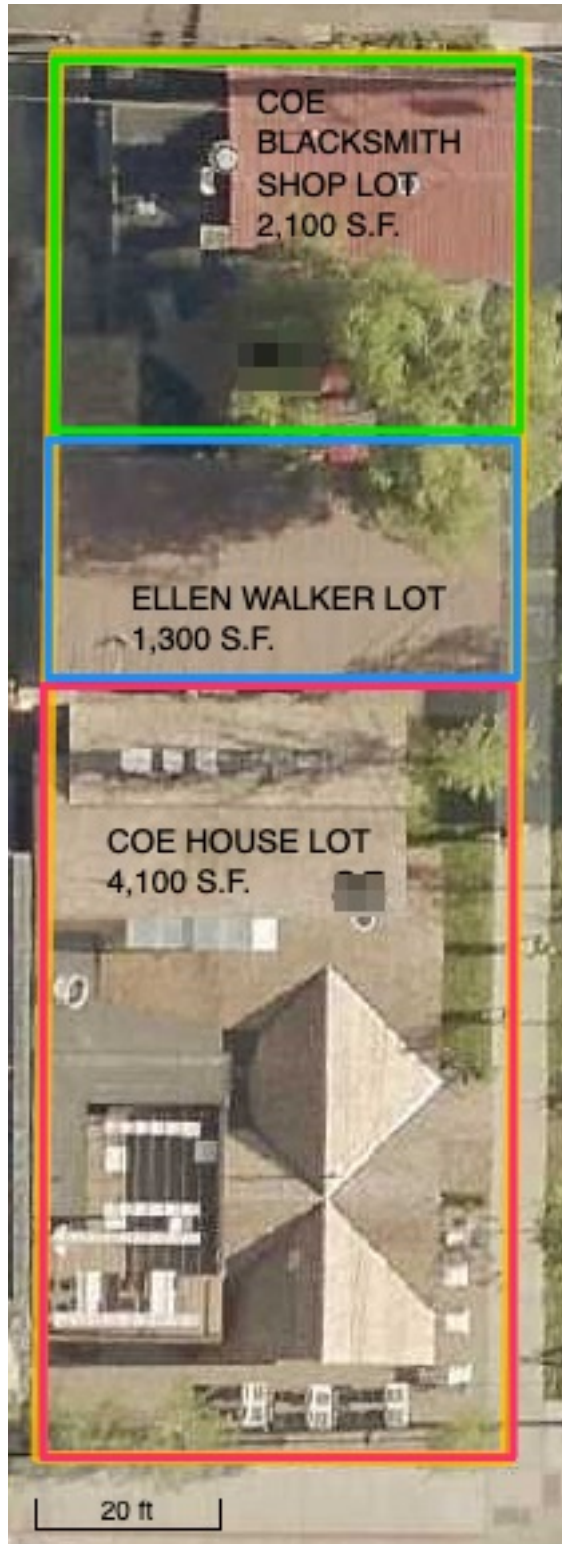


EXHIBIT A - OPTION 2

