

**SHORT-TERM RENTAL DEFINITION  
AMENDMENT TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS**

**AMD2013-0005**

**STAFF REPORT: ALEX NORTON  
FEBRUARY 18, 2014**

**APPLICANT:** Daniel R. Baker

**REQUEST:** Amend the Land Development Regulations as follows:

**SECTION 23350. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS**

No dwelling unit may ~~residential use shall~~ be rented for less than thirty (30) days unless specifically approved for residential short-term rental. Residential short-term rental of less than thirty (30) days shall be considered a commercial use. Residential short-term rental includes: occupancy of a dwelling by any family other than the renting family during a thirty (30) day rental period; and rental agreements limiting occupancy of a dwelling to less than thirty (30) days. Notwithstanding, developments that have been approved for short-term rentals of less than thirty (30) days prior to the adoption of these Land Development Regulations, or that are in the process and are approved for short-term rental pursuant to Subsection 1440.B, Subdivisions or PUD in process, either by a Conditional Use Permit or a Planned Unit Development, will be allowed to continue such rentals in accordance with Article VII, Nonconformities or in accordance with the CUP or PUD approval, whichever is applicable. These developments with prior approval are: The Aspens (condominiums and single-family homes); Teton Shadows (condominiums only); Teton Village (condominiums and single-family homes); Golf Creek (condominiums only); Jackson Hole Racquet Club Resort Commercial Area (Teton Pines)(sixty-four [64] lodging units); Spring Creek Ranch (up to two hundred [200] units of the 301 dwelling units permitted); and, Crescent H "Fish Lodges" (Crescent H lots 7, 8, and 32). ARUs have a minimum rental period of 90 days (see Subsection 2370.H, Rental Period).

**STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners **DENY** Text Amendment **AMD2013-0005** finding that the proposed amendment is consistent with the Comprehensive Plan but is not the best method for implementation of the Comprehensive Plan.

Staff further recommends that the Board of County Commissioners **DIRECT** the Planning Director to interpret short-term rental as defined in Section 23350 to implement the strictest possible prohibition on short-term rental, and that the Planning Director document the interpretation pursuant to Section 5130, Interpretations.

**PLANNING COMMISSION RECOMMENDATION**

The Teton County Planning Commission recommends that the Board of County Commissioners **DENY** Text Amendment **AMD2013-0005** being unable to find that the proposed amendment is consistent with the Comprehensive Plan and meets all applicable standards of the Teton County Land Development Regulations.

**PLANNING COMMISSION HEARING  
JANUARY 13, 2013**

**Result:** A motion to recommend **APPROVAL** of AMD2013-0005 **FAILED** 4-1 with Commissioner Newcomb in favor.

**Discussion:** Staff presented the staff report. Staff explained the nature of this application's origin from a County resident, encouraging the Planning Commission to answer the question called by the applicant but remember that an amendment would apply countywide beyond the applicant's personal situation. Staff emphasized that the key policy question raised in this application is whether a residential unit should be allowed one short-term rental every 30

days.

The applicant presented his rationale. He emphasized that the plain language of the LDRs prohibits short-term rental, which contradicts the practice of allowing one short-term rental every 30 days. He stated that if the intent of the community is to allow one short-term rental every 30 days that is what the LDRs should say but that he does not believe that is what the community desired when it adopted the prohibition.

Vice Chairman Fodor recognized the Mayor of the Town of Jackson who clarified that the Town of Jackson also allows residential uses to be rented short-term once every 30 days. Vice Chairman Fodor then recognized the Clear Creek Group who presented the merits of their business, which is based largely on the short-term rental of residential units outside of the Lodging Overlay (LO) or Resort zone no more than once every 30 days, and opposed the proposed amendment as unnecessary. Upon request of Vice Chairman Fodor, 16 of the 19 audience members indicated opposition to the amendment. The applicant asked the Planning Commission to consider the show of hands to only represent the sentiment of those in attendance not the sentiment of the entire community. Four additional members of the public spoke in opposition to the amendment; all employed by or clients of the Clear Creek Group.

All commissioners agreed that the current implementation of the current language is an issue. Commissioners Dunker and Russell stated a belief that residential units should be allowed to be rented sort-term once every 30 days. Commissioners Hammer and Fodor stated that the question should be considered in the larger context of the LDR update when all uses are being analyzed together. Commissioner Newcomb stated his belief that regardless of whether he thought short-term rental should be allowed, the Comprehensive Plan and LDRs prohibit it and he does not believe most people understand that prohibition to allow one short-term rental every 30 days.

## BACKGROUND

### **HISTORY OF AMENDMENT:**

Prior to 1994 the LDRs were silent on the issue of short-term rental of a residential unit. In 1994 the County and the Town adopted the Lodging Overlay concept and established a prohibition on short-term rental of residential units. The purpose behind the limitation on lodging was to protect residential neighborhoods from the expansion of lodging, consolidate visitors in resort and downtown areas with visitor related amenities, and ensure a balance of lodging with other nonresidential and residential uses. Rental of a residential unit for less than 30 days is identified in Division 2200 as a separate, commercial use that is only allowed in the Lodging Overlay, Planned Resorts as identified by their master plans, and in specifically named grandfathered developments.

Between 1994 and 2007 the County enforced the short-term rental provision consistent with the general enforcement policy of responding to complaints. Letters were sent to land owners and the letters were generally successful in achieving abatement of the illegal rental. The increased popularity of online short-term rental sites like Vacation Rental By Owner (VRBO) or Air B&B made it easier for owners to rent their units short-term and made it easier for the County to identify potential offenders of the regulations.

In 2007 Clear Creek Group presented the County a rental agreement to review, asking if the terms were in compliance with the regulations on short-term rental. The rental agreement was for 30 days, but limited the occupancy of the unit during those 30 days to only 7 days. The County's conclusion in reviewing the contract was that the contract met the letter of Section 23350 of the LDRs, if not the intent. Allowing one short-term rental every 30 days has been the County's policy ever since.

In May 2012 the updated Jackson/Teton County Comprehensive Plan was adopted, affirming the importance of concentrating lodging within a Lodging Overlay and existing locations.

At a Joint Town/County workshop on July 1, 2013 the Town and County reviewed the issue of residential short-term rental as well each jurisdiction's policy in enforcing the prohibition. The County affirmed its policy and enforcement approach. The Town asked Town staff to explore more active enforcement measures.

Jennifer Anderson, County Code Enforcement Officer has found the following short-term rental listings in her enforcement research:

- On September 30, 2013 there were 540 total VRBO listings in the "Jackson Hole Area".
- Approximately 88 (16%) of those listings appeared to be in violation of the LDRs' short-term rental regulations, with 65 occurring in the unincorporated

- County and the other 23 occurring in Town.
- Of the County units about half (31) were 4 bedrooms or more. While rates are highly seasonal, these larger units rent for about \$1,000 per night.

**PURPOSE OF AMENDMENT:**

The applicant for this amendment was inspired to submit this application because of a neighbor who had been renting his home for short periods of time during the peak tourist seasons, although the neighbor no longer rents his home short-term. While the neighbor kept his rentals to 1 rental every 30 days, he lived in his home in between the short-term rental periods. While the County's policy allows this once a month rental, the applicant views the practical application as a clear violation of the intent of the community to prohibit short-term rental in residential areas.

The applicant was further motivated to propose this amendment by the lack of clarity that resulted from the Planning Director's 2007 determination on the Clear Creek Group's contract outside of any formal process. The applicant is frustrated by the explanations given to him by planning staff who first stated short-term rental is prohibited then qualified over time that one short-term rental is allowed every 30 days. With no formal interpretation and no change in the regulations, the applicant believes that the inconsistency between the plain language of the LDRs and the application of the LDRs grants the select few that are aware of the loophole an allowance that is unknown and unpublicized to the general public.

The applicant proposes this amendment to clarify that the purpose of the short-term rental prohibition is to allow no short-term rental. To ensure this the applicant proposes that the 30 day rental limitation means that only the renters may occupy a rental over the 30 day period and that there cannot be any limitation on the number of days they may occupy the rental out of that 30 day period.

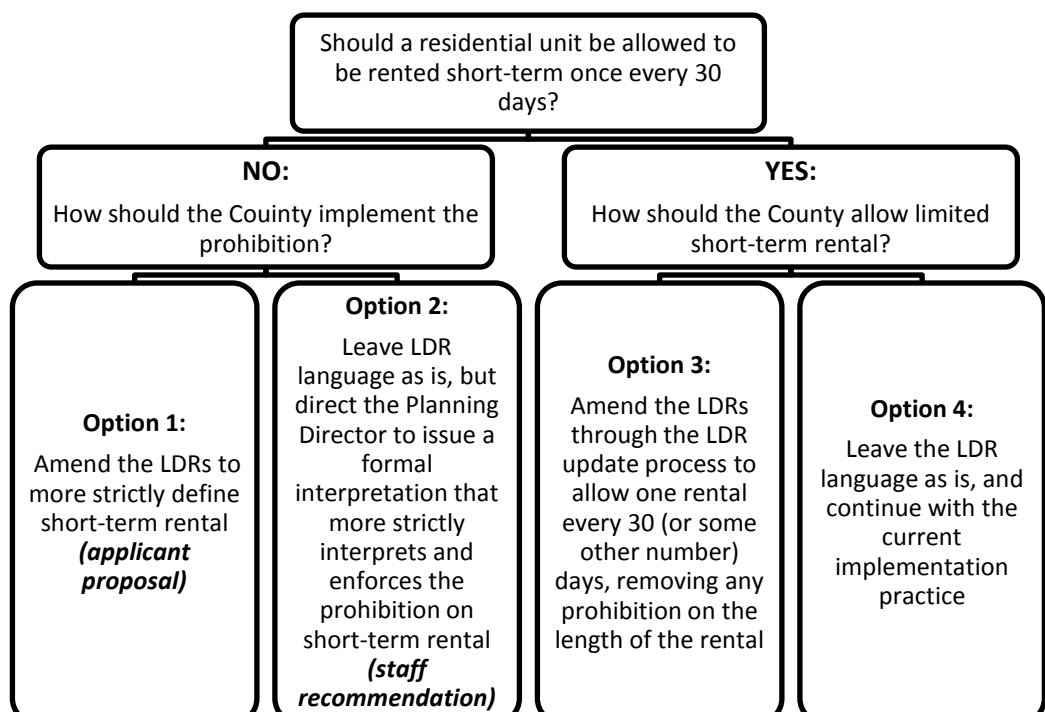
**KEY ISSUES**

**KEY ISSUE #1** *Should a residential unit be allowed to be rented short-term?*

In the LDRs short-term rental is a lodging use, which is distinguished from residential use by the length of occupancy. Month-to-month rental is residential, day-to-day or week-to-week is lodging; which is why short-term rental is defined as rental of less than 30 days. As a result, any residential unit may be rented to up to 12 different tenants each year. If each of those 12 tenants occupied the rented unit for 30 days there would be no question of compliance with the prohibition on short-term rental. However, the County cannot force occupancy of a unit. For example, without violating the intent of the prohibition on short-term rental, the tenant can go camping for a night while they are renting the unit thus only occupying the unit for 29 days. This reality raises a number of questions.

- If one rental every 30 days is allowed, is a 1 day rental any different than a 30 day rental?
- How should the LDRs implement the community's policy?

Below is a diagram outlining the relationship of these questions and the decision options of the BCC.



The threshold question raised in the application is whether the community is willing to tolerate one short-term rental of a residential unit every 30 days. The applicant believes that general community understanding and Comprehensive Plan direction is that no short-term rental is allowed outside of the Lodging Overlay or Resort zone. Staff agrees with the applicant that the direction of the Comprehensive Plan is to prohibit lodging use, including short-term rental, outside of the Lodging Overlay or Resort zone. The justification for the prohibition of lodging outside of specified areas is detailed in Key Issue #3. The idea of the consolidation of lodging is a fundamental component of the “community first, resort second” principle first adopted by the community in 1994. Staff recommends that the BCC continue to pursue a prohibition on short-term rental despite the implementation difficulties inherent to regulating occupancy.

If the BCC continues to pursue the prohibition of short-term rental, it has two options (Options 1 or 2 in the decision tree above). Option 1 is to approve the proposed amendment, adding rigor to the definition of short-term rental. The benefit to this approach is that the change in the regulations will be tangible and eliminate some circumvention of the prohibition. The drawback is that addressing specific applications of a regulation is better handled through LDR implementation and/or interpretation than LDR amendment. Option 2 also implements a prohibition of short-term rental, but without amending the LDRs. Staff believes that the current language in the LDRs is clear enough, but finds the current allowance for one short-term rental every 30 days to be contrary to the LDR intent. Staff recommends that instead of amending the LDRs as proposed, the BCC direct the Planning Director to issue a formal interpretation that more strictly implements the existing prohibition. This formal interpretation would provide some concrete evidence of the progression in the community’s policy on the issue, without codifying specific applications of the general rule.

Despite the community’s desire to limit short-term rental the fact remains that no LDR can require occupancy of a unit. With the threshold for residential versus lodging use at 30 days, 12 different renters are allowed in a year. At 90 days, 4 different renters would be allowed. If the BCC would like to begin allowing short-term rental outside of the Lodging Overlay and Resort zones, it again has two options (Options 3 and 4 in the decision tree). While staff does not recommend allowing short-term rental, if the BCC believes periodic short-term rental should be allowed, staff recommends amending the LDRs to clarify the allowance. In Option 3 staff would ask the BCC to provide direction on the desired allowance for short-term rental, staff would then incorporate that allowance into the LDR update discussion on the reorganization of the use classifications. Option 4, status-quo, is the worst option in staff’s opinion. As identified by the applicant, the current contradictory language and application should be remedied.

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**KEY ISSUE #2** *Is the proposed clarification legal?*

A number of public comments have raised the question of whether it is legal to prohibit occupation of a residence by the owner of the residence as proposed by the applicant. To be clear, the applicant is proposing that the owner may not occupy the residence while the residence is also being rented to another party. The owner has the right to occupy their dwelling, until they lease that right to someone else. The applicant’s proposal would not prohibit an owner from renting a room for 30 days or longer, so long as the occupancy of the house continued to meet the limits in the LDRs.

Deputy County Attorney Erin Weisman has reviewed the applicant’s proposal. Takings protections certainly apply to physical occupation of property or deprivation of financially beneficial use of the property. Takings protections may also apply based on more flexible economic impact findings. Ms. Weisman’s review did not find the proposal to be a taking; however, if the BCC intends to prohibit short-term rental she recommends the BCC pursue Option 2. Option 2 allows the BCC to implement the prohibition based on facts of an individual enforcement case. If the BCC wishes to allow short-term rental Ms. Weisman recommends the BCC amend the regulations to clarify the allowance.

Deputy County Attorney Erin Weisman has reviewed the applicant’s proposal and believes that the application is primarily a policy question rather than a legal issue. Ms. Weisman states, “An owner’s private property rights to dwell in and have access to his own home while complying with the short-term rental requirement of allowing only one renter within the 30-day time period should be weighed against the County’s need for more regulations. Takings protections apply generally when there is a permanent physical occupation of property or when an owner is deprived of all

economically beneficial use of the property. A takings claim may alternatively be analyzed using flexible economic impact factors. The proposed short-term rental amendment is clearly not a physical invasion of property or a deprivation of all economic value of an owner's land. Therefore, Teton County should consider the proposed LDR amendment in terms of the intent, whether there exists a need to clarify the existing LDR, enforcement issues, and any impact on an owner's private property rights. The guiding factor in approving or denying the proposed short-term rental amendment should be Teton County's objectives in such an amendment and also the ability to strictly enforce an LDR amendment on short-term rentals."

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**KEY ISSUE #3** *Why is short-term rental prohibited?*

Short-term rental of residential units is prohibited as part of the larger community goal of concentrating lodging within the Lodging Overlay, Planned Resorts, and existing locations of short-term rental. The purpose of concentrating lodging is to protect the character of residential neighborhoods, locate visitors near visitor services, and control the amount of lodging so that it is balanced with other nonresidential uses and residential uses.

Preserving residential character includes the "nuisance" aspects of transient lodging use as well as the affordability of housing. Transient lodging guests treat the neighborhood as a short-term experience, different from than the neighborly respect and support of a residential community. Residents will see each other again, whereas a transient guest will leave after a short period of impact. A vacationer is also on a different schedule than a resident that can often come in conflict, especially at night. Vacationers also do not maintain their own accommodations; housekeeping staffs must be employed to maintain rented units whereas residential units are more likely maintained by the residents. Allowing 12 of these rentals per year limits the number of potential conflicts, but still allows them to occur when the intent of the regulation is to prohibit them by requiring a rental of at least 30 days.

The affordability issue has been argued from all sides. Some argue that allowing the 12 rentals per year might help a member of the workforce afford a home. Others dismiss the affordability discussion out of belief that all units being rented short-term are out of reach of the workforce anyway. Staff believes that the allowance for 12 rentals a year at nightly or weekly rates that equal monthly long-term rents ultimately does drive up the overall value of housing, further decreasing the supply of housing that is affordable to the workforce. The "added" value from the allowance that might help some families initially pay for homes will be incorporated into the value of property through the evolution of the market and make housing for future workforce families more scarce. For those units that would not be affordable to the workforce anyway, the other reasons for consolidating lodging are still as applicable.

Concentrating lodging near visitor services limits the impacts on our transportation infrastructure and supports the local tourist-reliant businesses such as shops and restaurants. Visitors staying in short-term rentals in the County have to drive into Town or Teton Village for visitor services, impacting infrastructure if they do, or limiting the tourist based economy if they choose not to. Allowing short-term rental also impedes the ability of the community to balance lodging with other uses. Allowing short-term rental of residential units raises the bed base of the community in a large and difficult to balance way. Creep of lodging into the residential areas of the County, even only 12 short-term rentals per year, creates a very difficult to manage allowance that is inconsistent with the community's goal of concentrating lodging and balancing the resort and resident portions of our community character.

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**KEY ISSUE #4** *What will happen to the owners utilizing the current interpretation?*

At the Planning Commission hearing staff reported that if the proposed amendment is adopted, existing landowners utilizing the current interpretation will be treated as nonconforming uses. In such a case the burden would be on the landowner to show that they have been renting their property consistent with the current interpretation since prior to the adoption of the proposed amendment. Upon ceasing to rent the property under the current interpretation for at least one year, the landowner would abandon the right to utilize the current interpretation and will be subject to the amended LDRs.

Staff's recommendation raises the question of whether a change in interpretation or implementation of an LDR has the same statutory nonconforming status as an amendment to the LDR, and regardless of the statutory requirement how the BCC

would like to treat existing uses utilizing the 2007 policy. Deputy County Attorney Weisman is researching the question for the hearing.

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**KEY ISSUE #5    *How would the proposed amendment effect enforcement?***

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The proposed amendment or staff's recommendation will make enforcement somewhat easier because the code enforcement officer will be able to monitor a property to see if any two families occupy it over a 30 day period rather than trying to track the coming and going dates, owners versus renters, and full calendar. That said, enforcement is always a question of resource allocation and diminishing returns. While the numbers stated above clearly show that additional enforcement is needed to ensure 100% compliance with the regulation, the Board of County Commissioners has to decide how much each step toward full compliance is worth. The proposed amendment will not eliminate the enforcement resource question, but it will certainly make it no worse and will make enforcement simpler and easier to explain to neighbors. All of that said, the policy question raised by the applicant is independent from what the Board of County Commissioners decides to do about enforcement. Enforcement resources will have to be determined regardless if the amendment is adopted.

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**RELATIONSHIP TO APPLICABLE COMPREHENSIVE PLAN POLICIES**

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While any amendment to the Land Development Regulations affects a number of Comprehensive Plan policies, the primary policies applicable to this proposal are listed below.

**Policy 3.2.c: Limit lodging to defined areas**

**Complies.** The proposed amendment seeks to strengthen the County's implementation of this community policy. The proposed language or the staff recommendation will eliminate the need for the County to analyze the intent versus the letter of the LDRs because it will align the two. As discussed above in Key Issue #3 the proposed amendment or the staff recommendation better implements this policy than the current County implementation.

**Policy 5.3.b: Preserve existing workforce housing stock**

**Complies.** See Key Issue #3 for a discussion of the relationship between short-term rental and the availability of affordable workforce housing.

**Policy 5.4.b: Avoid regulatory barriers to the provision of workforce housing**

**Complies.** See Key Issue #3 for a discussion of the relationship between short-term rental and the availability of affordable workforce housing.

**Policy 6.2.a: Enhance tourism as the basis of the economy**

**Complies.** See Key Issue #3 for a discussion of the relationship between short-term rental and the support of tourist based businesses.

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**RELATIONSHIP TO THE CHARACTER DISTRICTS**

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The proposed amendment would apply in all character districts where it is identified that lodging and short-term rental are not a part of the desired future character. In such areas the proposed amendment or staff recommendation enhances the implementation of the prohibition on lodging and protection of rural, residential character.

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**RELATIONSHIP TO THE APPLICABLE LDRs**

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The proposed amendment is related to the following other Land Development Regulations.

**Section 2220.B.4.j. Residential short-term rental**

**Complies.** This section is the definition of residential short-term rental as a commercial use. The proposed language is referenced in this section that therefore does not need to be added to the text of the section as well.

**Section 2370. Accessory Residential Units**

**Complies.** Accessory Residential Units (ARUs) that are rented have a minimum rental period of 90 days. This provision does not align with the definition of short-term rental, however they address different issues as rented ARUs are more specifically intended to be workforce housing. Discussion of aligning the two standards is beyond the scope of the applicant's proposal, but may be a topic for consideration as the Town and County review the housing regulations more broadly through the LDR update process.

**Section 8300. Definitions: Short-term Rental**

**Complies.** The definition of short-term rental is broader than its residential application in the section proposed for amendment and therefore amending the definition in the Definitions Article is not appropriate.

**STANDARDS FOR AMENDING THE TEXT OF THE LAND DEVELOPMENT REGULATIONS**

Amendments to the text of the Land Development Regulations shall be consistent with the following:

1. ***Consistent with purposes.*** *Amendments shall be consistent with the purposes of these Land Development Regulations.*

**This standard is met.** Generally, the purpose of the LDRs is to implement the Comprehensive Plan. The application furthers this purpose as discussed in “Relationship to Applicable Comprehensive Plan Policies” section of this report. More specifically two of the purposes of the LDRs are restricting the use of property to protect community character, and minimizing adverse impacts on landowners from incompatible neighboring developments. The proposed amendment or staff recommendation achieves these purposes by clarifying the prohibition on short-term rental in residential areas to ensure realization of the community’s goal to concentrate tourism in identified locations and protect residential neighborhoods.

2. ***Consistent with the Comprehensive Plan.*** *Amendments shall be consistent with the Comprehensive Plan.*

**This standard is met.** Please refer to the “Relationship to Applicable Comprehensive Plan Policies” section of this report.

3. ***Consistent with Land Development Regulations.*** *Amendments shall be consistent with other provisions of these Land Development Regulations.*

**This standard is met.** Please refer to the “Relationship to the Applicable LDRs” section of this report.

4. ***Consistent with other County Resolutions.*** *Amendments shall be consistent with other adopted resolutions of the County.*

**This standard is not applicable.** The proposed amendment does not affect the application of any other resolution of the County.

**STANDARDS FOR REVIEW OF AMENDMENTS TO THE TEXT OF THE LAND DEVELOPMENT REGULATIONS**

Amendments to the text of the Land Development Regulations may be approved for reasons including but not limited to the following:

1. ***Implements the Comprehensive Plan.*** *The amendment to the text would implement a portion of the Comprehensive Plan that is new.*

**This standard is not applicable.** While the entire Comprehensive Plan was adopted more recently than the regulation to be amended, the community’s desire to limit short-term rental to the Lodging Overlay, Planned Resorts, and existing areas of short-term rental dates back to 1994 and adoption of the Comprehensive Plan was not the reason this amendment was proposed.

2. ***Better achieve Comprehensive Plan goals and objectives.*** *The amendment to the text would implement and better achieve the goals and objectives of the Comprehensive Plan that have proved difficult to achieve under the existing provisions of these Land Development Regulations.*

**This standard is NOT met.** As discussed in Key Issues #1, staff agrees with the applicant that the current implementation of the short-term rental prohibition is contrary to the direction in the Comprehensive Plan. However staff believes that the goals and objectives of the Comprehensive Plan are best achieved through a change to the implementation rather than an amendment to the text of the LDRs.

3. ***Existing Land Development Regulations unreasonable.*** *The provisions of these Land Development Regulations were inconsistent or unreasonable in light of standards for similar uses.*

**This standard is not applicable.** The proposed amendment does not respond to inconsistent or unreasonable provisions.

4. ***Responds to State or Federal legislation rendering Land Development Regulations obsolete.*** *The amendment to the text is necessary in order to respond to State and/or Federal legislation.*

**This standard is not applicable.** The proposed amendment does not respond to State or Federal legislation.

5. ***Additional flexibility.*** *The amendment to the text provides additional flexibility in meeting the objectives of these Land Development Regulations without lowering the general standards of these Land Development Regulations.*

**This standard is not applicable.** The purpose of this amendment is to clarify a provision of the regulations in order to avoid the lowering of the intent of the provision through interpretation.

#### PUBLIC COMMENT

The Planning Department has placed the required legal notices. No neighbor notification was sent because the proposed amendment would apply Countywide. However, Jennifer Anderson sent notification of the amendment to a number of people with whom she has been corresponding regarding short-term rental.

To date, 42 written comments have been received on the proposed amendment. Only 4 of the comments were received in time to be included with the Planning Commission staff report.

In addition, on February 3 Diane Verna of Alta left a voicemail expressing her support of the proposed amendment and her belief that residential use should not include any allowance for short-term rental.

#### ATTACHMENTS

##### 1. Public Comment

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|-------------------------------------|--|
| • 10/30/13 – Bernice McCowin        | • 1/13/14 – Dave Blatt                   |
| • 13/31/13 – Tony Wall              | • 1/13/14 – David Bristol                |
| • 11/4/13 – Philip Gerling          | • 1/13/14 – Clear Creek Group            |
| • 11/23/13 – anonymous              | • 1/13/14 – Allen Dick                   |
| • 1/10/14 – Clear Creek Group       | • 1/13/14 – Mike Gierau                  |
| • 1/10/14 – Marjorie Jones          | • 1/13/14 – Bill Helm                    |
| • 1/11/14 – Mark Dreyfus            | • 1/13/14 – Janet Helm                   |
| • 1/11/14 – Mark and Beth Filip     | • 1/13/14 – Bruce Hill                   |
| • 1/11/14 – Nancy Ely Hoffman       | • 1/13/14 – Joe Linhares                 |
| • 1/11/14 – Debra Phelon            | • 1/13/14 – Jim McNutt                   |
| • 1/12/14 – Carol Baker             | • 1/13/14 – Marshall and Veronique Parke |
| • 1/12/14 – Gregory Burns           | • 1/13/14 – Heather Petty                |
| • 1/12/14 – Chris Hessler           | • 1/13/14 – Nelson Schwab                |
| • 1/12/14 – Bonnie and Nick Hopkins | • 1/13/14 – Cary Stowe                   |
| • 1/12/14 – Brook Lenfest           | • 1/13/14 – Jeffrey Trenton              |
| • 1/12/14 – Jack Nunn               | • 1/13/14 – Jim Waldrop                  |
| • 1/12/14 – James Schmitz           | • 1/13/14 – Jason Williams               |
| • 1/12/14 – Tom and Patti Schrey    | • 1/14/14 – David Kingston               |
| • 1/12/14 – Bryan Wright            | • 1/19/14 – Dan Brophy                   |
| • 1/13/14 – Jason Balogh            | • 2/10/14 – Eric Huber                   |
| • 1/13/14 – Bill and Nina Binnie    |  |

##### 2. Application

- 1/27/14 addendum email from applicant following Planning Commission meeting
- Original application



25 October 2013



Alex Norton  
Teton County Planning Department  
P. O. Box 1727  
Jackson, WY 83001

Dear Mr. Norton:

It is my understanding you will be holding hearings on land development regulations (AMD 203-0005) later this year. Since this involves property I own, I would like to submit the following information for your consideration.

In 1977 we built a vacation home in Alta, Wyoming, which currently has the address 475 East Alta Road and is called McCowin's Teton Peaks Lodge. My husband died in December 1992 and without his income, I needed to rent the vacation home to help cover the costs which include utilities, snowplowing, insurance, and taxes.

These rentals began in 1994, primarily in the summer months, and have averaged only 35-45 days per year. Besides helping with expenses, it provided, as stated in my letter to guests, the "opportunity of sharing this beautiful part of the world with you."

From what I read in the February 6, 2013 article in the *Jackson Hole News & Guide*, the goal of the planning department was to "curb commercial operations in residential neighborhoods" and to avoid "additional traffic, noise, and congestion, that gave the neighborhoods a transient feel."

Apparently there were some exceptions made, and I am hoping I might qualify for an exception, since my situation has none of the problems listed above. We are quite isolated, with our own private lane and parking and have no close neighbors. We have not had a single complaint from anyone in the 36 years we have been there.

Long-term rentals don't seem to be an option. Over thirty years ago we invited a new deputy sheriff, who had come to Driggs with a family but no funds, to occupy our Alta home for several months while he built a home and we did let a graduate student and his family live there for one entire summer. Since then, there have been no requests for long-term rentals even though we have advertized such.

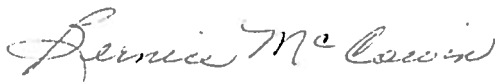
As my own children live in four different western states, our lodge is not heavily used by family members, but it has become such an important part of their lives since they all helped build it

and it has some very unique features crafted by family members. We would be able to maintain it if we could rent it during just the spring/summer months.

Because our situation is different from the criteria listed in the newspaper article, we would be very grateful if we could be 'grandfathered' or allowed in some way to rent even for the limited number of days we rented it before we were notified of the restrictions.

Please feel free to share this letter with anyone in the decision-making process and/or to call me if I can answer any questions regarding this request. My contact information is listed below.

Sincerely,

A handwritten signature in cursive script that reads "Bernice McCowin".

Bernice McCowin

435-753-5570

bernicemcc@msn.com

## Alex Norton

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**Subject:** FW: VRBO

**From:** Tony Wall [<mailto:corleywall@bresnan.net>]

**Sent:** Thursday, October 31, 2013 9:05 AM

**To:** Jeff Daugherty

**Subject:** Re: VRBO

yeah -I didn't know you had done this already - if I had I could have saved myself a headache! But the total of illegals is similar to my findings.

Interesting that, despite all the noise in the papers, etc. the number of listings in the JH area this morning is at 499 - up 50 from when I went through them just a few weeks ago and up 188 (60%) from when staff did their analysis.

RE proposed amendment - how do you enforce it (or even the current regs) without a staff person who does little else? I've thought about it too and wondered if an increase to 60 or even 90 days wouldn't work better - who rents long-term for 30 days anyway? Regardless of how you choose to tighten regulations enforcement will be very difficult and should include very stiff penalties to cover the time/cost of enforcement by what would probably be a full-time staffer. And those penalties should have a sliding scale - a small penalty might discourage the lower priced listings but do nothing to scare those in the higher price ranges.

This has even become a serious problem in big cities - most notably New York and San Francisco - where it has become, despite the size of those places, very difficult to get an illegal short-term rental. It might be worthwhile to look into how those large cities have ordinances and enforced the problem because they have managed to get control of it. Very severe penalties I presume. And it had become a serious problem in Hawaii also (where housing is at an even greater premium than in JH) but I know (from personal experience) that they have really cracked down on it also.

As I'm sure you are aware there is also [airbnb.com](http://airbnb.com) - a site that is supposedly limited to people renting out a room in their home (while they're also in residence) - a temporary roommate so to speak. This is not something that really hurts the rental housing market in theory - but if you look at the listings in JH (51 as of today) many are actually empty entire residences. I'm not going to go through them as I did with the VRBO listings but it's possible some folks might think they can avoid detection by listing here instead.

- T

On Oct 31, 2013, at 8:23 AM, Jeff Daugherty wrote:

Morning Tony!!

Commissioner Vogelheim requested that I send you an analyses staff did last summer and to compare that to your findings.

Let me know if you have any questions.

Also, I thought you might be interested to know that we have had a text amendment submitted by a member of the public. The effect of the amendment would be to prohibit a property owner from living in their home during any 30-day rental contract period. The hope of the applicant, I believe, is to make the practice of entering into a 30-day rental limitation with the intention of only renting for a week a little less pleasant for the owner. Staff has not developed a position on the measure yet. I expect the PC to hear it December 9.

Hope all is well for you.

Regards,

Jeff

In looking through my numbers from mid-summer, I would say the number of potential "illegal" units is accurate. Here were my numbers from this summer:

- 311 VRBO listings for Jackson Hole area
- 218 were either Town of Jackson properties, areas where short-term is permitted, monthly listings or duplicates (Staff did not review the Town of Jackson listings.)
- 38 unconfirmed addresses, but probably unpermitted locations
- 50 confirmed address unpermitted

Because of the amount of total listings, the suspected unpermitted properties are approximately 28% of the VRBO listings.

Staff did not analyze the types/sizes of house being rented, but based on rates, I would tend to agree with Mr. Wall's analysis. Staff just reviewed rates in preparation for the proposed text amendment to the short-term rental section:

Average weekly price during off-season	\$4,482.00
Average weekly price peak season	\$6,259.66
Median weekly price off-season	\$2,800.00
Median weekly price peak season	\$3,500.00

## Alex Norton

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**From:** Philip Girling <philipg@ida.net>  
**Sent:** Monday, November 04, 2013 2:22 PM  
**To:** Alex Norton  
**Subject:** STR language proposed change

Hi Alex,

I received an email from Jen Anderson regarding some language changes for Teton County definition of Short Term Rental use. I fully support the changes in spirit, but would like to have you consider a couple changes. I can tell you that our family does not like the now steady stream of renters next door and in the neighborhood during summer.

Language added to discourage service industry personnel from participating in the illegal rentals would be nice. I am referring to house cleaning, laundry and caretakers. Providing some consequence to those businesses would add additional discouragement to the residential short term rentals.

I do not know if it is possible, but adding a prompt investigatory duty to Sherriff or office staff would discourage the STR practice as well. When I reported it this summer, Jen said the process was to write the homeowner and wait for a response. Even a simple "knock and ask" policy would rapidly discourage this practice. Had someone come to the home next door and asked the tenants if they lived there, the answer would have been no and they have the choice to be considered trespassers or give up the name of the lessor.

If you would like me to print this and send it in by mail to be considered, let me know.

Thanks

Philip Girling  
820 N Ponderosa Dr  
Jackson WY 83001

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## Alex Norton

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**From:** Grey <greyschuh@hotmail.com>  
**Sent:** Saturday, November 23, 2013 8:57 AM  
**To:** Alex Norton  
**Subject:** RE: Teton County Zoning & Short Term Rentals

Thank you Alex. Here are my comments:

I do not live in the area, but visit a couple of times a year. I own a vacation home that I rent and I've thought of purchasing one in Jackson. I must admit that I don't have a thorough understanding of the regulations, just that they would have prevented me from being able to rent any home I would have purchased freely. Ultimately it was the zoning regulations that caused me to abandon the idea of being an owner in the area. Therefore, I thought that I might provide some feedback and information that you may find helpful as Teton County struggles with this issue.

Teton county zoning in general is simply too restrictive with regard to who can rent, where rentals can occur, etc. Further, there are not any effective options for enforcement. Therefore, the government would be better served creating a system that encourages owners to comply voluntarily.

I live down in Steamboat Springs Colorado, a resort destination that is similar to Jackson in many ways. The town has been around since the 1800's and there is a lot of history related to settlement, property rights, and neighborly issues. Steamboat Springs, like Jackson, has zoning regulations that affect how properties can be rented. Our county, Routt County, is not nearly as intrusive as Teton County in terms of dictating what owners can do with their homes. This is partially because the city itself is where all of the desirable rental properties are located.

The city of Steamboat has long had an ordinance governing "VHR" (Vacation Home Rental) properties. It was re-written a few years ago to meet the challenges of the changing market, the demands of the community, and to encourage more voluntary compliance. I encourage Teton County to adopt something similar. The ordinance is primarily in existence to provide a mechanism and framework for dealing with issues that arise once in a while with regard to vacation rental properties. The ordinance is right and fair - if there is a "problem property" there is a way for neighbors and the community to deal with the issue that is also fair to the property owner. This ordinance creates due process.

Not only is enforcement of the vacation rental industry costly and ineffective, Teton County's problem will not go away with more enforcement or more restrictive regulations. It's supply and demand. If there is a tourist destination, there will be demand for lodging. If there are people wanting to spend lots of money on renting homes, there will be owners who are willing to rent to them.

The Jackson area benefits greatly from tourism dollars. Despite the negative aspects of having a major tourism industry, the Jackson area is reliant upon this industry to maintain it's strong economic status. If Teton County decides to become more restrictive in regards to vacation rentals, it will only have a negative economic impact. Ultimately, if you restrict rentals, you will drive more of the vacation lodging industry to places like Big Sky and West Yellowstone.

Currently the situation in Teton county is one in which there are some economic benefits to the area derived from those who are renting these illegal vacation homes. The guests are spending money on restaurants,

groceries, utilizing & supporting the airport, etc. Shouldn't the goal be to bring these homes into compliance, the way the Teton Pass mountain biking trails have been brought into compliance? If this was the path that the community chose, you'd then have systems in place to manage the problems that could arise from vacation rentals, such as noise or parking issues, neighbor disputes, etc, but you'd also have these homes generating real sales tax revenue for the county. Right now, I'd imagine that most of these "illegal" rentals have owners who are scared to even obtain a sales tax license for the homes...

With an ease to the overall restrictions, and a process for compliance that is easy enough for owners to get through, you get cooperation. They should of course also make the "permit" to rent a home restrictive enough to give upset neighbors a clearly defined avenue for rectification of valid problems such as parking issues, noise issues, etc.

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From: anorton@tetonwyo.org  
To: greyschuh@hotmail.com  
Date: Fri, 22 Nov 2013 12:13:08 -0700  
Subject: RE: Teton County Zoning & Short Term Rentals

The proposed amendment can be viewed at <http://tetonwyo.org/pdplan/topics/short-term-rental-restriction-definition-amendment-amd-13-0005/252536/> any comments you have can be sent to me at this email address.

Thanks,  
Alex

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**From:** Grey [mailto:greyschuh@hotmail.com]  
**Sent:** Friday, November 22, 2013 8:33 AM  
**To:** Alex Norton  
**Subject:** Teton County Zoning & Short Term Rentals

Alex,

It has come to my attention that the county is accepting public comment regarding the issue of zoning regulations and short term vacation property rentals. Could you please direct me to the website where the public comment can be provided?

Thank you

## Alex Norton

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**Subject:** FW: Proposed Amendment 2013-0005

**From:** Phil Stevenson <[phils@tccgjh.com](mailto:phils@tccgjh.com)>

**Date:** January 9, 2014 at 6:35:25 PM MST

**To:** "[lgoldstein@teton.wyo.org](mailto:lgoldstein@teton.wyo.org)" <[lgoldstein@teton.wyo.org](mailto:lgoldstein@teton.wyo.org)>

**Cc:** Morgan Bruemmer <[morganb@tccgjh.com](mailto:morganb@tccgjh.com)>

**Subject:** Proposed Amendment 2013-0005

*Hi Laura,*

*Please forward this e-mail to each member of the Planning Commission, along with the appropriate individual on the Planning Office staff.*

Members of the Planning Commission,

As you know, proposed amendment 2013-0005 will come before the Commission at your regularly scheduled meeting on Monday, January 13. This amendment would change the interpretation of the County's 30 day restriction on rentals.

I believe this proposed amendment is ill conceived, and my partner, Morgan Bruemmer, and I would like the opportunity to meet with each of you informally to present our views and listen to yours prior to your meeting. Morgan and I are founding principals in The Clear Creek Group, an eight year old company engaged in vacation rentals, caretaking, and real estate sales. The passage of this amendment could very well put our firm and our 27 employees out of business, so you can understand our concern.

Please let us know by e-mail or telephone (see contact information below) if you would be available to get together between now and your meeting, and if so, what time would be convenient for you. We are available any time that works for you, including evenings and the weekend.

Thanks in advance for your consideration,

Phil Stevenson

The Clear Creek Group  
(307) 732-3400 Office  
(307) 690-3503 Cell  
120 West Pearl Avenue, Suite A  
Post Office Box 10609  
Jackson, Wyoming 83002  
[www.theclearcreekgroup.com](http://www.theclearcreekgroup.com)



## Alex Norton

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**From:** Marjorie <mommammj@aol.com>  
**Sent:** Friday, January 10, 2014 7:42 PM  
**To:** Alex Norton  
**Subject:** Proposed amendment

Dear Mr Norton and Commission members:

I am have been a homeowner in Teton County for many years and my primary residence is in the south . We feel it's very important To all of us part time homeowners To be able to rent our home on a limited basis as it is set up now to qualified people. Since we are not Able to be in Jackson very often , it allows others to visit Jackson and frequent all your Wonderful restaurants and town businesses!

For you all to further limit the use of our home is actually a huge financial disadvantage to your community !  
I ask you to consider our input as it is important for our interest as a homeowner as well!

Respectfully

Marjorie jones

Sent from my iPhone

## Alex Norton

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**From:** lowtide <lowtide@cox.net>  
**Sent:** Saturday, January 11, 2014 3:36 PM  
**To:** Alex Norton  
**Cc:** kevink@tccgjh.com  
**Subject:** PUBLIC COMMENT, AMD 2013-000

PUBLIC COMMENT, AMD 2013-000

Dear Mr. Norton, Teton Planning Office,

I am a homeowner in the North Gros Ventre Subdivision at 1875 N. Pratt Road.

I OPPOSE the current proposal to amend the LDR's concerning rentals outside the Resort Zones . The limitations are of great concern and need further study.

The concept of one renter every thirty days was my understanding when I purchased the property. While I have not rented my home nor intend to rent it in the near future, I find the new proposal very limiting in my ability create value for my house and for that matter Jackson Hole.

I have not heard of any negative issues from neighbors with the current policy of one renter per 30 days and if there are violators, the County should create strict guidelines and penalties for those who don't adhere to the rule.

Allowing visitors to rent large or small homes for one , two or three weeks creates an opportunity to show off Jackson Hole and present the lifestyle that we all enjoy and appreciate. If I hadn't come to Jackson Hole for one week years ago, I would not be a homeowner today. We should all encourage visitors who respect our county, property, and solitude. The concept of preventing me from using my own home if a renter doesn't use the entire 30 days is ridiculous and a violation of my rights as a property owner and TAXPAYER.

I understand the COUNTY's desire to put limits on short term rentals and revolving rentals. That said, I hope you can find a sensible approach and proposal that all of us can support.

Sincerely  
Mark Dreyfus  
Gros Ventre North Investments, LLC

## Alex Norton

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**From:** joseph Filip <mfilip23@gmail.com>  
**Sent:** Saturday, January 11, 2014 4:07 PM  
**To:** Alex Norton  
**Subject:** Public Comment -- AMD 2013 - 0005

Dear Mr. Norton:

Thank you, and thank all of the Teton County Planning Commissioners, in advance for the opportunity to share some thoughts concerning a proposed piece of legislation about rentals the County. We appreciate your public service, and the attention you devote to these issues.

By way of brief background, we are homeowners in the County, although we live the majority of the year in Illinois. We have never rented out our home, and we do not expect that we ever will. So we do not write out of personal financial interest in the local rental market economy. Instead, we write because of concern about the negative impact the proposed legislation would have on the community generally, and because of its inconsistency with basic principles of fairness and good public policy.

As we understand it, the proposed legislation would (1) prohibit rentals with a right of occupancy of less than 30 days, and (2) prohibit homeowners, should a rental actually result in a period of occupancy of less than 30 days, from re-occupying their own home for the duration of the 30 day period.

In our view, this proposal is ill-advised and should be rejected for several reasons.

First, the idea that homeowners couldn't reoccupy their own home after a brief rental seems extraordinarily heavy-handed and ill-advised. Do we truly want to prevent a situation, for example, where homeowners rent out their home for a week at the Fourth of July, and thereafter are forbidden from re-entering their own home for the remainder of July? Those homeowners (and the many family members and guests they typically host) bring substantial revenues, including tax revenues, to the community during their stays. It seems incongruous, and potentially even unlawful, to prevent someone from re-occupying their own home with literally no apparent health or safety or public policy basis just because they rented it out some weeks earlier.

Second, the proposal seems like a "solution" in search of a problem. We cannot imagine that there is a meaningful incidence of week-long, or two-week-long, renters, and families thereafter reoccupying their own homes, creating harm or problems. It is, unfortunately, extraordinarily expensive for almost anyone to rent in the County for a week or two. Suggesting the people instead should be required to rent for an entire month seems elitist and exclusionary. Many people who buy homes in the County, and thereafter contribute to the tax

and economic base, initially come as one-week or two-week renters, confirm their affection for this community, and then decide to buy property here. Why disincentivize such rental visits? There seems no basis to deter such behavior.

Third, the week-long and two-week-long rental economy (again, in which we do not profit) seems quite objectively helpful to the County. It brings in substantial revenues, and provides substantial jobs that do little to tax the County's resources and have little negative impact on the environment. These renters come and extensively patronize local restaurants, hire local hiking and fishing guides, and patronize local stores of all sorts. We do not understand why one would seek to deter such spending -- which is different in kind, in many ways, from the smaller, retail spending one would expect from visitors, for example, coming down for the afternoon after visiting Yellowstone, buying t-shirts, sodas, and ice cream cones. There is nothing wrong with the latter, of course, but such purchasing benefits only a small portion of local merchants and businesses.

Fourth, if there is an issue with County homeowners effectively running revolving-door rentals through their homes via the internet, the proposal seems to do little to address it. The current County rule (by which, as we understand it, homeowners can rent their home for a week or two, and then reoccupy it, without allowing another rental until the expiration of 30 days from the beginning of the rental) does not permit such revolving-door rental practices. It would seem that enforcement of the existing policy will address any revolving-door concerns, without entrenching on basic homeowner property rights or unnecessarily deterring local spending and tax revenue generation.

Finally, we would be remiss if we did not express our concern about the potential impact this proposed ordinance would have upon The Clear Creek Group and its management and employees. We came to the County because of an effort to rent a home here one summer; we did not ever complete that rental, because our effort instead led to the unexpected purchase of a home we have enjoyed since, through the auspices of The Clear Creek Group (TCCG). We have found it to be an honorable company (they do the caretaking for our home) and we have found its many earnest employees to be friendly, solid citizens. We cannot imagine that passage of this ordinance, which would have a substantial damaging impact to TCCG and those it employs, would advance the best economic interests of the County and its tax base.

Thanks for the chance to address you.

Best Regards, Mark and Beth Filip and Family.

## Alex Norton

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**From:** nsh1 <nsh1@bresnan.net>  
**Sent:** Saturday, January 11, 2014 5:32 PM  
**To:** Irina Adams  
**Cc:** County Commissioners; Alex Norton  
**Subject:** Fw: Short Term Rentals

**From:** [nsh1](#)  
**Sent:** Wednesday, January 08, 2014 11:24 AM  
**To:** [Rich Bloom](#)  
**Subject:** Short Term Rentals

To the Teton County Planning Commission and County Commissioners and Mr. Norton,

Referencing the wording of the amendment proposed (Section 23350 Residential use limitations and short term rentals:

I wish to comment on the wording reference to "occupancy of a dwelling by any **family** other than the **renting family**" portion of the amendment. Please be aware that all vacation rentals are not families. Restricting the amendment to the word family allows a possible loop hole in the intention of the amendment. It is my recommendation that the wording refer to a broader term like "rental guests" or " rental occupants" to avoid the loop hole.

I would also not like to see any grandfathering other than locations approved many years ago and stated in the amendment and much better enforcement once the regulation amendment is in place and not rely on neighbors who may even not be aware of the regulation to report the violation.

Thank you.

Nancy Ely Hoffman, Teton County

## Alex Norton

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**From:** Debra Phelon <dsckilate@yahoo.com>  
**Sent:** Saturday, January 11, 2014 2:52 PM  
**To:** Alex Norton  
**Subject:** LDR Amendment

Hi Alex,

I hope this finds you and April well. I know you are so excited about the baby!! I know April's mom certainly is.

I am writing to you as a Teton Co property owner to oppose the proposed amendment to further restrict a property owner's rights in Teton county. The 30 day limit on renting your property in a non resort zone is restrictive enough but to add the proposed limitation that the homeowner cannot occupy their on home during that 30 days when the tenant is not in residence seems to me to be insulting at the least and unconstitutional to a greater extent.

I urge the Planning Commission of Teton County to deny this restrictive proposed amendment that places a further burden on the property owners in Teton county and lessens their rights of property ownership.

Kindest Regards,  
Debra Phelon

***Debra C Phelon***

## Alex Norton

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**From:** Carol baker <carol@bakerstein.net>  
**Sent:** Sunday, January 12, 2014 9:24 AM  
**To:** Alex Norton  
**Subject:** Public Comment, AMD 2013-0005

Dear Mr. Norton:

I am an owner in the Riva Ridge subdivision, and I am writing to express my strong opposition to the proposed amendment to the LDR's regarding rental agreements outside of Resort zones.

It is unclear to me the purpose of this agreement. If it is meant to address the problem of revolving door rentals, this amendment fails.

Instead it harms individual property owners and Teton County as a whole.

All of us who bought property and built homes in non-resort zones relied on the ability to potentially rent our homes no more than once every 30 days. Now under the proposed amendment, we are being denied that property right. Furthermore, it seems to be outrageous that the County would tell a homeowner when he can occupy his house. Finally, how would this be enforced? At best it is impractical and expensive and at worst, it is a complete waste of Teton County resources.

In looking at the broader view of Teton County's interests, again this amendment seems counter to the County's best interests. Not only do renters of large homes spend large quantities of money in local stores, but they are potential future owners and contributors to the tax base. In addition, the renting of homes in non-resort areas support several local property management companies who in turn employ many people. These companies contribute significantly to the economic base of the County.

I urge you to oppose AMD 2013-0005 and not undermine the economic benefits that the rental of properties in non resort zones no more than once every 30 days brings to Teton County.

Sincerely yours,  
Carol Baker  
425 E. Riva Ridge.

Sent from my iPad

## Alex Norton

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**From:** Gregory Burns <gburns.bna@gmail.com>  
**Sent:** Sunday, January 12, 2014 8:28 PM  
**To:** Alex Norton  
**Subject:** PUBLIC COMMENT, AMD 2013-0005

**Importance:** High

Dear Mr. Norton,

Our home is located at 7765 Lower Granite Ridge Road in Teton Village. While the proposed amendment to the LDR would not affect our home, we strongly disagree with this proposal. We believe the proposal is ill conceived, and will have a negative impact on many home owners and businesses in Teton County. We hope you will reject this proposed amendment, and we appreciate your consideration.

Gregory Burns  
3 Buckland Abbey  
Nashville, Tn. 37215

615-292-5450  
615-504-5888 cell



## Alex Norton

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**From:** Chris Hessler <[chessler@linkwellhealth.com](mailto:chessler@linkwellhealth.com)>  
**Sent:** Sunday, January 12, 2014 9:41 PM  
**To:** Alex Norton  
**Subject:** PUBLIC COMMENT, AMD 2013-0005

Alex, I am writing as a Teton County resident who has chosen to relocate here (I could be living anywhere). One of the attractions is I built a home which the Clear Creek Group rents, and it helps me pay for the taxes and the upkeep of the home, which employs local tradesmen. I pay my taxes and support the local retailers and restaurants and invite my friends to visit and spend their money as well.

I feel like the proposed amendment is so ill conceived, on so many levels, that I don't even know where to begin.

I sincerely hope that the Commissioners will not consider it any further.

Happy New Year, Chris

**Chris Hessler | Executive Chairman**

C: 781-504-5462

[chessler@linkwellhealth.com](mailto:chessler@linkwellhealth.com) | <http://www.linkwellhealth.com>



Embrace Possibility | Empower Change | Embody Integrity | Accept Responsibility

## Alex Norton

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**From:** Tech Reset Teams <aahbuff49@aol.com>  
**Sent:** Sunday, January 12, 2014 6:51 PM  
**To:** Alex Norton  
**Subject:** Public Comment,AMD 2013-0005

Please be advised that as home owners in the village we are hoping that this will go back to the drawing board as as I read  
it sounds quite unreasonable! - an owner can't live in his own house if a rentor leaves is obnoxious and probably illegal-  
Bonnie and Nick Hopkins

## Alex Norton

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**From:** Brook Lenfest <blenfest@netcarrier.com>  
**Sent:** Sunday, January 12, 2014 9:22 AM  
**To:** Alex Norton  
**Cc:** Morgan Bruemmer  
**Subject:** proposed rental legislation

Alex:

I am strongly opposed to any new legislation further restricting the rental of properties in non Resort Zones. I find the current legislation overreaching as it is. These kind of restrictions in my opinion if enacted at all are usually handled by Home Owners Associations not through legislation.

I think it's wrong for the County to even be involved in this legislation. I think the current 30 day rule is overly restrictive. I strongly believe that any additional restrictions enacted through legislation will penalize property owners that want to rent their properties and make Jackson a less desirable place to have a property and to visit.

I own four properties in Jackson and if this legislation passes I will consider finding somewhere else in this Country where the local government doesn't think they need to legislate people's lives at the level that Teton County seems to think it should.

Brook Lenfest

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## Alex Norton

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**From:** Jack Nunn <barnunnwyo@gmail.com>  
**Sent:** Sunday, January 12, 2014 4:21 PM  
**To:** Alex Norton  
**Cc:** Morgan Bruemmer  
**Subject:** Public Comment – AMD 2013-0005

Teton County Planning Commission:

I have been informed of potential rental regulation changes in the Non Resort Districts. First, The Clear Creek Group manages a property we own in a Resort District. They are a highly regarded, law biding, trusting, and a viable business in Teton County, employing over 25 people, and generating substantial sales tax and resort lodging tax. This change would severely impact their business plan and future viability. Additionally, it is another impingement upon our private property rights.

I do not understand the purpose of the changes other than to take away the opportunity of a private property owner, outside of the Resort District, to rent their home under the existing regulations. Currently, in all cases, a property cannot be rented more than 12 times per year. Under the 30 day obligation, the renter may use it for less than 30 days, typically a week to 10 days.

I agree with the 30 day rental requirement in Non Resort Districts, thereby limiting the property to 12 renters per year. However, I do not agree that the 30 day contract must be structured to allow 30 day occupancy of only the renter, thereby, limiting the rights of the property owner.

The Clear Creek Group has suggested amendments to the regulation that would serve all parties: the property owners and managers, the renters, the neighbors, and would help with tax collection as well as enforcement against violation of the current regulation .

Thank you for allowing my input,

Sincerely,  
Jack D Nunn  
2515 Stonecrop Road  
Wilson, WY 83014

## Alex Norton

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**From:** Schmitz <jcschmitz@comcast.net>  
**Sent:** Sunday, January 12, 2014 7:27 PM  
**To:** Alex Norton  
**Subject:** Proposal Relating to Short Term Residential Rentals  
**Attachments:** Teton County Rental Rules.docx

**Importance:** High

Dear Mr. Norton

I understand you are the person to contact concerning the proposed revision to Section 53350 relating to certain short term rentals by homeowners. Attached is note outlining why I object to the proposal. I would appreciate your consideration of the points I make. I would also appreciate your sharing my concerns with the appropriate Teton County government decision makers.

Sincerely,

James C. Schmitz

## Re: Proposal to amend Section 23350 relating to short term residential rentals

I believe that the current rules with respect to short term rentals benefit many homeowners such as myself. In particular, being able to sign a 30 day agreement which limits occupancy to a lesser period is a reasonable and valuable property right.

I have rented my Teton County home out over the last few summers since I have friends and a golf club membership in Minnesota. During 2013 I had one summer renter from June 1 through August 30 and a second renter for the first two weeks of September. Under the proposed changes, I would have been unable to return on September 20 as I did last year. I believe it would be stupid to prevent me from using my home in Teton County under these circumstances. Moreover, I see no conceivable benefit to Teton County from barring me from occupying my house.

Regulations tend to transfer wealth from one group to another. In my actual 2013 situation outlined in the preceding paragraph, I would have been a loser.....no September rental income and/or less occupancy of my home in Teton County. A potential winner would be some rental zone homeowner or resort. Of course, my September renter might have simply picked another vacation area such as Colorado or Montana. In this case, Teton County would also be a loser.

It is ironic that the current proposal arose out of a homeowner's complaints about a neighbor's rental activity. The idea that this justifies a regulatory change that would be financially detrimental to hundreds of other homeowners seems ridiculous to me. The Staff Report indicated that responding to complaints was generally successful from 1994 to 2007. This approach is far superior to broad brush restrictions on homeowner property rights.

The 2007 interpretation upon which The Clear Creek Group built its business model is a reasonable approach to limiting short term rental activity outside of resort zones. The proposed changes would be countywide and would unwisely lump dissimilar homeowners (e.g., rural homes, large lot subdivisions and small lot subdivisions) under a new rule based on an unsubstantiated premise that short term renters are somehow neighborhood nuisances. Being able to sign a 30 day lease that limits actual occupancy to a lesser period is a useful property right for homeowners which has little potential for abuse except by homeowners who spend very little time in Wyoming. . ***I prefer the current approach, but, in order to prevent any potential for systematic abuses, a middle ground would be to limit homeowners annually to 2 or 3 rental agreements that restrict renter occupancy rights to less than 30***

***days. This approach would be a modification of the 2007 interpretation and would require no revision of Section 23350.***

The Staff Report noted enforcement problems given the ability of homeowners to arrange rentals directly over the internet. In fact, people like myself who work with local brokers would be hurt by the proposal while nothing would happen to those who are simply ignoring the short term rental rules altogether.

I do not wish to argue details of the implementing and enforcement inequities. I will mention one example of where some people could be hurt financially for no good reason. I know people who use house swaps to allow them an enjoyable way to travel. Often during the ski season these swaps are of short duration. We stay in Teton County during the winter, but I see no reason why those who do a house swap could potentially be violating a law by returning to their home. (This may not be a practical problem for those homeowners since I see no way for Teton County to monitor or regulate such activity.)

In the Staff Report it appeared that homeowners in my situation would be grandfathered to some extent. I am grateful that I might not be directly affected. However, I see no good rationale for the proposed restrictions on homeowner rights

January 12, 2014

## Alex Norton

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**From:** pschrey@aol.com  
**Sent:** Sunday, January 12, 2014 5:42 PM  
**To:** Alex Norton  
**Subject:** Fwd: PUBLIC COMMENT, AMD 2013-0005

-----Original Message-----

Sent: Sun, Jan 12, 2014 11:09 am  
Subject: PUBLIC COMMENT, AMD 2013-0005

Mr. Norton,

We own a vacation home at 635 Lakota Lane in Indian Trails, and we are writing to express our opposition to AMD 2013-0005. We are in Jackson relatively infrequently, and we rely on the occasional short term rental of our home, though never more than once every thirty days, to defray the operating expenses of our property. While we are only able to secure a few rentals each year, this income is significant to us, and without it, we might have to sell our home.

Every property owner in Teton County has purchased their home under the current interpretation of the LDR oversight of short term rentals, which is effectively one rental per thirty days, regardless of the duration of the renter's occupancy. To change that interpretation after the fact would have a negative impact on property values and could possibly be construed as an unlawful taking. And to suggest that there is a circumstance when a property owner cannot occupy his own home when it is otherwise vacant seems to us to be an abrogation of property rights and absurd on its face.

Finally, renters are in large measure the life blood of the valley, and individuals who vacation here are often looking for nice homes where their entire family can enjoy all of our natural resources. These renters don't pollute, they don't call on County services, and, at least in our neighborhood, are well behaved and very respectful of their neighbors. We believe your time and attention would be better spent focusing on those homeowners who rent their homes several times a month in blatant disregard of the law, not on those of us who are operating lawfully.

Respectfully submitted,

Tom and Patti Schrey

The Clear Creek Group  
(307) 732-3400 Office  
(307) 690-3503 Cell  
120 West Pearl Avenue, Suite A  
Post Office Box 10609



Jackson, Wyoming 83002  
[www.theclearcreekgroup.com](http://www.theclearcreekgroup.com)

## Alex Norton

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**From:** Bryan Wright <bwright@blackwood-dc.com>  
**Sent:** Sunday, January 12, 2014 1:32 PM  
**To:** Alex Norton  
**Subject:** AMD 2013-0005

Mr Norton,

I wanted to comment on the proposed changes the planning commission is contemplating.

Some history of how we arrived in Jackson which may be similar to others. When my wife and I travel we typically bring our 2 kids and they each bring a friend. When we first considered Jackson we consulted the Internet like most and discovered The Clear Creek Group. We wanted to rent a house that would allow us ample room to enjoy the overall experience.

We subsequently rented for 3 more years. We did not cause any problems with any neighbors and we treated the house and the neighborhood like it was our own. As a result of our experience we went on to purchase a home in JHGT.

After the purchase, We went on to add an addition and redecorate. This would not have happened under the new regulations. Sometimes revised regulation have unexpected consequences. The economic impact to the community is something that should be thoroughly evaluated prior to making any changes. We plan on renting our house out 2x per yr.

I would be more inclined to support regulation that involves required registration , licensing and strict penalties for complaints or violation of regulation. In Avalon nj, if the rental home receives more than 2 complaints for noise or parking violations from surrounding neighbors In one season, the homeowner is fined and losses his rental license for one year. As a result of this policy the caliber of the renter went way up and the number of complaints virtually went away.

Situations like this sometimes are better served by appointing a committee to study the impact to the community and get community input. Maybe this is something the community should vote on if the impact study reveals significant economic impact.

Thank you for your time

Bryan Wright

Sent from my iPad

## Alex Norton

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**From:** Fish the Fly Guide Service <jb@fishthefly.com>  
**Sent:** Monday, January 13, 2014 4:09 PM  
**To:** Alex Norton  
**Subject:** Public Comment ? AMD 2013-0005

Alex-

I am writing to oppose the amendment to the LDR's which pertain to renting of homes in the Non-Resort Zone. In my opinion, Mr. Baker's request comes from a narrow point of view and is short-sighted. I run a fishing guide service in the summer and am counting on this higher-end clientele to support my business as return clients from year to year.

It seems that his amendment request is aimed at the numerous homes that are being rented as short-term rentals online on sites such as VRBO and Home Away. It has become common for these homes to be rented numerous times in a 30 day period, especially in the months of July and August.

The real problem is lack of enforcement of the current law. With this type of short term demand, I believe it makes more sense to allow short term rentals. This type of clientele is who we should encourage to come to Jackson Hole. On the whole, they are respectful people who come from very similar neighborhoods. They also spend more freely on higher ticket items and are great contributors to our tax base.

In my opinion, a homeowner should be able to occupy their own home at any time they wish, regardless of rental agreements.

If Mr. Baker has a problem within his own neighborhood, he should take it up with his HOA and not make it a County issue. His actions will hurt the folks that make a living here immensely!

I encourage you to not recommend this amendment to the County Commissioners. Rather, please address the real issue and come up with a more reasonable solution. There are numerous businesses that are counting on this revenue as rentals, meals, and services, etc.

Sincerely,  
Jason

Jason Balogh  
Fish the Fly Guide Service and Travel  
307-690-1139  
<http://www.fishthefly.com/>

Fish The Fly's Recommended Gear For The Snake River <http://www.proguidedirect.com/jason-balogh/gearlist/snake-river.html>

"When one tugs at a single thing in nature, he finds it attached to the rest of the world." - John Muir

## Alex Norton

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**From:** Bill Binnie <Bill@carlislecapital.com>  
**Sent:** Monday, January 13, 2014 10:23 AM  
**To:** Alex Norton  
**Subject:** Public Comment - AMD 2013-0005/Rental Policy

Dear Sir/Madame

I am writing as a homeowner in the valley for over 20 years. Our family has been coming to Jackson Hole for many years to ski, hike, bike and enjoy the beautiful area we all know and love. A number of years ago purchased a home in Granite Ridge (7875 Granite Ridge) and it has come to my attention that you are considering putting restrictions on my ability as a homeowner on my right to rent my home. I currently do not rent my home but as I get older and the financial situation of retirement comes into play I frankly may have to rent my home to keep it financially reasonable. I am shocked to hear that I may be adversely impacted by losing Some of my rights to rent our home.

I have been paying taxes to the Jackson Community for over 20 years. We have never used any public resources of ANY Kind. Our children did not attend local schools, we have never had to call the police or fire department and we have given generously to local community and charity causes. Why would you punish someone like me? We ask for so little from the community and are only pleased to give back in many ways, we are certainly not a burden on anyone and more that pay our share of taxes and so forth---so my question is why am I ---as a single homeowner being punished in the limited way you are contemplating limit our ability to rent our house out?

Frankly, it is not fair and it is not right. We have been good neighbors and contributors to the community and we respectfully ask that you respect our rights to manage our property in a logical and coherent way.

I strongly suggest that if we are to rent our house out, for a week or a month or whatever that we be required to maybe get a license but to simply prohibit us or limit us as broadly as contemplated is cruel, capricious and not right.

Thank you for your time and consideration,

Sincerely

Bill and Nina Binnie

Home Owners  
7875 Granite Ridge, Teton Village  
Wyo.

## Alex Norton

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**From:** David Blatt <blingservices@gmail.com>  
**Sent:** Monday, January 13, 2014 5:20 PM  
**To:** Alex Norton  
**Cc:** kevink@tccgjh.com  
**Subject:** PUBLIC COMMENT AMD 2013-0005

Good Evening

I am writing in regards to amending rental term regulations for properties outside county resort zoning. I have become informed of this issue only VERY recently and regret I have not more time to vigorously OPPOSE any actions that would decrease the ability of Teton County landowners to rent their properties as they wish.

I have been a resident of Wilson since 1997. Homeowner since 2003.

I am a small business owner, husband and father.

We work directly with many homeowners, property managers, caretakers, contractors and small retailers who's businesses would be SEVERELY impacted if the regulations were amended tonight.

Speaking selfishly, my business would be crushed and many others would suffer.

Thank you for considering my comment in the process.

Dave Blatt  
BLING SERVICES  
WILSON WY

Sent from my iPhone...Please excuse the brief message and any spelling errors.

## Alex Norton

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**From:** Bristol, David <dbristol@sentineltrust.com>  
**Sent:** Monday, January 13, 2014 6:12 PM  
**To:** Alex Norton  
**Cc:** Kevin Kavanagh (kevink@tccgjh.com); Bristol, David  
**Subject:** PUBLIC COMMENT, AMD 2013-0005

Mr. Norton,

I became aware of the proposed amendment to the Teton County regulations as related to the ability of a homeowner to rent their personal property to other individuals near the end of last week. Although I may be less than completely aware of all of the different issues that are in play here – that is the desire of homeowners or resort hotels in the “resort zone” to prevent homeowners outside those zones from being able to offer a competing product; that the county’s interests is to maximize the lodging taxes that it can collect, and possibly other factors (personal reasons?) as might be driving the Teton Village resident to seek this amendment to the county regulations – I do have a concern of the unintended consequences that the proposed amendment may have in Jackson.

I am a property owner who lives north of town, on the east side of the Snake River, so I am about as far away as possible, in terms of driving, from the Teton Village Resort Zone as I can be. Nobody is going to rent my house during the winter for skiing and during the summer months we generally occupy the house for an extended period. The issue I see here is that the Jackson area currently has a healthy Caretaker community that supports property owners like myself who do not have the opportunity, at least at this time, of living in Jackson for the majority of the year. Before I was ever willing to purchase my property in 2008, and then invest over \$1M in remodeling and new construction, the FIRST requirement was that I could find a trustworthy and reliable caretaking company to watch over the property during the months when I would be absent; in my decision I chose the Clear Creek Group. I imagine that this is the same thought process for most all visitors from out of the area looking to purchase a second home in and around Jackson. Therefore, the impact that a possibly poorly conceived measure such as this, which may put legitimate caretaking companies (who do collect lodging taxes on behalf of their clients) at financial risk, could very well cause current homeowners to reconsider their ownership and new prospective owners to look elsewhere. The dollars lost to the Jackson economy in home sales could be much greater than the rental and lodging taxes being considered and this measure is doing little as I can see to address the real problem which is the Vacation Rental By Owner market. I can personally say that if the Clear Creek group, or an equivalently trustworthy caretaking agency, was not an option at the time we were considering our home purchase, we probably would have elected to not make the purchase. If that were the case, there would have been several millions of dollars that would have bypassed Jackson altogether as we would not have remodeled a home and we would not be spending 3-4 months a year in town for the last 5 years.

I hope this information will be helpful to you in the overall process to come to a better decision on this matter.

Sincerely,

David A. Bristol, Jr.

Sentinel Trust Company, LBA  
Direct dial: (713) 630-9615  
Email: [dbristol@sentineltrust.com](mailto:dbristol@sentineltrust.com)

# The Clear Creek Group

JACKSON HOLE

*Vacation Rental   Brokerage   Caretaking*

January 13, 2014

Mr. Alex Norton  
Long-Range Planner  
Teton County Planning & Development  
200 South Willow Street  
Jackson, WY 83001

Re: AMD2013-0005  
Proposed Alternate Amendment

Dear Mr. Norton:

With respect to the proposed amendment AMD2013-0005 to the Teton County Land Development Regulations, we respectfully request that the Planning Commission substitute the attached amendment for that which has been proposed by the applicant.

We would appreciate your forwarding copies of our suggested alternative to the Commissioners for their consideration.

Sincerely,



Philip S. Stevenson  
Partner



R. Morgan Bruemmer  
Partner

**AMD 2013-0005**  
**Alternate Proposal**

REQUEST: Amend the Land Development Regulations as follows:

**SECTION 23350. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS.**

No dwelling unit may ~~residential use shall~~ be rented ~~for less than~~ more than once in any thirty (30) ~~days~~ day period unless specifically approved for residential short-term rental. ~~More than one residential~~ short-term rental in any thirty (30) day period ~~of less than thirty (30) days~~ shall be considered a commercial use. Notwithstanding, developments that have been approved for unlimited short-term rentals ~~of less than thirty (30) days~~ prior to the adoption of these Land Development Regulations, or that are in the process and are approved for short-term rental pursuant to Subsection 1440.B. Subdivisions or PUD in process, either by a Conditional Use Permit or a Planned Unit Development, will be allowed to continue such rentals in accordance with the CUP or PUD approval, whichever is applicable. These developments with prior approval are: The Aspens (condominiums and single family homes); Teton Shadows (condominiums only); Teton Village (condominiums and single family homes); Golf Creek (condominiums only); Jackson Hole Racquet Club Resort Commercial Area (Teton Pines)(sixty-four (64) lodging units); Spring Creek Ranch (up to two hundred (200) units of the 301 dwelling units permitted); and, Crescent H "Fish Lodges" (Crescent H lots 7,8, and 32). ARU's have a minimum rental period of 90 days (see Subsection 2370.H, Rental Period).

Any residential property owner in Teton County, not located in a Resort Zone, who intends to rent their property, must first register their property with Teton County, either directly or through their representative, and sign a certificate that states the following:

1. The name, address, and contact information of the property owner
2. An acknowledgement from the property owner that they may only rent their property once in any thirty (30) day period
3. An obligation to display the certificate number on any advertising of the property
4. An agreement to provide Teton County, upon request, with a copy of all sales tax reports filed with the Wyoming Department of Revenue and a list of all rentals during any period designated by the County, including the dates of each rental, the amount charged for each rental, and the sales and lodging tax paid for each rental.



**The Clear Creek Group**  
JACKSON HOLE

## **Economic and Rental Impact on Teton County**

### **Economic Impact, 2013**

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Sales Tax Payments	\$163,398
Lodging Tax Payments	<u>\$ 54,466</u>
Total Tax Payments	\$217,864
TCCG expenditures on suppliers and service providers	\$734,538
Total TCCG payroll	<u>\$826,866</u>
Total Expenditures	\$ 1,561,404
2013 Total economic impact (7x expenditures):	\$10,929,828

### **Rental Impact**

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TCCG Rental Guests (2013):	269
Average number of rentals in non-resort homes (2013):	3
Number of rentals since TCCG's founding (9 years):	1,046
Total number of complaints from neighbors (9 years):	3
Percent of rental revenue derived from repeat guests (2013):	32%

## Alex Norton

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**From:** Allen Dick <allend@dbcradio.com>  
**Sent:** Monday, January 13, 2014 2:35 PM  
**To:** Alex Norton  
**Subject:** support of short term rental proposal

Alex:

I'm a neighbor of Dan Baker's, here at Lake Creek Ranch, and I support the proposed amendment, changing the language of short term rentals to limiting one family use/rental for 30 days. Currently we have short-term rentals, with the owners moving back in after 1 to 2 weeks, this isn't a 30 day rental. If we as homeowners are forced to vacate our homes for 30 days, we will approach renting more cautiously. In addition, as pointed out in staff comments, the use of homes by transients, is certainly different than those of us who reside here on a permanent or part-time basis.

For clarification and for keeping residential areas "residential", I urge the commissioners to approve the amendment.

Should you have any questions, please feel free to call me.

Best regards,

Allen Dick  
6545 Granite Creek Rd  
Lake Creek Ranch  
Teton Village, WY

336 210 5678

## Alex Norton

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**From:** Mike Gierau <jeds@wyom.net>  
**Sent:** Monday, January 13, 2014 11:53 AM  
**To:** Alex Norton  
**Subject:** Public Comment for AMD2013-0005"

Good morning Mr.Norton,

This proposed amendment the Planning Commission is taking up tonight has me very concerned. While short term rentals in Teton County and the Town of Jackson may be a problem, this global land use change has the look to me of using an ax to swat a fly. I am sure you will hear many good thoughts as to why this is not a sound idea, I have just one to add. If this is such great idea why has it not been adopted by any HOA. This seems to be where this should be taken up. It seems to me that the County is being dragged into fight that it has no need of being in. If I have a concern about short term rentals in my subdivision that's where I would go for relief. In addition there are already many rules and regulations currently on the books that get at the problem without this amendment that frankly causes more problems than it solves. Please send this amendment back for further study. Until then why don't we look at all the current laws the State of Wyoming has to combat the illegal short term rental of homes. Thank you

Mike Gierau

Sent from my iPad

## Alex Norton

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**From:** Bill Helm <helm.bill@gmail.com>  
**Sent:** Monday, January 13, 2014 4:49 PM  
**To:** Alex Norton  
**Subject:** Planning commission meeting, ref: AMD2013-0005

To: Teton County Planning Commission

I am writing to you to urge you to **not approve** the proposed amendment to the Teton County land development regulations.

This request appears to stem from a disagreement between neighbors, not from a significant desire from the community at large. It is clear that a great number of local residents wish to rent their properties as evidenced by the number of listings on the various web sites. The current rulings provide land owners a reasonable alternative.

I strongly urge the commission to deny this request.

Respectfully submitted,  
Bill Helm  
P.O. Box 7496  
Jackson, Wyoming 83002

[helm.bill@gmail.com](mailto:helm.bill@gmail.com)

## Alex Norton

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**From:** Janet Helm <jhin2jh@gmail.com>  
**Sent:** Monday, January 13, 2014 5:00 PM  
**To:** Alex Norton  
**Subject:** Proposed amendment to the text of LDRs

Dear Mr. Norton and Planning Commission,

I am writing to request that you oppose the requested short term rental definition amendment to the LDRs. As a twenty year valley resident working in the tourism and real estate industries, I see an underlying untruthful presumption in the Key Issues of the amendment. That is, that renters are a nuisance. Most of Jackson Hole's current residents were visitors at one time. Many made the commitment to live here after renting a property. From the turn of the last century, Jackson Hole was known for its guest ranches welcoming visitors to the valley. I now work for The Clear Creek Group, a company that refers to renters as "guests" and tourists as "visitors", and I believe that with that lexicon shift, we are truly representing Jackson Hole's tradition of graciousness towards visitors. Please consider the benefit of renters to our economy. They shop in our stores, eat at our restaurants, donate to our nonprofits, and some purchase homes here, often in the very neighborhoods they rented in. Our company has a history of professionalism and has rented non-resort homes legally for more than eight years. While we would love to rent our non-resort zoned homes twelve times a year, the truth is we average just three rentals per year per non-resort home. The renter impact on a neighborhood is very small. Yet, our company contributes greatly to the economy by hiring upwards of 27 employees and many, many service providers throughout the valley, in addition to paying sales and lodging taxes. Passing this amendment would punish at least one company who rents legally, yet do nothing to stop those renting illegally.

Speaking as a homeowner, and local real estate agent, the ability to rent a personal residence increases property values, and in difficult economic times, may provide a source of income. The applicant's proposal that "A residence rented for a 30 day period shall be occupied solely by the tenant ...and no other including the owner of the residence" would become a property rights issue for anyone purchasing property not located in an area approved for short term rentals. And, pointedly, barring a homeowner from using their property? Really?

While I agree that homeowners renting their property illegally should be punished, enacting more restrictive language is not likely to change the behavior of those homeowners doing it. The county has a difficult time enforcing such rules now, how will further restrictions offer more enforcement? If the county offered a rental certificate, much like a business license, to those homeowners wanting to rent one time within a thirty day period, you would have a means of tracking the rentals and securing sales and lodging taxes, and fining homeowners not in compliance.

Please honor our guests and our visitors...and our locally owned companies performing legally, generating local jobs and revenue.

Thank you for your consideration.

Sincerely,

Janet Helm  
Jackson, WY

## Alex Norton

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**From:** Bruce Hill <bruce@hillassoc.net>  
**Sent:** Monday, January 13, 2014 10:15 AM  
**To:** Alex Norton  
**Subject:** Public Comment - AMD 2013-0005

### To whom it may concern:

For the last 8 years I have owned a home in Teton Pines, which was the culmination of fifteen years of annual summer visits to the valley as a renter (in Teton Village, West Gros Ventre, Aspens and Teton Pines through the years) often for thirty days or longer and frankly for less than thirty days on several occasions in areas that required the owner to not rent the home for the balance of the thirty day term. Needless to say, I have seen the issue of the thirty day rental concern from each side. Though I have not rented out our home, I am keenly aware of the effect that the proposed amendment could have on the market value of our home. I am opposed to the measure and would like to respectfully explain why I am.

Though I am sure the proposed amendment is well meaning, if it had been in effect in the last 15 years, we would most likely not be a home owner today and my thought is that the unintended consequences of such a move would hurt local businesses (including caretakers, rental and property management companies, cleaning companies, laundry and dry cleaning, catering, etc.). The notion that the 30 day time frame restricted further rental use seemed equitable and fair to me. The idea espoused by the proposed amendment that a rental for less than thirty days in a non-resort Zone would prohibit me from use of my own home is clearly a "taking" that would be challenged and overturned in my opinion. I shudder to think of a government actually trying to enforce and police the same. What if the renter did not pay in full, left unexpectedly, damaged the home and was evicted, etc. Frankly, I do not see equity in the proposed amendment nor the need to restrict the use beyond the agreement to forgo extra \$s to lease for longer term.

I implore you to not kill a fly with a hammer, and vote against the proposed amendment. To pursue the serial rental violators, propose in lieu of this amendment a requirement for any home owner Lessor to register with the County and remit monthly sales tax reports as is done by the honest operators in the County already. Do not punish those that have not abused the thirty day rule and have operated faithfully under the equitable reading of the present restrictions in non-resort areas, and in particular those that have purchased homes under one set of rules (and corresponding property values) only to be unfairly damaged by a new rule intending to reign in abusers that will not be effected by the proposed amendment.

Thank you for your consideration.

**Bruce H. C. Hill**  
**5111 Broadway**  
**San Antonio, Texas 78209**  
**210.828.6565**

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## Alex Norton

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**From:** Linhares, Joe <Joe.Linhares@blackrock.com>  
**Sent:** Monday, January 13, 2014 4:28 AM  
**To:** Alex Norton  
**Cc:** Kevin Kavanagh  
**Subject:** PUBLIC COMMENT, AMD 2013-0005

Alex I am writing you over concern of the recent plan to limit renting. We live in the UK and renting is an important part of our ownership. We believe the change is unfair, ill-conceived and does not address the many of the key issues the county is facing. We strongly object to changing the regulation. Please contact me with any questions.

---

### Joe Linhares

Managing Director  
BlackRock  
12 Throgmorton Avenue  
London EC2N 2DL  
Tel: +44 (0) 207 743 1359  
Mb: +44 (0) 776 741 7842  
[joseph.linhares@BlackRock.com](mailto:joseph.linhares@BlackRock.com)  
Executive Assistant: Shirley Perry  
Tel +44 (0) 207 743 2125  
Mb +44 (0) 772 544 8408  
[Shirley.Perry@BlackRock.com](mailto:Shirley.Perry@BlackRock.com)

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## Alex Norton

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**From:** James McNutt <jmcnuttjh2012@gmail.com>  
**Sent:** Monday, January 13, 2014 4:08 PM  
**To:** Alex Norton  
**Cc:** kevink@tccgjh.com  
**Subject:** PUBLIC COMMENT, AMD 2013-0005

Dear Alex:

Please encourage the Teton County Commissioners to reject the idea of a 30-day minimum on rentals that would take effect county-wide. While some homeowner associations may implement such a limitation, it might adversely affect business for individuals and commercial organizations as well.

Thank you,

Jim McNutt  
660 Hillside  
Jackson, WY 83001

3072039021

## Alex Norton

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**From:** Marshall Parke <MWParke@lexpartners.com>  
**Sent:** Monday, January 13, 2014 4:29 AM  
**To:** Alex Norton  
**Subject:** Public Comment - AMD 2013-0005

We oppose an amendment to the LDR as proposed. To our understanding this amendment raises a number of issues, including limiting owners ability to use the property within 30 days of a rental, that do not address the underlying problem of uncontrolled direct on-line rentals by owners that are not following the existing rules.

Yours truly,

Marshall and Veronique Parke  
Prairie Smoke Road  
John Dodge, Wilson

## Alex Norton

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**From:** Heather Petty <heatherp@tccgjh.com>  
**Sent:** Monday, January 13, 2014 12:12 PM  
**To:** Alex Norton  
**Subject:** Comment on proposed Amendment 2013-0005

Mr. Norton,

I have worked for The Clear Creek Group since 2009, first as Bookkeeper and Director of Guest Services and now as Office Manager. I have been fortunate to see it grow from 5 employees to the 27 currently employed. The company grew at a time when the rest of the County economy seemed to be at a virtual standstill and it's growth and stability in turn contributed to the stability of the County workforce through continued use of local sub-contractors and businesses, and revenue through sales tax on purchases and sales and lodging tax on rentals. Our guests have made purchases of their own and made use of fishing guides, tour companies, personal chefs, outfitters, and babysitters to name a few, keeping revenues flowing through the local economy.

Over the years I have been privileged to meet with our guests, some of whom have become personal friends. The guests we have attracted to the valley over the years have been remarkable. They own homes similar to those that they are renting and with very very few exceptions have treated the homes, and the neighborhoods with the greatest of care and respect. I can name only 3 instances since I started in 2009 in over a 1,000 rentals. We have rented to families looking to spend a remarkable vacation in one of the most beautiful places on earth, people who have since purchased property in the very neighborhoods they once rented in. I believe we could not have attracted these guests without the variety of homes we have in our portfolio, and the ability to rent those homes under the current guidelines.

I have been a part of the Jackson Hole community since 1988 and have seen numerous changes to our town and county through the years and I firmly believe that amending the current guidelines regarding rentals outside the designated Resort Zones would be a detriment to the community as a whole, punishing those who are complying with the guidelines needlessly. I do not believe that changing the current guidelines will do anything to prevent those who are abusing them from continuing to do so. If they are renting their home against the current guidelines, they likely are also not paying due sales and lodging tax or listing it as rental income with the IRS. Punishing those complying with the laws will not stop those who are abusing them. Another route must be taken. I would suggest requiring licenses for those wishing to rent and fining homeowners out of compliance.

In closing I urge you not to recommend the proposed amendment.

Thank you for your time.

Heather A. Petty  
Office Manager

The Clear Creek Group  
(307) 732-3400 Office  
(307) 690-1677 Cell  
120 West Pearl Avenue, Suite A  
Post Office Box 10609  
Jackson, Wyoming 83002  
[www.theclearcreekgroup.com](http://www.theclearcreekgroup.com)

\*\*\*\*\*Please note that my email address has changed to: [heatherp@tccgjh.com](mailto:heatherp@tccgjh.com) \*\*\*\*\*



## Alex Norton

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**From:** Nelson Schwab <nschwab@carouselcapital.com>  
**Sent:** Monday, January 13, 2014 9:48 AM  
**To:** Alex Norton  
**Cc:** Jane Schwab (janebschwab@gmail.com)  
**Subject:** Public Comment-AMD2013-005

Dear Mr. Norton,

I would like to comment on the proposed amendment by Dan Baker to Teton County's regulations. This deals with the 30 day regulations for rentals of properties in non-Resort Zones. I own such a property in the Four Deer Subdivision on Wilderness Drive.

I respect the need for and the intent of a 30 day period for rentals in a non-Resort Zone. Having constant turnover and traffic in a residential area such as Wilderness would be very disruptive. Having said that, I see no reason why an actual rental period cannot be shorter than 30 days but limit the owner to one rental per 30 day period. Frankly I thought this was the intent of the current regulation and therefore see no reason to change it. If the 30 period is enforced then I see no reason to limit the actual rental period within it. In fact, with internet rentals and swaps being as popular as they are, enforcement will be very difficult anyway. I checked two popular websites which listed over 600 homes and condos in Jackson Hole for rental and non required a one month minimum. Finally to limit an owner's own use of his home, as proposed, is a serious limitation of property rights and one I am against.

Thank you for considering this important property rights issue. If the intent here is to preserve the residential and rural nature of the non-Resort Zone, then I concur with that. I feel the current 30 day rule does that and therefore see no reason to change.

All the best,

Nelson Schwab

Nelson Schwab III  
Carousel Capital  
201 North Tryon Street, Suite 2450  
Charlotte, North Carolina 28202  
Tel: 704/372-2040  
Fax: 704/372-1040  
<http://www.carouselcapital.com>

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## Alex Norton

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**From:** Cary L Stowe <clstowe@msn.com>  
**Sent:** Monday, January 13, 2014 6:54 AM  
**To:** Alex Norton  
**Cc:** kevink@tccgjh.com  
**Subject:** Public Comment. AMD 2013-0005

As a property owner in Teton County, I find the proposed new interpretation of the law unacceptable. Responsible rental of one's private property should not be restricted by the wishes of a few. All of us are interested in responsible rentals with protection of our neighborhoods and private property. For this reason we contract with professional property managers who share our common interests. These companies provide jobs and taxes for JH in addition to providing a quality service. Incidents which are disruptive to neighborhoods due to rentals should be handled as all isolated incidents are handled. Though I am not opposed to some rules and restrictions to maintain the quality of the JH experience, the proposed new interpretations for rentals outside resort zones are too restrictive and will lead to a decline in real estate values ,loss of jobs and definitely a decline in Teton County revenues. Thank you for considering my concerns.

Cary L Stowe, MD

Sent from my iPhone

## Alex Norton

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**From:** J Trenton <JTrenton@proficiencycapital.com>  
**Sent:** Monday, January 13, 2014 5:46 PM  
**To:** Alex Norton  
**Subject:** Public Comment - AMD 2013-0005

**Importance:** High

Dear Alex –

I have been coming to the Jackson Hole area since 1983 and recently purchased a home in the area that I own as investment property. My personal use of this home is limited to 14 days per year and therefore the ability to generate rental income is critical to support the property's operating expenses.

The proposed Amendment to the Text of the Land Development Regulations (AMD 2013-0005) would seriously harm me as a property owner, reducing my ability to generate rental income. Had this proposed Amendment been in place previously, I would not have purchased a home in the area. The local real estate brokers and title company would not have received their fees and the local contractors and vendors who modernized the home and provided furnishings would not have been paid for services. Simply put, the loss of income that was generated and invested in the local economy would not have occurred. I don't understand how a community that taxes itself to promote the area can possibly support an Amendment that would have the opposite effect.

The proposed Amendment, as written, could also destroy The Clear Creek Group's business, the company that leases and manages my property, by severely limiting their market. How fair is an action like this in a local community that promotes itself as pro-business? As I understand, The Clear Creek Group sought out and received approval from the County for its leasing and business practices when it was initially formed nine years ago and later reaffirmed those practices with Teton County. To punish a business that is open and transparent about its business practices, operates within the rules, generates employment, generates sales and lodging taxes through its efforts and generally creates significant economic contribution to the valley by enacting flawed legislation makes no sense whatsoever.

While I understand the concern about an abuse of short term rental practices, the proposed Amendment barks up the wrong tree by punishing those who operate within the rules. I suggest the Planning Commissioners direct staff to seek an alternative solution and to revise their report by incorporating the recommendations of responsible management companies such as The Clear Creek Group and responsible citizens in the community.

To be clear, I am 100% opposed to the Amendment as it is currently written.

Respectfully submitted,

Jeffrey N. Trenton

## Alex Norton

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**From:** Jim Waldrop <jwaldrop@worthotel.com>  
**Sent:** Monday, January 13, 2014 3:05 PM  
**To:** Alex Norton  
**Subject:** RE: Proposed Amendment to Teton County Regulations

Alex-Illegal rentals in Teton County are a problem and should be addressed, although enacting more restrictive language as proposed in the amendment is not likely to be effective. It appears to be a broad stroke approach that might better be regulated in a more strategic manner.

I could likely support the County requiring anyone who wants to rent their home to obtain a certificate and business license from the County. They would also need to provide proof of reporting to the State of Wyoming and IRS to ensure there is no tax avoidance.

I believe that this amendment has some critical unintended consequences to many hard-working, successful law-abiding property management companies so I would ask for reconsideration with a less broad stroke approach.

Thanks Alex,

Jim

### **Jim Waldrop**

General Manager  
The Wort Hotel  
50 North Glenwood- PO Box 69  
Jackson, WY 83001

307.732.3920 direct  
307.734.1150 fax  
jwaldrop@worthotel.com  
www.worthotel.com



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**From:** Kevin Kavanagh [mailto:kevink@tccgjh.com]  
**Sent:** Friday, January 10, 2014 2:39 PM  
**To:** Jim Waldrop  
**Subject:** Proposed Amendment to Teton County Regulations

Jim,

Happy New Year! I left you a voicemail earlier and I'm writing to ask for your assistance! As you may be aware, there is a proposed change to Teton County's Regulations, changes that could negatively impact The Clear Creek Group, the local economy, and property owner rights.



The proposed legislation will be presented to the Planning Commission on Monday evening, the 13<sup>th</sup>, at 6:00 pm. To learn a little about what is being proposed, you can access the Planning Commission's Staff Report [HERE](#). Alex Norton, the Long Range Planner, will be presenting the amendment to the Planning Commission on Monday, asking that they recommend it to the Teton County Commissioners.

At Monday's meeting, the Planning Commission will decide whether or not to follow their staff's suggestion and recommend the amendment to the Teton County Commissioners. Either way, the Commissioners will meet on February 18<sup>th</sup> to vote on whether or not the proposed regulation should be enacted.

Below, you'll find a bullet-point list of the primary talking points regarding the proposed regulation change and its negative impact on community and The Clear Creek Group:

1. The current interpretation of the thirty day rule, as agreed by the County, allows a right of occupancy of less than thirty days within a thirty day rental term, and only one rental may be made within those thirty days. When a property is not occupied by a renter, the owner is allowed to occupy his property.
2. The proposed amendment would make it illegal to (a) have a rental agreement with a right of occupancy for less than thirty days and (b) not allow a homeowner to occupy his own home when it is not otherwise occupied during any unused portion of a thirty day rental term.
3. If this amendment is enacted, it would have a significant economic impact on all of our vacation rental homeowners whose property is not in a Resort Zone (primarily Teton Village).
4. The Clear Creek Group has always operated within the spirit and intent of the law. In over eight years of operation, we have never been cited for any violation of any law or ordinance.
5. Our guests generally live in the same type of home that they are renting. They are almost uniformly respectful of the property and neighborhood; of our well over 1,000 rentals, we can only recall three instances where a neighbor complained about our guests, and all these complaints were minor.
6. Our firm has a significant, positive impact on the economy of Teton County, with over \$163,000 in sales tax and \$54,000 in lodging tax collections in 2013 alone. In addition, our 27 employees, suppliers, service providers, and guests all generate significant sales tax revenues to the state and county.
7. The ability to rent increases property values, providing the possibility of cash flow and a safety net in hard times.
8. As a practical matter, we average only three rentals per year in each non-resort zone property.
9. This is a property rights issue. Our clients and other homeowners in Teton County purchased their homes under the current interpretation of the land development regulations, and further restricting a homeowner's right to rent or occupy his property is effectively a taking.
10. We are providing a strong, positive benefit to Teton County while doing everything legally, and to punish us for the actions of those who are renting illegally simply isn't right. We are the solution, not the problem.
11. For those who are willfully violating the law, enacting even more restrictive language is not likely to change their behavior. Instead of this amendment, the County should require anyone who wants to rent their home to obtain a certificate and business license from the County, and those who choose to rent without this documentation should be punished accordingly, to include reporting to the State of Wyoming and IRS for tax avoidance. In addition, any homeowner or renter who is a disturbance to his neighborhood should be punished to the full extent of the law.
12. If this amendment passes, The Clear Creek Group could well go out of business, along with our 27 employees.

If you would like to voice your opinion on the matter, and we would certainly appreciate your support, all public comment should be directed to him at [anorton@tetonwyo.org](mailto:anorton@tetonwyo.org). Please title the subject line "Public Comment for AMD2013-0005" while CC'ing me.

Regards,

Kevin Kavanagh  
General Manager

The Clear Creek Group  
(307) 732-3400 Office  
(307) 699-3000 Cell  
120 West Pearl Avenue, Suite A  
Post Office Box 10609  
Jackson, Wyoming 83002  
[www.theclearcreekgroup.com](http://www.theclearcreekgroup.com)

\*\*\*\*\*Please note that my email address has changed to: [kevink@tccgjh.com](mailto:kevink@tccgjh.com) \*\*\*\*\*

## Alex Norton

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**From:** jason@jacksonholewildlifesafaris.com  
**Sent:** Monday, January 13, 2014 1:02 PM  
**To:** Alex Norton  
**Subject:** AMD 2013-0005

Dear Alex

I am writing to you regarding the upcoming proposal to reinterpret rules for homeowners outside the resort zone that rent their homes to visitors. It has been brought to my attention that the current interpretation that allows for limited rentals is being undermined by a change to require 30 day rentals and disallowing owners from returning to their homes within that period. This change seems to be an unjust burden and is trying to make these short term rentals unfeasible. Our business relies heavily on the high end travelers with the budgets required to rent the homes in question. Not only would limiting these rentals hurt the homeowners, it would also hurt our economy and small businesses like mine.

In my view the current rule allowing for no more than 1 rental event in a month, regardless of length, is a reasonable compromise balancing neighborhood character with the individual's right to offset the high costs associated with home ownership in Jackson Hole. Most of these home owners and certainly all of their renters, are contributing significant amounts of sales and tax revenue that benefit the businesses and government of Jackson Hole. The proposal for these homeowners to apply for a temporary business license or utilize one of the many property management agencies makes perfect sense and protects the interests of the community while not violating reasonable use of private property.

Thanks for your consideration!

Sincerely,

Jason Williams  
Founder/CEO

307.690.6402  
Jackson Hole Wildlife Safaris  
PO Box 11396  
Jackson Wy 83002

## Alex Norton

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**From:** David Kingston <davidakingston@mac.com>  
**Sent:** Tuesday, January 14, 2014 1:35 PM  
**To:** Alex Norton  
**Subject:** "Public Comment – AMD 2013-0005"

Dear Mr Norton. I understand the County Planning Commission may consider a staff recommendation to amend the rental regulations which apply to non resort areas. I understand the proposal would be more restrictive for 30 day rentals vs the current interpretation.

I have looked at the Planning commission web site and can find no supporting dialogue or logic for the proposed change. In fact i find the wording to be confusing - "cannot limit occupancy to less than 30 days" Does this mean that new regulations would remove the restriction? Since it is my understanding that in fact the recommendation will indeed increase the restrictions i would like to go on record in opposition to any change in wording or interpretation.

As a tax payer and property owner in Teton County i believe the tourist and property rental markets are a significant economic factor in the success of the County. And added restrictions would potentially impact employment and economic development.

Furthermore i have neither seen nor heard of any issues resulting from the current regulations. If there are issues then i would think these could be dealt with through enforcement of existing regulations or additional licensing processes. My experience with several Counties in Hawaii is that their enforcement of short term rentals is conducted primarily through licensing.

I would be happy to exchange views in additional detail if it would be helpful

Sincerely David A Kingston

## Alex Norton

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**From:** Dan Brophy <dbrophy@tenco-inc.com>  
**Sent:** Sunday, January 19, 2014 4:54 PM  
**To:** Alex Norton  
**Subject:** Public Comment - AMD 2013-0005/Rental Policy

Mr. Norton:

My wife and I are homeowners in Wilson.

We recently became aware of the proposed change to Teton County's 30-day rental rule.

We do not support the proposed change.

We respectfully point out to you that the County invites significant, unnecessary legal travails if it proposes to restrict the owners of a home from the use of their own premises if a renter vacates the home prior to expiration of the 30-day rental window. The notion that we rent our home for two weeks to somebody, then are barred by regulation from entry into our own premises for another two weeks is, candidly, absurd. We would consider that a "taking" by regulation in legal/Constitutional terms, and we would not be alone. This is a litigator's dream and legal hornet's nest for the County.

Leaving aside the legal aspects, we invite you and the Commissioners to contemplate the practical aspects of such an ordinance. We have no interest currently in renting our property, but for discussion purposes, let's suppose that we book a two week rental. What is the County going to do if it discovers us in violation? Have the sheriff post deputies to bar us from entering our home on day 16? Or if they somehow miss preventing us from "sneaking in" to our own home, send deputies to evict us for two weeks, or jail us or fine us for living in our own home?

We're truly mystified trying to understand the thinking behind this proposal. A problem renter is a problem renter regardless of the term of his occupancy. In a neighborhood without a HOA, there are nuisance and disturbance laws to deal with such situations. Those laws can be enhanced if necessary. If the neighborhood has a HOA, dealing with problematic renters is the HOA's affair, and all HOAs have the necessary powers if they choose to use them – backed up by County disturbance ordinances if necessary.

If the County is concerned with loss of tax revenue, the risk seemingly would apply with all rentals, whether 30 days or less or 31 days and more.

There are reasonable and practical ways to deal with either the disturbance issue or the tax issue which won't inundate the County law enforcement and regulatory apparatus in costs and problems, and won't propose to deprive a homeowner of the use of his own premises. We urge you to abandon this proposal.

Thank you

Dan Brophy

## Alex Norton

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**From:** Eric Huber <ehuber@wyoming.com>  
**Sent:** Monday, February 10, 2014 12:00 PM  
**To:** Alex Norton  
**Subject:** Short-term Rentals

Hi Alex,

I see that you are going to talk about short-term rentals, etc. at the Feb. 18, BCC meeting. I thought that I would point out that some have “discussed” using house “swaps” as a way of bypassing short-term “rental” restrictions.

It seems to me that these kinds of arraignments should be addressed in any discussions or text amendments on this topic as they represent a huge loophole which, I have little doubt, some would be more than happy to exploit, if they don’t already.

I am sure that you have already heard about these kinds of things, but if you need me to pass this on to others, please let me know.

Eric Huber

## Alex Norton

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**From:** Sandy Birdyshaw  
**Sent:** Monday, January 27, 2014 8:21 AM  
**To:** Alex Norton  
**Subject:** FW: LDR TEXT AMENDMENT/ SHORT TERM RENTALS  
**Attachments:** SCAN\_DOC0001.PDF

For your file.

Thanks,  
Sandy

-----Original Message-----

From: Dan Baker [<mailto:DBaker@tate.com>]  
Sent: Saturday, January 25, 2014 10:24 AM  
To: County Commissioners  
Subject: LDR TEXT AMENDMENT/ SHORT TERM RENTALS

Dear Commissioners,

Attached you will find a copy of the introduction I made to the Planning Commissioners at their hearing to review my proposed text amendment which was defeated despite being recommended for acceptance by Planning Staff. You will also find a subsequent letter I wrote to the Editor of the JH news & Guide.

At the Planning Commission meeting I believe it was stated that all existing properties that have been engaging in short term rentals using the 2007 interpretation would be grandfathered if the review of the LDR rendered that interpretation invalid. This makes it even more imperative that you consider taking action now rather than allowing the Planning Commission to "kick the can down the road" as part of an overall review of LDR's. I believe the language and the intent of the LDR is extraordinary simple and clear and that the interpretation now being used to facilitate short term rentals in non-resort zones needs to be repealed or clarified at your direction. I ask that you study this carefully and take what you consider to be the appropriate action to make it clear what short term rentals in non-resort area really means.

Respectfully Submitted,  
Dan Baker  
PO Box 210  
Teton Village, WY

## Continued from 4A

~~Supplying coverage.~~

John [REDACTED]  
[REDACTED]  
[REDACTED]

I am writing to express my disappointment with the Teton County planning board's decision to recommend to the county commissioners that my proposed text amendment to Section 23350 of the Teton County land development regulations be rejected. The vote was 4 to 1 in favor of rejecting the amendment, despite the recommendation of county planning staff that it be approved.

I would like to call to the attention of all county residents who reside in non-resort residential neighborhoods that Section 23350 specifically states that rental of homes in nonresort areas shall not be for a period of less than 30 days. If you go to the planning departments website you will see a warning to residents reminding them of this restriction. In reality this is not the case.

I live in a nonresort zone, and I was shocked to learn that an interpretation made in 2007 by the planning director at that time sanctions a policy that allows short-term rentals of one or two weeks in duration once a month in nonresort neighborhoods. If you live in a neighborhood governed by homeowners covenants, conditions and restrictions, you may still be protected, as this interpretation would not supersede more restrictive private CC&Rs. If you are not protected by private CC&Rs and you believe your neighborhood is protected from short-term rentals (less than 30 days' duration) you are in for rude awakening.

The amendment I have proposed

would effectively make 30-day minimum rentals mean 30 days and eliminate this loophole that has been created by what I consider to be a faulty interpretation. If a fundamental planning policy change is to be made it should be done with full public notice and input and not through administrative interpretation. If homeowners are required to give up their home for a minimum of 30 days to engage in a rental, this is a much larger inconvenience to them than giving it up for a week or two. As a result, fewer people will be inclined to do so. I believe this was the intent of the original regulation: to make short-term rentals in nonresort residential neighborhoods difficult, not easy.

A small lucrative, rental market niche has emerged as a result of this misguided interpretation, and it is growing rapidly. I think the original intent of Section 23350 should be restored by county commissioners adopting my amendment at their February meeting, when it will be presented to them. I urge residents to educate themselves and inform their elected officials of their views on this issue. I acknowledge that there is big money to be made in short-term rentals in non-resort residential neighborhoods, but at what cost to the rest of us?

Dan Baker  
Teton Village



My wife and I purchased our first home in Teton County in 1988 located in the Aspens. We chose this location because it was in a zone where short term rentals are allowed and we needed rental income from the home in order to be able to meet the mortgage and taxes. We later had homes in Teton Pines for a number of years and although we chose not to rent them we did live in a community where short term rentals are allowed by law and are common. As a result we are familiar with the dynamics of short term rental communities. Speeding, noise, trespassing and other aggravations are not uncommon in these communities. The explanation of rules to incoming tenants is usually of limited effect. It is my belief that tenants who pay big rents for short term rentals often feel that the prices they are paying entitle them to behave as they please and they pay little attention to HOA rules despite the best efforts of landlords and rental agents.

When we purchased property at Lake Creek Ranch in 2001 we did so with the understanding that short term rentals of less than 30 days were not allowed by Teton County as explained in Article II Zoning District Regulations Section 23350. ; as well as by restrictive covenants and conditions established by the Lake Creek Ranch Homeowners Association. Over the past few years we have been surprised to learn that short term rentals of one or two weeks have taken place and that such rentals appear to be sanctioned by Teton County. When I have looked into this, County officials which include Planning Department employees and in one instance a County Attorney who spoke with my attorney, the response has been basically the same. I am told they believe crafting short term rentals within the context of a 30 day rental contract violates the original intent of the LDR in question but they are uncertain if it violates the "letter of the law".

The language that addresses the 30 day restriction on rentals in Section 23350 consists of two sentences containing 33 words. In it, I can not find anything that suggests to me that a rental of less than thirty days meets the letter of the law much less the spirit of the law. It is my concern that a tortured interpretation has been constructed to allow homeowners to profit from short term rentals in the 30 day restricted zone for some reason which I can not explain. I think that if the County Commissioners want homeowners in the areas restricted to 30 day rentals to be able to benefit from renting their homes for a week or two every month, and feel the benefits of doing so outweigh the public interest originally intended by protecting these communities with minimum thirty rental standards, then they should amend the LDR governing this accordingly. I do not think public policy should be implemented by the kind of selective interpretation and enforcement of the regulations that currently appears to be the case. If the original intent of the LDR is held to be of importance by the Commissioners, than I respectfully request that they adopt the proposed amendment which provides the clarity that is now needed to tidy up what I think has become a messy situation.

My wife and I purchased our first home in Teton County in 1988 located in the Aspens. We chose this location because it was in a zone where short term rentals are allowed and we needed rental income from the home in order to be able to meet the mortgage and taxes. We later had homes in Teton Pines for a number of years and although we chose not to rent them we did live in a community where short term rentals are allowed by law and are common. As a result we are familiar with the dynamics of short term rental communities. Speeding, noise, trespassing and other aggravations are not uncommon in these communities. The explanation of rules to incoming tenants is usually of limited effect. It is my belief that tenants who pay big rents for short term rentals often feel that the prices they are paying entitle them to behave as they please and they pay little attention to HOA rules despite the best efforts of landlords and rental agents.

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The language that addresses the 30 day restriction on rentals in Section 23350 consists of two sentences containing 33 words. In it, I can not find anything that suggests to me that a rental of less than thirty days meets the letter of the law much less the spirit of the law. It is my concern that a tortured interpretation has been constructed to allow homeowners to profit from short term rentals in the 30 day restricted zone for some reason which I can not explain. I think that if the County Commissioners want homeowners in the areas restricted to 30 day rentals to be able to benefit from renting their homes for a week or two every month, and feel the benefits of doing so outweigh the public interest originally intended by protecting these communities with minimum thirty rental standards, then they should amend the LDR governing this accordingly. I do not think public policy should be implemented by the kind of selective interpretation and enforcement of the regulations that currently appears to be the case. If the original intent of the LDR is held to be of importance by the Commissioners, than I respectfully request that they adopt the proposed amendment which provides the clarity that is now needed to tidy up what I think has become a messy situation.

- K. **Lodging Accommodations.** Permanent buildings for lodging all guests shall be provided. Lodging may be in cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.

#### SECTION 23350. RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS

No ~~dwelling unit may~~ be rented for less than thirty (30) days unless specifically approved for residential short-term rental. ~~Residential short-term rental of less than thirty (30) days shall be considered a commercial use. Residential short-term rental includes: occupancy of a dwelling by any family other than the renting family during a thirty (30) day rental period; and rental agreements limiting occupancy of a dwelling to less than thirty (30) days.~~ Notwithstanding, developments that have been approved for short-term rentals of less than thirty (30) days prior to the adoption of these Land Development Regulations, or that are in the process and are approved for short-term rental pursuant to Subsection 1440.B, ~~Subdivisions or PUD in process~~, either by a Conditional Use Permit or a Planned Unit Development, will be allowed to continue such rentals in accordance with Article VII, ~~Nonconformities~~ or in accordance with the CUP or PUD approval, whichever is applicable. These developments with prior approval are: The Aspens (condominiums and single-family homes); Teton Shadows (condominiums only); Teton Village (condominiums and single-family homes); Golf Creek (condominiums only); Jackson Hole Racquet Club Resort Commercial Area (Teton Pines)(sixty-four [64] lodging units); Spring Creek Ranch (up to two hundred [200] units of the 301 dwelling units permitted); and, Crescent H "Fish Lodges" (Crescent H lots 7, 8, and 32). ARUs have a minimum rental period of 90 days (see Subsection 2370.H, Rental Period).

Deleted: residential use shall

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#### SECTION 23370. AGRICULTURAL SUPPORT/SERVICE

Agricultural support/service shall meet the following standard when applicable:

- A. **Composting, Commercial Scale.** Composting operations of a commercial scale or for commercial purposes shall locate composting material at least three hundred (300) feet from a property line.

#### SECTION 23400. CAMPGROUNDS (AMD 12-0001)

- A. **Purpose.** The purpose of this section is: (1) to preserve Teton County's unique community character and site-specific community values by ensuring that campgrounds are compatible with surrounding land uses in terms of design, construction and operations; and (2) to ensure that a variety of camping experiences are available in Teton County for visitors so that visitor services are enhanced in a manner that emphasizes the area's unique outdoor attributes.
- B. **Applicability.**
1. All new campgrounds shall comply with Section 51200.D. Thresholds for Development Plans and Section 5140, Conditional and Special Uses.
  2. Any existing campground that changes use or develops in any manner requiring a Development Permit per Section 51200.D. Thresholds for Development Plans, or a Conditional Use Permit per Section 5140, Conditional and Special Uses, shall come into compliance with all standards of these Land Development Regulations, except as provided in Section 23400.B.3, 4 and 5 below.
  3. The addition of any RPT unit beyond that which was approved prior to the enactment of this regulation is considered expansion and requires a Conditional Use and Development Permit or an amendment to an existing Conditional Use Permit. However, previously approved RPT units shall not be required to be upgraded, retrofitted, or replaced to meet the standards of this

**TEXT AMENDMENT REQUEST (AMD)**

Teton County Planning & Development Department  
P.O. Box 1727, 200 S. Willow, Jackson WY 83001  
Phone (307)733-3959 Fax (307)739-9208  
www.tetonwyo.org



Please submit applications to the Teton County Planning & Development Department, located: 200 S. Willow Street, Jackson WY 83001.

**Applicant:** Daniel R. Baker

Mailing Address: PO Box 219

Zip Code: 83025 Phone: 307 732 2335

Email: dbaker@tate.com

**Owner:** Same as applicant

Mailing Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Agent:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Project Description:** Please see attachment

Please see attachment

**PIDN:** 22-42-16-30-1-01-001  
6905 N Granite Creek Road

I hereby certify that all information required for a text amendment is submitted as a part of this request and, to the best of my knowledge, all information submitted in this request is true and correct. I grant permission to Teton County and its partnering agencies to enter the property described above during normal business hours, after making a reasonable effort to contact the owner/applicant prior to entering the property.

Signature: \_\_\_\_\_

(Landowner, Applicant, or Agent)

Date: August 8, 2013

Fee paid: \_\_\_\_\_

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

AMD 2013 - CRS

For Office Use Only



## **Teton County Text Amendment Request**

### **Project Description**

**The language in Section 23350 of the PDR's concerning short term rentals would benefit from some clarification. Although clearly stating that residences may not be rented for periods of less than thirty days unless they are in areas approved for such rentals, it has become apparent that homeowners and their agents are creating rental contracts for 30 day rentals but inserting clauses in those rental contracts limiting the tenants occupancy or use to a lesser period of time. Often this is for a two week occupancy. Rent charged for the so called 30 day rental contract are in line with those commonly charged for two week rentals and the owner moves back into the residence once the tenant has used the two weeks occupancy allowed in the 30 day rental contract thereby circumventing the restriction.**

**The Teton County Planning Office has confirmed to me, as well as our attorney, that they are aware this practice is occurring. They explain that this is a violation of the intent of the PDR restriction but they are not sure that it is a violation of the law. If this is the case, then I think it is imperative that the PDR be clarified to make it clear that a 30 day rental means 30 days of occupancy by the tenant and the tenant only. The addition of the following language in Section 23350 is proposed as follows:**

**"A residence rented for a 30 day period shall be occupied solely by the tenant specified in the lease and no other, including the owner of the residence."**

**Submitted by: Daniel R. Baker    August 8, 2013**

- K. **Lodging Accommodations.** Permanent buildings for lodging all guests shall be provided. Lodging may be in cabins or a main lodge. Lodging in temporary facilities, such as tents, is permitted as part of overnight recreational activities, but shall not be the primary type of accommodation.

**SECTION 23350.**

**RESIDENTIAL USE LIMITATIONS AND SHORT TERM RENTALS**

\* No residential use shall be rented for less than thirty (30) days unless specifically approved for residential short-term rental. Short term rentals of less than thirty (30) days shall be considered a commercial use. Notwithstanding, developments that have been approved for short-term rentals of less than thirty (30) days prior to the adoption of these Land Development Regulations, or that are in the process and are approved for short-term rental pursuant to Subsection 1440.B, Subdivisions or PUD in process, either by a Conditional Use Permit or a Planned Unit Development, will be allowed to continue such rentals in accordance with Article VII, Nonconformities or in accordance with the CUP or PUD approval, whichever is applicable. These developments with prior approval are: The Aspens (condominiums and single-family homes); Teton Shadows (condominiums only); Teton Village (condominiums and single-family homes); Golf Creek (condominiums only); Jackson Hole Racquet Club Resort Commercial Area (Teton Pines)(sixty-four [64] lodging units); Spring Creek Ranch (up to two hundred [200] units of the 301 dwelling units permitted); and, Crescent H "Fish Lodges" (Crescent H lots 7, 8, and 32). ARUs have a minimum rental period of 90 days (see Subsection 2370.H, Rental Period).

**SECTION 23370. AGRICULTURAL SUPPORT/SERVICE**

Agricultural support/service shall meet the following standard when applicable:

- A. **Composting, Commercial Scale.** Composting operations of a commercial scale or for commercial purposes shall locate composting material at least three hundred (300) feet from a property line.

**SECTION 23400. CAMPGROUNDS**

Campgrounds shall meet the following standard:

- A. **Camping Sites.** Each camping site in the campground shall consist of a camp pad that provides adequate parking, the camp site (including a fireplace or barbecue, and a table), a pole for hanging food stores or bear proof boxes, where appropriate, and a surrounding active recreational area. These areas, or any roads or drives, shall not be counted as part of the required LSR.

**SECTION 23450. GOLF COURSES**

- A. **Purpose.** The purposes of this section are to:

1. Establish and describe the types of information that must be provided by the applicant to allow assessment of the proposed golf course development.
2. Provide conditional use findings and general evaluation criteria to determine if a golf course proposal is a compatible land use at the proposed site.
3. Provide a set of development standards to ensure that new golf course development is designed, constructed and operated to sustain site-specific community values.
4. Provide protection of the ecosystem and the ecological health and quality of life.

- B. **Exemptions**

**Finding for text amendment proposal:**

**The proposed amendment language would “Better achieve Comprehensive Plan goals and Objectives”.**

**The purpose of the LDR is to protect and preserve the character of residential areas and confine short term “resort” rentals to designated areas in the County where rentals of two weeks, and in some cases less, are planned for and allowed.**

**The creation of the 30 day minimum rental period in the original LDR language imposes a significant burden on the homeowner and acts as a deterrent to short term rentals if properly interpreted and enforced. Homeowners and their rental agents have been circumventing the 30 day rental restriction by entering 30 day rental contracts that have clauses limiting the occupancy by the tenant to a period shorter than 30 days, often two weeks or less. The property owner then moves back into the home for the remaining term of the so called rental contract period thereby minimizing the burden of being out of their home for a minimum of 30 days, reducing the burden and undermining the deterrent that was essential, and intended, in the original language.**

**I am advised by County Planning Department staff that although this activity appears to be inconsistent with the “spirit” of the LDR they are unclear as to whether it falls outside the “letter” of the law. Current policy therefore is to allow this practice and there is no effort undertaken to enforce the 30 day rental period as a right of sole occupancy to the tenant for a minimum of thirty days.**

**The proposed amendment would make this clearer, restoring the burden and resulting deterrent originally intended in the LDR to protect residential areas, and thus better achieving the goal and objective of the Comprehensive Plan and confining short term resort rentals to the designated areas of the County as originally intended.**