



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

Date: August 24, 2023	REQUESTS:
Item #: P23-155	
Planner: Tyler Valentine	
Phone: 733-0440 ext. 1305	
Email: tvalentine@jacksonwy.gov	
Owner: One Hundred Seven, LLC & Stage Stop, Inc. PO Box 991 & 1677 Jackson, WY 83001	
Applicant: HH Land Strategies, LLC PO Box 1902 Wilson, WY 83014	
Please respond by: September 14, 2023 (with Comments)	

The applicant is submitting a Zoning Compliance Verification for a transfer of housing mitigation credits from the property located at 155 W Pearl Ave., legally known as Lots 9 & 10, Block 2, Wort Addition to the Town of Jackson PIDN: 22-41-16-33-1-02-006 to the property located at 125 N Glenwood St., legally known as Lot 1, Homer Richards Addition to the Town of Jackson, PIDN 22-41-16-28-4-10-016

For questions, please call Tyler Valentine at 307-733-0440 x1305, or email to the address shown to the left. Thank you.

RESPONSE: For Departments not using SmartGov, 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: **155 W Pearl & 125 N Glenwood Transfer of Unused Housing Mitigation Credits**

Physical Address: **155 W Pearl Avenue and 125 N Glenwood Street**

Lot, Subdivision: **Lot 9 &10, Blk 2 Wort Add. & Lot 1 Homer Add** PIDN: **22-41-16-33-1-02-006 & 22-41-16-28-4-10-016**

PROPERTY OWNER.

Name: **One Hundred Seven, LLC & Stage Stop, Inc**

Phone: _____

Mailing Address: **PO Box 991, Jackson WY & PO Box 1677, Jackson, WY**

ZIP: **83001 & 83001**

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

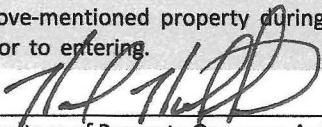
Application Fee. Fees are cumulative. Go to www.townofjackson.com/200/Planning and select the relevant application type for the fees.

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.


Signature of Property Owner or Authorized Applicant/Agent

HAL HUTCHINSON
Name Printed

8/17/23
Date
AGENT
Title

LETTER OF AUTHORIZATION

One Hundred Seven, LLC, "Owner" whose address is: _____
155 W Pearl Avenue
(NAME OF ALL INDIVIDUALS OR ENTITY OWNING THE PROPERTY)
as the owner of property
more specifically legally described as: Lots 9-10, BLK 2, Wolt 1

(If too lengthy, attach description)

HEREBY AUTHORIZES HH Land Strategies, LLC, Hal Hutchinson 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.

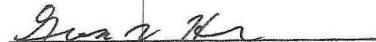
OWNER: 

(SIGNATURE) (SIGNATURE OF CO-OWNER)

Title: Manager
(If signed by officer, partner or member of corporation, LLC (secretary or corporate owner) partnership or other non-individual Owner)STATE OF Wyoming
COUNTY OF Teton)ss.
)

The foregoing instrument was acknowledged before me by George M. Hein this 9 day of
March, 2021.

WITNESS my hand and official seal.


(Notary Public)
My commission expires: 9/24/2024

HH LAND STRATEGIES, LLC

PO BOX 1902, WILSON, WY 83014

307-699-0265 - HAL@HHLANDSTRATEGIES.COM

August 17, 2023

To: Town of Jackson Planning Department
From: Hal Hutchinson, HH Land Strategies, LLC
RE: Zoning Compliance Verification for Gladys and John Wort House, 155 W Pearl Avenue Transfer of "Unused Housing Mitigation Credits" to 125 N Glenwood Street

On behalf of One Hundred Seven, LLC, owner of the property located at 155 West Pearl Avenue (Lots 9 & 10, Block 2, Wort Addition to the Town of Jackson, PIDN 22-41-16-33-1-02-006) and Stage Stop, Inc., owner of the property located at 125 N Glenwood Street (Lot 1, Homer Richards Addition to the Town of Jackson, PIDN 22-41-16-28-4-10-016) I am submitting this Zoning Compliance Verification (ZCV) application pursuant to Town LDR Section 5.9.6.C.5. to verify that the transfer of "unused housing mitigation credits" from 155 West Pearl Avenue to 125 N Glenwood Street described herein is permitted by the Town Land Development Regulations.

The property at 155 West Pearl Avenue, otherwise known as the Gladys and John Wort House property (**"Sending Property"**) contains a building that is designated to the Jackson Historic Register pursuant to Town LDR Section 8.5.7. and such designation is recognized by the Jackson Historic Designation approval P21-058 in a letter dated 5/12/2021. Pursuant to LDR Section 5.9.6.C.5.c. For any property with a Registered Historic Resource, the landowner may transfer or sell any unused housing mitigation credits to another property in the TS-1, TS-2, DC-1, DC-2, CR-2, CR-3, BP, NM-2, or NH1 zone. The Sending Property contains a Registered Historic Resource and is therefore eligible to transfer "unused housing mitigation credits" to another eligible property. Furthermore, there is a significant amount of "unused housing mitigation credits" on the Sending Property as described below.

Sending Property: Amount and Type of Floor Area and Unused Housing Mitigation Credits:

Zoning:	Downtown Core 2 (DC-2)
Property Size:	.34 Acres (14,810 s.f.)
Allowable FAR:	1.3 FAR = 19,254 s.f.
Existing Floor Area:	1,766 s.f. (House: 1082, outbld: 360, garage: 324)
Available Floor Area:	17,488 s.f. (FAR minus Existing Floor Area)
Floor Area Dedicated to Historic and Exempt Buildings:	1,406 s.f. (House: 1,082 and Garage: 324)
Total Floor Area Available for TDR:	18,894 s.f.*

Total Unused Housing Mitigation Credits Available for Transfer: **18,894 s.f. ***

* The above "Total Floor Area Available for TDR" and "Total Unused Housing Mitigation Credits Available for Transfer" exempts the floor area of the historic building (Wort House) and the Garage floor area and assumes that all existing floor area on the Sending Property is retained.

(Note: There is currently a ZCV application and approval (P21-214) to transfer 550 s.f. of non-residential floor area from the Sending Property (155 West Pearl Avenue) to 265 S Millward Street. Anticipating that the transfer of this 550 s.f. occurs prior to the transfer of development rights proposed by this application, a decrease in the "Total Floor Area Available for TDR" listed above from 18,894 s.f. to 18,344 s.f. would result. No transfer of "unused housing mitigation credits" is being proposed as part of the 550 s.f. TDR.

The property located at 125 N Glenwood Street, (“**Receiving Property**”), is zoned Downtown Commercial 2 (DC-2). Pursuant to LDR Section 5.9.6.C.5.c. properties zoned DC-2 are eligible as “Receiving Properties” for transfer of “unused housing mitigation credits”. Furthermore, the Receiving Property has no significant environmental or developmental constraints and is adequately served by public infrastructure.

Under a prior ZCV application and approval (P23-063) the owner of the Sending Property (155 W Pearl) and the owner of the Receiving Property (125 N Glenwood) agreed to transfer 5,000 s.f. of floor area. Since the time of that approval, the owner of the Sending Property and the owner of the Receiving Property have agreed to transfer an equal amount of “unused housing mitigation credits”.

Based on the above, the owner of the Sending Property desires to transfer a total of five thousand (5,000) s.f. of “unused housing mitigation credits” to the Receiving Property. The owner of the Receiving Property desires to acquire five thousand (5,000) s.f. of “unused housing mitigation credits” from the Sending Property.

Once the transfer of five thousand (5,000) s.f. of “unused housing mitigation credits” is complete and a deed restriction memorializing the transfer is recorded on the Sending Property, the Sending Property will retain a total of thirteen thousand eight hundred ninety-four (13,894) s.f. of “unused housing mitigation credits”.

Once the five thousand (5,000) s.f. of “unused housing mitigation credits” is complete and a deed restriction memorializing the transfer is recorded, the Receiving Property will hold five thousand (5,000) s.f. of “unused housing mitigation credits”. These “unused housing mitigation credits” shall be established as consideration, in part, for the long-term preservation of the Registered Historic Resource on the Sending Property, as approved and authorized by the Town of Jackson, and shall be retained by the Receiving Property for use by the owner of the Receiving Property, including the ability of the owner of the Receiving Property to transfer the “unused housing mitigation credits” to another eligible ‘Receiving’ property, as permitted by the LDRs.

The Receiving Property is in a mixed-use zone. Pursuant to Town of Jackson LDR Section 5.9.6.C.5.c. the five thousand (5,000) s.f. “unused housing mitigation credits” in mixed use zones will be calculated by assuming 100% Retail use pursuant to housing mitigation rates and credits. Irrespective of future housing mitigation rates, the Receiving Property is entitled to 5,000 s.f. of housing mitigation credit at the Retail use housing mitigation rate at the time it is applied and/or utilized. These “unused housing mitigation credits” shall not expire and there shall be no deadline by which time the “unused housing mitigation credits” can be used since the consideration for the transfer of the credits is the permanent historic preservation easement on the Sending Property and fundamental fairness dictates that once the easement is granted, the right to use the “unused housing mitigation credits” is necessarily vested.

It is important to note that the owner of the Sending Property has applied for, and has received approval from the Town of Jackson, to transfer five hundred fifty (550) s.f. of non-residential floor area to 265 S Millward Street and that the owner of the Sending Property intends to complete this transfer of development rights but that this transfer of development rights has not formally occurred. The owner of the Sending Property anticipates that this transfer of five hundred and fifty (550) s.f. from the Sending Property to 256 S Millward Street will occur prior to, or concurrently with, the transfer of five thousand (5,000) s.f. of Transferred Floor Area approved under P23-063 and the five thousand (5,000) s.f. “unused housing mitigation credits” proposed by this application.

Anticipating that the transfer of five hundred fifty (550) s.f. from the Sending Property to 256 S Millward Street occurs prior to the transfer of five thousand (5,000) s.f. of Floor Area from the Sending Property authorized by P23-063, the “Total Available Floor Area” eligible for transfer will be eighteen thousand three hundred forty four (18,344) s.f. and once the transfer of the five thousand (5,000) s.f. of floor area approved under P23-063 occurs, the Sending Property will retain thirteen thousand three hundred forty four (13,344) s.f. of floor area.

Considering that the transfer of 550 s.f. of floor area authorized by P21-214 does not include the transfer of any “unused housing mitigation credit”, once the transfer of 550 s.f. of Floor Area occurs the Sending Property will retain 18,894 s.f. of “unused housing mitigation credit”. Once the five thousand (5,000) s.f. of “unused housing mitigation credit” proposed by this application is complete, the owner of the Sending Property will retain 13,894 s.f. of “unused housing mitigation credit”.

In summary, once the Transfer of Development rights authorized under P21-214, P23-063 and the transfer of “unused housing mitigation credits” proposed by this application is complete, the Sending Property will retain the following Floor Area and “unused housing mitigation credit”:

Sending Property Retained Floor area: 13,344 s.f.
Sending Property Retained “unused housing mitigation credits”: 13,894 s.f. (at Retail mitigation amounts)

Once the Transfer of Development rights authorized under P21-214, P23-063 and the transfer of “unused housing mitigation credits” proposed by this application is complete, the Receiving Property will enjoy the right to add or otherwise construct five thousand (5,000) s.f. of Floor Area above the maximum amount of FAR that is permitted on the Receiving Property under DC-2 zoning, subject to LDR Section 5.9.6.C.6.e. – Vesting of Transferred Floor Area. The owner of the Receiving Property may transfer all or a part of the transferred floor area to another eligible “receiving site” subject to LDR Section 5.9.6 – Incentives for Historic Preservation. Furthermore, the owner of the Receiving Property will enjoy the right to use, on the Receiving Property or transfer to another eligible property, the transferred “unused housing mitigation credits” at an amount equal to 100% of the Retail use housing mitigation requirement in effect at the time the transferred “unused housing mitigation credits” are applied or utilized.

Based on the statements made within this application, please verify the following:

1. Both the Sending Property and the Receiving Property are eligible to both send and receive Transfer of Development Rights for Historic Preservation for “unused housing mitigation credits” in the amounts proposed by this application.
2. The “unused housing mitigation credits” being transferred to the Receiving Property and the corresponding decrease of “unused housing mitigation credits” on the Sending Property resulting from the “unused housing mitigation credits” transfer proposed by this application is correct (assuming that the anticipated prior transfer of five hundred fifty (550) s.f. does not include the transfer of “unused housing mitigation credits”).
3. The “unused housing mitigation credits” being retained by the Sending Property are consideration, in part, for the placement of a permanent historic preservation easement on the Sending Property, and as such those credits are permanent and do not expire and are able to be transferred to other eligible ‘Receiving’ property in the future and will be calculated at 100% Retail housing mitigation rate in place at the time the “unused housing mitigation credits” are applied or otherwise utilized.
4. The “unused housing mitigation credits” being transferred from the Sending Property to the Receiving Property are consideration, in part, for the placement of a permanent historic preservation easement on the Sending Property, and as such the “unused housing mitigation credits” acquired by the Receiving Property are similarly permanent and do not expire, are able to be transferred to another eligible “Receiving” property, and will be calculated at 100% Retail housing mitigation rate in place at the time that the “unused housing mitigation credits” are applied or otherwise utilized.