

# Appendix S

## Summary of Amendments and Conditions

# Summary of Amendments and Conditions

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**A & B Remove Golf Course from resort district and retain the conservation easement within the master plan restricting development. Remove the skier parking lot, Village Maintenance Lot, the Village Park, and Horse Pastures A & B, totaling 57 acres, and retain the restrictive uses for same in easement within the master plan.**

The golf course, skier parking lot, maintenance lot and horse pastures were removed from the Resort Master Plan. Although the village park was removed from the Resort zone, it will be deeded to Teton County and its acreage used for off-site exaction land areas. The village park may be turned over to TVA for operation subject to the requirement that three acres may be deeded to the Teton County School District for school purposes. The Resort zone amendment was not based on 57 acres, but rather the removal of these parcels.

1. *A Memorandum of Understanding shall be entered into between the applicant and Teton County that shall be filed immediately upon approval by the Teton County Board of County Commissioners of the Resort Master Plan (PUC-PR) that states that conservation easements shall be filed upon the filing of the first final plat. "Draft" easements of any and all types required or proposed for the project, on-site or related to off-site mitigation lands, shall be placed in final form prior to Development Plan review and approval for any project within the Master Plan even if that project does not require filing of a plat, and that all easement documents require the review and approval of the Board of County Commission with the input of the County Attorney and Planning Director prior to acceptance and filing.*

This was completed.

2. *Open space and/or those density restricted Rural zoned lands south of the proposed 510 acre resort boundary shall be increased from 1,116 acres to 1302 acres by the addition of the 140 acre East Mangum parcel to the density restricting easement, reduction of the dwelling units allowed on Giltner, Cheney and East Mangum from 75 to 59, decreasing the building envelopes on those parcels from 175 acres to 129 acres, and reducing the number of market rate dwelling units in the Village Core by 11, equating to 4.57 acres of comparable open space per unit or 123.39 acres for the total reduction of 27 dwelling units, to meet the expressed goal of increasing open space.*

The acreage numbers related to open space and those density restrict lands in the Rural zone outside of the free-market building envelopes stated in this condition are no longer relevant with the removal of park, horse pastures and golf course. Open space and density restrict lands outside of the free-market building envelopes is now listed in the Resort Master Plan at 1,182, which is 1,180 acres on the Non-PUD lands and two acres for Fish Creek Park and the Village Green.

## Summary of Amendments and Conditions

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3. *No expansion of parcels within the master plan or access of any kind except public utilities or non-motorized traffic shall be allowed to the north of the project boundary. This restriction shall be memorialized by:*
  - a. *Inclusion of this prohibition in the Conditions, Covenants and Restrictions governing the Master Plan or any further subdivision thereof within the Master Plan boundary.*
  - b. *Prohibition language shall be placed in any future Development Permits and/or Final Plats approved within the Master Plan.*
  - c. *Deed Restrictions shall be recorded that includes the prohibition for each planned parcel and any subdivision thereof within the Master Plan adjacent to the north boundary.”*

This restriction does not pertain to lands that composed the Village Maintenance Area and Skier Parking Area since they are no longer part of the Resort Master Plan. Granite Ridge Road already provides legal access from the lands in the Teton Village Expansion, PUD to those adjacent lands to the north.

4. *The applicant shall develop a plan prior to the first Board of County Commissioners meeting, to be approved by the Director of the TCHA and the Planning Director, that ensures employee housing remains affordable and that no employee housing is used for short-term rentals.*

This was completed.

5. *No single-family residential lots within The Teton Village South Residential Area shall be used for short-term rental. The 400 short-term rental APO's requested in the Teton Village South Residential Area single family lots shall be deleted from the requested total of APO's. (see also C.5).*

No single-family residential lots within The Teton Village South Residential Area are available for short-term rental in the Resort Master Plan. There are no APO's associated with the single-family residential lots.

6. ~~*Twenty (20) units of the market residential in the Village Core shall be removed from availability for short term rental.*~~

This condition has been eliminated and is no longer part of the Resort Master Plan.

7. *Development Parcels in the Core (all lettered parcels in the Master Plan) shall have a Floor Area Ratio assigned including each residential, mixed use, institutional, resort support, open space (FAR of 0), pasture or other designated use.*

The Dimensional Limitations table for the Village Core includes FAR for each parcel that has residential, institutional and resort support uses in addition to the office, retail and restaurant

## Summary of Amendments and Conditions

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uses. However, incidental structures (e.g. toilets, shelters) and parking structures/levels are still not included in the FAR limitations.

8. *The Commercial Deed Restriction proposed in PUD Master Plan Appendix A shall be modified in Section 1, Enforcement, to also require approval of two thirds (2/3) majority of property owners within the boundaries of the PUD District for Planned Resort.*

This was completed.

9. *All commercial shall be removed from the Village Core except the 10,000 sq.ft. of local convenience. Areas that were designated for general commercial or office may still be used for that purpose, but the square footage must come from existing allowance in the Teton Village Master Plan.*

This was incorporated into the Resort Master Plan.

10. *Amend the Master Plan to add: "No Single-Family Lot shall be subject to division or subdivision, except that this sentence shall not prohibit the combination of two lots into one lot or boundary adjustments among lots. No commercial, industrial or other non-single family residential use whatsoever shall be permitted on any Single-Family Lot, including, by way of example, but not limited to, the rental of a guest house separate from a principal residence, except when a guest house is rented as an ARU pursuant to current Teton County Regulations. Single-family residential uses may however include long-term rental, sales and management office and home uses as set forth in the Teton County Land Development Regulations."*

This was incorporated into the Resort Master Plan.

11. *Roads and fences on the Cheney Tract, East Mangum parcel and Giltner Ranch serving any residential development shall be included and contained within the allowed development area consistent with the open space language in the LDRs. Agricultural fencing and agricultural structures shall not be included in the restriction.*

See the Conservation Easement Restricting Density that was entered into between Snake River Associates and The Jackson Hole Land Trust on July 26, 2007 and recorded August 8, 2007.

12. *The location of, and total number of units in, a cluster to be developed on the Cheney Tract, added 140 acre East Mangum parcel and Giltner Ranch shall be defined and recorded with the County no later than the submittal of the first building permit application for that cluster. The sum total of dwelling units permitted on the aggregated three parcels shall not exceed 59. The*

## Summary of Amendments and Conditions

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*sum total development area shall not exceed 129 acres. Prior to the first building permit application on any of the three tracts, an inventory of the natural, scenic and agricultural resources and analysis of Highway 390 access shall be completed. The first two dwelling units proposed by applicant family members shall not be required to define a cluster or be reviewed through the Rural Planned Unit Development process other than to ascertain conformance with the inventory analysis findings to be reviewed by and subject to the approval of the Board of County Commissioners.*

See the Conservation Easement Restricting Density that was entered into between Snake River Associates and The Jackson Hole Land Trust on July 26, 2007 and recorded August 8, 2007.

**13. Amend Appendix J. Conservation Easement Restricting Density which applies to the 1,309 acres of the Giltner Ranch, Cheney Tract, East Mangum parcel and Borgman Meadows parcel, as follows:**

- a. *Add subarticle 1.4.1.a.: The One Hundred Twenty Nine (129) acres total of all building envelopes shall be distributed in not more than six (6) clusters of dwelling units, not more than one (1) on the Cheney Tract, not more than four (4) on the Giltner Ranch, not more than one (1) on the East Mangum parcel and zero (0) on the Borgman Meadows parcel. Roads and fences on the Cheney Tract, Giltner Ranch and Borgman Meadows parcel serving any residential development shall be included and contained within the allowed development area consistent with the open space language in the LDR's. The size, location, configuration and number of dwelling units allowed for each cluster shall be determined through review of applications demonstrating compliance with all other requirements of this Easement and of the LDR's in effect at the time of application for review.*
- b. *The location of, and total number of units in, a cluster to be developed on the East Mangum Parcel, Cheney Tract and Giltner Ranch shall be defined and recorded with the County no later than the submittal of the first building permit application for that cluster.*
- c. *An inventory and analysis of natural resources, the natural, scenic and agricultural resources overlay and access to Highway 390 shall be performed by the Grantor on the whole tract on which the unit is proposed. The inventory shall meet the standards prescribed by the Trust and County LDR standards, and be provided for review prior to the first cluster/dwelling development permit application on any of these parcels to assure no negative impacts upon the entire parcel.*
- d. *Add subarticle 1.4.3.j., "Building envelopes shall not be located within the Natural Resources Overlay Zone, wildlife habitat and migration corridors, or within LDR required setbacks including those for creeks, ditches, waterways or wetlands. A maximum of two new units shall be exempted from the requirement to plan a whole building cluster area, if the units meet the following requirements: The units must be located on the Giltner tract, and the unit must be owned or leased by a descendent*

## Summary of Amendments and Conditions

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*of Stanley B. Resor. This exception does not remove the obligation to prepare a resource inventory of the Giltner tract before the construction of the unit.*

e. *The limit of fifty-nine(59) Residential Units as defined and established by this paragraph shall not be increased or circumvented by use of the "Wyoming Family Subdivision Statute" or any similar statute that may exist now or in the future.*

See the Conservation Easement Restricting Density that was entered into between Snake River Associates and The Jackson Hole Land Trust on July 26, 2007 and recorded August 8, 2007.

14. *The applicant shall provide a map of the productive agricultural lands referenced in the Conservation Easement Restricting Density on the East Mangum Parcel, Giltner Ranch and Cheney Tract.*

This was completed.

15. *Prior to the disturbance of soil for any land development activity related to this Master Plan, a plan shall be developed by the applicant, Teton County Weed & Pest and a representative of the University of Wyoming and implemented to control noxious weeds on the site.*

This was incorporated into the Resort Master Plan.

16. *The maximum height of structures in the Village Core Expansion shall be reduced from 62.5' to 50' on Parcels L and M.*

This was incorporated into the Resort Master Plan.

17. *Amend Housing Mitigation Plan Table XVIII-10 and VIII Development Program and Land Use Plan text to reflect that no more than 2 residential units, with no more than 6 bedrooms, shall be allowed at the Golf Course Maintenance site. However, no relocation of affordable housing units to this site shall be allowed.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

18. *Amend Transportation Plan to include in the calculations and conclusions "any accessory residential units (ARUs) not previously accounted for in analyses."*

This was completed.

## Summary of Amendments and Conditions

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~~19. The 400 short term rental APO's originally requested in the Teton Village South Residential Area single family lots and the 80 APO's identified in Condition #6 shall be deleted from the requested total of APO's.~~

This condition has been eliminated and is no longer part of the Resort Master Plan.

**20.** *The developer is encouraged to follow Leadership in Energy and Environmental Design (LEED) Certification guidelines for the construction of commercial development.*

This was incorporated into the Resort Master Plan.

**21.** *The Standards and Conditions document shall make very clear the requirement that an adequate roadway system be in place prior to development elements anticipated over the duration of build-out. The requirement shall be expressly called out, including the responsibility of the applicant to demonstrate that there exists adequate capacity on the Moose-Wilson Road and Highway 22 at the time of application for any and all development permits, to guard against the possibility of overburdening the roadway system. The development shall be subject to a Transportation Demand Management Plan to be approved at sketch plan as outlined in the July 5, 2005 memorandum from Snake River Associates.*

See the Standards and Conditions.

**22.** *A. Transportation systems analysis shall include summer traffic in the TDM. B. Analysis of traffic north of Teton Village on the Moose-Wilson road be included in the TDM.*

This was completed.

**23.** *Incorporate a locker facility into the Transit Center.*

This was incorporated into the Resort Master Plan.

**24.** *Initially, fifty percent (50%) of the affordable housing units above the LDR baseline requirement may be developed as Category IV or V affordable housing at the option of the developer. The percentage is subject to periodic review and consideration of a request for an increase in percentage by the Board of County Commissioners based upon updates to the County Housing Needs Assessment, with consultation to the Board by the Teton County Housing Authority.*

This was incorporated into the Resort Master Plan.

## Summary of Amendments and Conditions

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**25.** *The golf course shall be open to the (local) public, at affordable rates, throughout the primary golfing season (June 1 through September 30, inclusive). The cost of these local rounds shall not exceed the cost of a half-day lift ticket at the ski area. There will be no less than 2000 rounds offered between these dates. The tee times for these rounds shall be no later than 4 pm and no earlier than 7 am. There shall be no less than 12 rounds (3 tee times) available every Saturday and 12 rounds (3 tee times) available every Sunday throughout the season (408 rounds). The remaining tee times (592 minimum) will be made available to the local public at the discretion of the course manager, so long as they are made available during the season and during these hours. Any of these rounds that have not been reserved by the local public at least 48 hours in advance of the tee time may be sold to the general public by the course manager.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

**26.** *The applicant shall be required to amend the Transportation Demand Management Plan for this project to include the following implementation requirements (Items 27 through 42, with dates to be established and included, to the satisfaction of the Director of Planning and Development, and START Administrator, prior to review of his application by the Board of County Commissioners. These modifications shall be integrated into the Master Plan document and the Standards and Conditions for the project.*

This was completed.

**27.** *Prior to the issuance of any Development Permit for this project, the applicant shall provide to the County the necessary documents to formalize the process for collecting and distributing the proposed Transit Impact Fee (2004 amounts estimated at \$360/single-family detached dwelling unit and \$325 for all other residential units, including accessory residential units).*

This condition was incorporated into the Resort Master Plan.

**28.** *The proposed Transit Impact Fee program, to be levied at the time of Building Permits, shall be modified to include nonresidential land uses.*

This condition was incorporated into the Resort Master Plan.

**29.** *The proposed Transit Impact Fee program, to be levied at the time Building Permits are issued, shall be modified to include an escalation factor to cover likely increases in START costs over time. The Denver CPI will be used as the escalation factor.*

This was incorporated into the Resort Master Plan.

## Summary of Amendments and Conditions

---

**30.** *Prior to the time approval is received from the Board of County Commissioners for the first final plat on any single-family lot or townhouse unit in the Teton Village South Residential Community tracts, the applicant shall create a Fare Revenue Program, in cooperation with the START Administrator. The applicant shall implement the program prior to the issuance of any Building Permit on those Plats.*

This was completed.

**31.** *In addition to the proposed Fare Revenue Program, require further SRA coordination with START and the Planning Department to develop a detailed plan that ensures greater capture of employee ridership potential and costs. This plan must cover the costs of ridership anticipated in the applicant's proposal and include periodic review and adjustment of ridership cost to be reimbursed to START based upon START analysis of actual costs to cover likely increases in START costs over time.*

This was completed.

**32.** *Prior to the time approval is received from the Board of County Commissioners for the first final plat on any Single Family Lot or townhouse unit in the Teton Village South Residential Community tracts, the applicant shall make a one-time contribution of \$50,000 to START – \$40,000 shall be used for construction of one bus shelter in Jackson and one in Teton Village and \$10,000 shall be used for a public education campaign focused on increasing ridership.*

This was completed.

**33.** *To help meet the cost of Town of Jackson transportation needs arising from short-term rental units, upon first application to participate in short term rental, the owner shall pay a fee to the Town of Jackson of \$5,000 for START. If said unit is re-sold, a buyer desiring to participate in the short term rental program shall pay a fee of \$5,000 to the Town of Jackson for START. An inflation factor shall be included in calculation of this requirement above the base amount. The Denver CPI shall be used as the inflation factor.*

This was incorporated into the Resort Master Plan.

**34.** *All development plan applications shall be required to submit a Construction Management Plan for review and subject to County approval prior to development plan approval, specifying operational requirements necessary to mitigate traffic impacts on community roads. Mitigation of construction traffic shall be controlled by existing TDM practices, and new TDM practices developed by staff.*

## Summary of Amendments and Conditions

---

This was incorporated into the Resort Master Plan.

35. *The proposed roadway cross-section plans shall be considered conceptual only and shall be modified, if necessary, to conform to the County roadway standards that exist at the time of receipt of applications for appropriate permits from the County to construct each roadway. The cross-section diagrams and any referenced text shall be modified to include specific notation of this requirement.*

This was incorporated into the Resort Master Plan.

36. *The Transportation Element of the application shall be updated to correctly incorporate the following modifications on the transportation system impact and mitigation measures results:*

- a. 37-person increase in the number of employees to be housed at Teton Village (Staff Note: Previous Staff Report used 72-person; a further audit of SRA changes that occurred during the Planning Commission hearing process has identified that 37 is the correct quantity, and has been utilized in updated analyses).*
- b. Resort Support and Institutional land uses not previously accounted for in analyses*
- c. Addition of an elementary school*
- d. The Transportation element shall be modified to reflect more conservative (higher) traffic volumes associated with the proposed elementary school. At this time there exists no data to substantiate the applicant's assertion that 70% of the students attending the school will live in the Teton Village Resort District.*
- e. A minimum of 151 employees to be housed in the proposed employee/rental units, not including the affordable housing units, at Teton Village shall be employed by businesses located in Teton Village. The applicant shall provide a mechanism for monitoring and enforcing this restriction, which shall be approved by the Planning Department prior to issuance of any Certificate of Occupancy for the employee housing element of the project.*
- f. A maximum of 15% (15 total) of the single-family lots shall be permitted to have an accessory residential unit. The applicant shall submit to the Planning Department a plan for monitoring this restriction, and the restriction shall be recorded on the plat(s) for the single-family element of the development.*
- g. Less optimistic day skier transit ridership trends documented in the Teton Village Area Transportation Demand Management Report (2003 & 2004 winter & summer seasons)*
- h. Any accessory residential units (ARUs) not previously accounted for in the analyses.*

This was incorporated into the Resort Master Plan.

37. *Only one of the two new road easements from Highway 390 through the proposed Village Core expansion area that directly accesses the new Teton Village Transit Center shall be*

## Summary of Amendments and Conditions

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*accepted as a Development Exaction. The second new access road serves the resort development, not significant public infrastructure, and therefore does not meet the required criteria for an exaction.*

This was incorporated into the Resort Master Plan.

38. *The golf course/Nordic center parking lot shall be allowed a maximum of 130 spaces excluding those required by Teton County for handicapped parking and delivery and requested by applicant for golf carts. The remainder of the land area proposed by the applicant for parking shall be developed in landscaping that would allow overflow parking use. No overflow parking use shall be allowed unless previously approved by the Board of County Commissioners in response to applicant request for a special event permit that includes specific parking management, on and off-site traffic management and other impact mitigation measures to be implemented at the sole expense of the applicant.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

39. *Establish a mechanism for generation of a fee-in-lieu for Transit Center construction to mitigate the SRA expansion's impact on the transit center.*

The exactions provided exceed those required.

40. *Require the transfer of the Transit Center site no later than two years after approval from the BOCC for the first final plat for any office, retail or free-market housing in the Village Core Expansion.*

This was incorporated into the Resort Master Plan.

41. *The Transit Center shall include a 1,000 square foot community Visitor Center.*

This was incorporated into the Resort Master Plan.

42. *Require that the Certificate of Occupancy for the Transit Center be issued at or prior to any Certificate of Occupancy for any development located on parcels B, C, E, or O.*

This was incorporated into the Resort Master Plan.

43. *The Development Exaction land areas, facilities construction and in-lieu fee payments for specific "public service" facilities necessary to serve the demands generated by the proposed*

## Summary of Amendments and Conditions

---

*development as described in the revised PUD Master Plan is equivalent to 14.31 acres of land. Areas acceptable to the County in fulfillment of LDR Division 49500 as dedications of land to Teton County shall be:*

- o New Road Easement Accessing the New Transit Center (Relocated "Teton Village Road" easement, area approximated as equivalent to the existing road easement) 0.00 acres*
- o Sheriff's Substation Site 0.50 acres (With shared parking easement on proposed Visitor Center parking lot).*
- o Village Park (net of adjoining road easement; 12.00 acres incl 3.0-acre future school site)*
- o Transit Center 0.81 acres*
- o Total 13.31 acres*
  - a. A fee-in-lieu payment shall be accepted for the remaining acreage equivalent to be applied to construction of the Transit Center in accordance with adopted Phasing Plan (amount to be determined by appraisal).*
  - b. The location, access road alignment to, configuration and design of the Transit Center site shall be subject to acceptance by the County and START, through the Director of Planning.*
  - c. PUD Master Plan documents including but not limited to sections XV. Capital Improvements, XXI. Offsite Impacts, and Appendix N. Standards and Conditions shall be modified as necessary to consistently reflect the above exaction components.*

The correct exaction calculations are included in the Resort Master Plan.

**44.** *The one-half (1/2) acre Sheriff substation site provided to the County as a Development Exaction shall be allowed to accommodate other County needs as deemed appropriate by the Board of County Commissioners.*

This was incorporated into the Resort Master Plan.

**45.** *To achieve required "integration" and "seamless transition" compatibility of the Teton South Residential Area with existing Teton Village residential areas, the applicant shall modify the appropriate table entries for Dimensional Limitations for the Residential Areas in the application documents to reduce the maximum building height from 45 feet to 30 feet in the proposed Townhouse B Sub-Tract, adjacent to the east of the existing Rachael Way condominiums and townhouses, as stipulated to by SRA during the Public Hearings.*

This was incorporated into the Resort Master Plan.

**46.** *The applicant shall amend its Master Plan documents and Standards and Conditions document as described in the following conditions and modifications, including Standards and Conditions that includes providing a complete, coordinated phasing monitoring and development tracking*

## Summary of Amendments and Conditions

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*process for all proposed uses, property, parcels, and locations and all proposed or required facilities of any type, subject to the approval of the Director of Planning and Development and the County Attorney.*

This was completed.

**47.** *Section 5. Dimensional Limitations, (b) Teton Village South Residential Community, (i) Single-family Sub-tract, 1.: Add the following sentence: "However, no development of any type shall be allowed within the designated stream setbacks for Fish Creek on any single family residential lot."*

This was incorporated into the Resort Master Plan.

**48.** *Revise the proposed 230 acre Golf Course Conservation Easement to 254 acres to include proposed Golf Course facilities including the Club House, driving range, fitness facility, tennis, swimming pool, maintenance area and parking lots, and to clearly state the Easement area will not be available for additional future commercial, resort support or institutional development, as well as residential development, beyond that allowed in the approved PUD Master Plan documents including Standards and Conditions.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

**49.** *Street Yard Setback from Highway 390 to the Golf Maintenance area of 120-foot indicated on page 67 in Exhibit XI-3, Dimensional Limitations shall be revised to "250 feet subject to approval of landscape screening". Definition of acceptable landscape screening to allow reduction below 500 feet shall be included in the text and Standards and Conditions. Amend all affected text and exhibits. Planning Commission adopted Staff recommendation D5 is not required.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

**50.** *The Golf Course shall be considered a CUP within the Resort Zone.*

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

**51.** *Prior to Final Development plan approval for any parcel, the applicant shall modify Housing Mitigation Plan standards to require finalization of agreements on housing compliance and*

## Summary of Amendments and Conditions

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*monitoring plan acceptable to the County Attorney, the Teton County Housing Authority and the Director of Planning and Development.*

This was completed.

**52. Amend Section XXIV and Standards and Conditions section 7 Design Element to require conformance to all aspects of the LDR golf course standards.**

This condition was made moot by the removal of the golf course from the Resort zone, Resort Master Plan and Teton Village Expansion PUD by the BOCC on July 12, 2005.

**53. Incorporate all other recommended Conditions of Approval for the PUD Master Plan and Housing Mitigation Plan into the Master Plan and Standards and Conditions documents.**

This was completed.

**54. Since the Horse Pasture Parcels and the Park are critical image setting open space and within the scenic corridor, owner shall place a conservation easement on these three parcels, so that no buildings can be constructed within three hundred (300) feet of Highway 390.**

See the Conservation Easement Covering Village Core Foreground was entered into between Snake River Associates and The Jackson Hole Land Trust on July 25, 2007 and recorded August 8, 2007.

**55. The Applicant shall consult with Teton County Weed and Pest and, at Applicant's expense, conduct appropriate studies as identified by Weed and Pest to determine whether the project will increase mosquito problems in the area. If the study determines that there will be an increase in mosquito impact, the Applicant will pay for appropriate mitigation strategies. The initial study shall be required to be completed within 2 years of issuance of the initial Development Permit for any project in the Master Plan or as determined by the Teton County Weed and Pest Department.**

This condition was incorporated into the Resort Master Plan.

**56. Commitment of a one acre set aside for the Teton Village Fire District before final development plan approval.**

This was incorporated into the Resort Master Plan.

## Summary of Amendments and Conditions

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**57.** *All conditions approved as to the Master Plan are integral separately and individually to the overall approval of the Master Plan. In the event any individual condition of this application is held invalid by a court of competent jurisdiction then the approval of the project shall be remanded to the Board of County Commissioners.*

This condition stands on its own as a condition of approval and therefore is not incorporated in the Resort Master Plan.

**58.** ~~*A maximum of 15% (15 total) of the single family lots shall be permitted to have an accessory residential unit. The applicant shall submit to the Planning Department a plan for monitoring this restriction, and the restriction shall be recorded on the plat(s) for the single family element of the development.*~~

This condition has been eliminated and is no longer part of the Resort Master Plan..

**59.** *SRA will commit to reducing its retained density if the state land is conserved. Specifically, if a future owner of the state land restricts it to no more than five residential units through a qualified conservation easement, SRA will cut an additional 20 units from those it has reserved on its conserved lands. Furthermore, SRA will not use these 20 units as long as the state keeps the school section in agricultural use.*

See the Conservation Easement Restricting Density was entered into between Snake River Associates and The Jackson Hole Land Trust on July 26, 2007 and recorded August 8, 2007.

**60.** *A 1% transfer fee shall be imposed on all platted residential lots to provide funding for transportation to connect Town to the Village, including pathways. The real estate fee is to be mandated in the covenants and cannot be changed unless 100% approval of the landowners. The final definitive documentation will be subject to County Commission approval at sketch plan.*

This condition establishes a program to be administered by Teton County and/or the START Board and is a condition of approval that stands on its own and is not incorporated in the Resort Master Plan. The program will be initiated by, administered and enforced by Teton County and/or the START Board subject to all applicable laws, rules and regulations adopted by and/or to which those entities are subject. The applicant will draft a covenant to be submitted to the Board of County Commissioners at sketch plan for their approval that shall impose the 1% transfer fee on all platted residential lots to be collected by the Board of County Commissioners to provide funding for transportation to connect Town to the Village, including pathways which covenant will provide that it cannot be amended, except upon approval of 100% of the landowners.

## Summary of Amendments and Conditions

---

~~61. The plat should designate the commercial as commercial resort zone, and the residential south of McCollister Drive should be designated as residential zoning with no short term rental allowed except the 18 golf cabins.~~

This condition has been eliminated and is no longer part of the Resort Master Plan.

~~62. All residential lands south of McCollister Drive shall be strictly limited to Residential use, except as allowed for under Section 12 (XII), Area Use Schedule of the Resort Master Plan (residential subzone). To ensure that no other uses are permitted in the future on these lands, the final plat for each of the foregoing residential south of Teton Village Entry Road shall declare on the signature page in the CERTIFICATE OF APPROVAL in bold and capitalized letters "ONLY RESIDENTIAL USES PERMITTED IN THIS SUBDIVISION, EXCEPT AS ALLOWED UNDER SECTION XII, AREA USE SCHEDULE OF THE TETON VILLAGE EXPANSION PLANNED UNIT DEVELOPMENT FOR PLANNED RESORT, RESORT MASTER PLAN (RESIDENTIAL SUBZONE). ANY ADDITIONAL USES SHALL REQUIRE APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS AND CONSENT BY 75% OF RESPONDENTS AND REQUIRING 75% OF OWNERS TO RESPOND IN THE RESIDENTIAL SOUTH OF MCCOLLISTER DRIVE".~~

This condition has been eliminated and is no longer part of the Resort Master Plan.

~~63. The Teton County Scenic Preserve Trust will be deeded by the developer an open space lot in the residential area south of McCollister Drive, as the first lot transferred, that will allow it to have veto power over change in the residential area.~~

This condition has been eliminated and is no longer part of the Resort Master Plan.

~~64. A total of 371.75 people are required to be housed in affordable and employee housing.~~

This was incorporated into the Resort Master Plan.

~~65. 2 acres within in the core commercial will be conveyed in fee after plat approval to Teton County, in no more than 2 parcels with no restrictions on the use.~~

This condition stands on its own as a condition of approval, and therefore is not incorporated into the Resort Master Plan nor the Standards and Conditions.

~~66. The cluster number shall be restricted to 3, one on each of the Cheney, East Mangum and Giltner tracts. If the clusters interfere with the NRO and SRO, additional clusters may be added after approval of the County Commission.~~

See the Conservation Easement Restricting Density was entered into between Snake River Associates and The Jackson Hole Land Trust on July 26, 2007 and recorded August 8, 2007.